



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

GOVERNANCE, ETHICS AND STANDARDS COMMITTEE

16 March 2023

Report of the Director of Legal and Democratic Services and Monitoring Officer

Complaints Received against Councillors pursuant to the Code of Conduct for Elected Members for the Period 1 October 2022 to 28 February 2023

1. Purpose

- 1.1 To inform the Committee of Code of Conduct complaints against Councillors received during the period of 1 October 2022 to 28 February 2023.

2. Information and Analysis

- 2.1 By virtue of the Council's approved procedure for considering complaints that members have breached the code of conduct, the Monitoring Officer will carry out an initial assessment of complaints received. The Monitoring Officer will review the complaint together with any representations received from the Subject Member and, after consultation with the Independent Person, take a decision as to whether the complaint merits formal investigation or whether it should be dealt with informally or rejected.
- 2.2 In accordance with this procedure and in order to support the Monitoring Officer with the management of complaints, the Governance, Ethics and Standards Committee is kept informed of initial assessment decisions. This report is presented to the Committee on a bi-annual basis. The last report was presented to the Committee on 20 October 2022 for the period 1 February 2022 to 30 September 2022.
- 2.3 During the period from 1 October 2022 to 28 February 2023, five complaints have been received. One complaint was withdrawn and two

complaints have been determined by the Monitoring Officer in consultation with the Independent Person. Two complaints were in progress at the time of preparation of this report. Details of the complaints are provided on the table attached at Appendix 2.

3. Consultation

None required.

4. Alternative Options Considered

- 4.1 Not to report to Committee information relating to complaints that members have breached the code of conduct received by the Monitoring Officer.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 None identified.

7. Appendices

- 7.1 Appendix 1 – Implications.
- 7.2 Appendix 2 – Table detailing complaints received since 1 April 2022.

8. Recommendation

That Committee notes the complaints received by the Monitoring Officer between 1 October 2022 to 28 February 2023 alleging that Members have breached the Code of Conduct.

9. Reasons for Recommendation

- 9.1 To comply with the procedure for considering complaints that members have breached the code of conduct.
- 9.2 To support the Monitoring Officer in dealing with complaints against Elected Members.
- 9.3 To promote a culture of openness, ready accountability and probity in order to ensure the highest standards of conduct of Councillors as required by the Terms of Reference for the Committee.

Report Author: Helen Barrington

Contact details: helen.barrington@derbyshire.gov.uk

Implications

Financial

1.1 None.

Legal

2.1 Section 27 of the Localism Act 2011 requires authorities to promote and maintain high standards of conduct by Members and co-opted Members and that in discharging that duty, must adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. The current Code of Conduct was adopted by the Council with effect from 1 April 2022. Under S28(6), the Council must also have in place arrangements under which allegations can be investigated and decisions on allegations can be made. The current procedure was approved by Governance, Ethics and Standards Committee on 18 January 2022.

2.2 In accordance with its terms of reference, the Governance, Ethics and Standards Committee supports the Monitoring Officer in taking any action required on the receipt, management and investigation of any Code of Conduct Complaint against an Elected Member. The Terms of Reference also require the Committee to promote a culture of openness, ready accountability and probity in order to ensure the highest standards of conduct of Councillors.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

5.1 None.

Corporate objectives and priorities for change

6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.