



Chelmsford City Council Governance Committee

31 October 2022

Monitoring Officers Report

Report by:
Monitoring Officer

Officer Contact:
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Purpose

To update members on recent standards complaints, adoption of the model code of conduct, training and the recruitment of an independent person.

Recommendations

1. To note the current statistical information as to complaints made and agree this should be published on the Council's website as set out in the Appendix.
 2. To note the position in relation to the adoption of the model code of conduct at parish tier councils
 3. To provide an update on member training where the model code has been adopted.
 4. To note the recruitment of a further Independent Person.
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1. Standards Complaints

- 1.1. The Appendix to this report sets out the latest statistical data related to complaints under the Standards regime.
- 1.2. Members will note that there was a significant increase in the level of complaints received during 2021. So far during 2022, 3 complaints have been received which have resulted in no further action.
- 1.3. In relation to outstanding investigations, members will note that there is now one outstanding hearing following investigation that has been rescheduled a number of times due to non-availability of various parties. The hearing has been scheduled for 12th December. One other investigation is also now closed following a hearing in September.
- 1.4. Subject to any questions raised, the Committee is asked to confirm that this information should be published as set out in Recommendation 1.

2. Adoption of Model code of conduct, training & recruitment of Independent Person

- 2.1 At the time of writing this report the Monitoring Officer has been advised that 6 parish councils have adopted the model code of conduct so far and is aware that other councils will be considering this too in the near future. Further updates will be provided.
- 2.2 The Monitoring Officer has undertaken 4 training sessions in relation to the model code of conduct. This included a session in early October for city councillors who have not yet undertaken the training and was also offered to 3 parish councils that had adopted the model code. Two further sessions have been scheduled for November and a final session in December to which any remaining parish councillors have been invited whether the model code has been adopted or not. These are the final sessions that will be offered prior to the 2023 Elections although the slides have been provided via clerks and a webcast of the training session may also be possible.
- 2.3 Members are asked to note that recruitment to an independent person will shortly be underway. Members will be involved in the recruitment with a view to making a recommendation for appointment at Full Council in February 2023.

List of Appendices

Appendix 1 – Statistical information regarding complaints made.

Background papers:

Nil

Corporate Implications

Legal/Constitutional: These are set out in the report

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: None

Relevant Policies and Strategies:

Complaints Procedure

Standards Enquiries and Investigations Statistics – Localism Act 2011

June 2022 to October 2022

Status of Complaint Categories	Total No.	Case No.	City, Parish tier Councillor	Date Issue First Raised	Alleged Breach or Issue Raised	Current Position
1. No formal complaint or withdrawn	0					
2. No further action required after consultation with one of the Independent Persons	1	3/22	Parish tier councillor	September 2022	3 allegations concerning the register of interests, financial arrangements and conduct towards an officer	Advice provided in relation to interests and councillor given 14 days to update their register of interests. This was completed within the timeframe. No further action necessary in relation to the register of interests or the remaining complaints as the issues had already been dealt with via other action already taken by the Councillor.

Status of Complaint Categories	Total No.	Case No.	City, Parish tier Councillor	Date Issue First Raised	Alleged Breach or Issue Raised	Current Position
3. Not able to legally pursue complaint	0					
4. Complaint on hold	0					
5. Decision as to appropriate action still awaited	0					
6. Complaints being investigated	6	18/21 Now linked with 31-35/21		Apr & Dec 21	Various allegations relating to registration/declaration of interests by 7 councillors	Investigation completed May 22. Complaints relating to 5 councillors dealt with via reminder/warning. Hearing for remaining 2 councillors deferred due to non-availability of different parties. Hearing scheduled for 12 December 2022.
Total	7		7 parish tier complaints			

Formal Complaint Outcomes

	Case No. and Councillor	Committee Date and Decision	Date Issue First Raised	Current Position
Outcome of Investigations	24-27/21 Cllr Wendy Daden as City Councillor	20/9/22 – members determined that the code of conduct did not apply in 3 of the complaints (2 finely balanced) and therefore no breach could arise. In the 4 th complaint members determined that the councillor was acting in official capacity. The Committee concluded that the councillor did not bring the Council into disrepute as alleged (although would likely have brought their role as councillor into disrepute). No breaches of the code of conduct. The model code of conduct now adopted by the council includes bringing the role of councillor into disrepute. Recommendations made by the committee to help avoid confusion as to capacity in future.	October 2021	Complaints concluded. Detailed decision notice provided and matter now closed.
Other Action				