

STANDARDS COMMITTEE REPORT

REPORT TO:	Standards Committee		
DATE:	08 July 2025		
MEETING DATE	16 July 2025		
TITLE:	Summary of 2024-2025 Code of Conduct Complaints		
REPORT AUTHOR:	Deputy Monitoring Officer		
OPEN/EXEMPT		WILL BE SUBJECT TO A FUTURE CABINET REPORT:	No

REPORT SUMMARY

PURPOSE OF REPORT/SUMMARY:
<p>To place before Members (i) a summary and analysis of the Code of Conduct complaints received in the period 1 April 2024 to 31 March 2025 against both Borough Councillors and Parish Councillors, and (ii) a summary report on the Standards Hearing which took place on 07 May 2025, identifying issues for consideration.</p>
KEY ISSUES:
<p>Code of Conduct Complaints</p> <p>Members are directed to Appendix A for the breakdown of the complaints made in 2024-2025 and to note the trends within the numbers. Members are directed to Appendix B for a summary of the Standards Hearing on 07 May 2025.</p> <p>Of the twenty-one complaints overall, two were subject to formal investigation. One of those concluded without a Standards Committee Hearing, and recommended a written apology and training. The other was referred to a Standards Panel which recommended that the Councillor be removed from the Chair of Planning Committee.</p> <p>As per the previous reported year, themes within the complaints were disrespectful conduct, or perceived bullying, by Councillors. A range of other issues also arose.</p> <p>Consistent with the previous reported year, most Councillor complaints came from members of the public rather than fellow Councillors.</p> <p>No complaints were determined to have been raised on a malicious/vexatious basis.</p>
RECOMMENDATIONS:
<p>To note the contents of this report together with Appendices A and B, in the interests of promoting high standards of conduct by Councillors and co-opted members.</p>
REASONS FOR RECOMMENDATIONS:
<p>To fulfil the Standard Committee's functions to monitor the implementation and operation of the Councillor Code of Conduct.</p>

SUMMARY OF COMPLAINTS RECEIVED IN 2024-2025

1. Background – the Code of Conduct Guidance

- 1.1. The Borough Council is responsible for assessing Code of Conduct complaints in relation to its own Borough Councillors but also Code of Conduct complaints made against any Parish Councillor from a Parish within the Borough.
- 1.2. The relevant sections of the Borough Council's "*Guidance on Member Code of Conduct Complaints Handling*", approved by Standards Committee on 3 February 2023,¹ are set out in the annex to this Report.

2. Parish and Borough Councillor Complaints Received

- 2.1. Twenty-one complaints were received during the period 2024-2025, of which fifteen were made against Parish Councillors and six were against Borough Councillors. This compares as follows with previous years:

<u>Year</u>	<u>Total Complaints</u>	<u>Against Parish Cllrs</u>	<u>Against Borough Cllrs</u>
2024/25	21	14	7
2023/24	49	36	13
2022/23	30	18	12

This is therefore a significant reduction in numbers against the previous year.

- 2.2. Members are directed to Appendix A for a further breakdown of the complaints.
- 2.3. Members are referred to Appendix B for a summary of the 7th May 2025 the Hearing.

3. Complaints against Borough Councillors

- 3.1. Seven Borough Councillor complaints were received. However, only five instances of alleged Borough Councillor misconduct took place during the year:
 - One complaint had originally been made in 2021 but had not been progressed by Eastlaw at the time due to oversight. The complainant followed this up during 2024/25, and the Council determined to assess it notwithstanding the elapse of time, in order to make up for its oversight, and because the allegations were potentially serious.
 - Another complaint arose from conduct in 2016 (an alleged data breach). The Complaint was assessed in 2024/2025 in light of the particular facts, and in view of the nature of the allegations.

- 3.2. The complaints were all unrelated and directed at different councillors (unlike in 2023/24 where there were overlapping complaints about the same councillor/incident).

Nature of Alleged Breach and Underlying Subject Matter

- 3.3. There is no clear pattern to the behaviour complained of, or to the subject matter underlying the complaints.

Councillor-on-Councillor complaints

- 3.4. Only one of the complaints was made by fellow Borough Councillors, which is the complaint that went to Standards Committee.

Vexatious/malicious/political motive of complainant

- 3.5. There was no evidence to support a conclusion that any of the complaints were vexatious, malicious or politically motivated.

Investigation

- 3.6. Two complaints went to investigation. Of these:

3.6.1. One alleged a serious data breach and conflict of interest, relating to a planning matter. This was investigated internally, and informal resolution was required in the form of a written apology and data protection training for the subject councillor.

3.6.2. The second went to the Standards Hearing on 07 May 2025: see Appendix B.

Informal/Other Resolution

- 3.7. Informal resolution was ordered on two occasions:

3.7.1. the complaint at 3.6.1 above, and

3.7.2. a complaint where the Councillor was invited to apologise for disrespect to members of the public, and inappropriate “hijacking” of a residents’ meeting.

- 3.8. The outcome of the Standards Hearing on 07 May 2025 is reported in Appendix B.

- 3.9. For completeness, the other four Borough Councillor complaints concluded with no further action.

4. Complaints against Parish Councillors

- 4.1. Of the 14 parish complaints, four were made against the same Councillor, and clearly related to the same underlying issue within that Parish Council. However, there was insufficient indication that any of these complaints were vexatious or part of a campaign against the Councillor.

Nature of Alleged Breach and Underlying Subject Matter

- 4.2. As per previous years, a number of the complaints concern allegations of disrespect. In three cases, conciliation was recommended. In the cases where no further action was

taken, the noticeable themes were either that the behaviour did not in fact appear disrespectful or was within the bounds of freedom of political speech.

- 4.3. As with Borough Councillors, a material proportion of complaints arose from planning matters.

Councillor-on-Councillor complaints

- 4.4. Two of the Parish Councillor complaints were made by a fellow Parish Councillor. Based on the information available to the Monitoring Officer, it was not possible to conclude that either of these was “politically” rather than objectively motivated.

Vexatious/malicious/political motive of complainant

- 4.5. None of the Parish Councillor complaints were identified as potentially vexatious, malicious or politically motivated (against 7 of 49 in 2023/2024).

Investigation

- 4.6. None of the Parish Councillor complaints were referred to investigation.

Informal/Other resolution

- 4.7. Two complaints were discontinued as they fell outside the remit of the Code of Conduct:

4.7.1. one because it plainly involved a neighbour dispute in which the individual was not acting in their capacity as councillor;

4.7.2. the other because it concerned events before the individual became a councillor.

GENERAL

5. Policy Implications

- 5.1. An effective standards regime forms part of the Council's Code of Corporate Governance. The Department for Housing, Communities and Local Government has recognised the ‘Culture’ of a local authority as one of the seven themes of good practice for running an authority that meets and delivers best value. The culture of a local authority is determined by its shared values, ethics and beliefs, how decisions are made, as well as how elected members and officers behave, interact and carry out their roles. The standards regime supports the process of monitoring the culture of the Borough Council and its Parishes, enabling all respective authorities to take action to address any relevant Councillor behaviour and thereby improve the culture of the organisation.

6. Financial Implications

There are no specific financial implications arising out of this report.

7. Legal Implications

None arising from this report. The Code of Conduct implements various statutory requirements on the Council.

8. Environmental Considerations

None arising out of this report.

9. Equality Impact Assessment

N/A as this is an informative report.

10. Risk Management Implications

None

11. Background Papers

Planning Member Code of Conduct

Standards Hearing Decision

Annex - Relevant sections of the Borough Council's "Guidance on Member Code of Conduct Complaints Handling"

2.8 Assessment

The assessment of a complaint is normally a two-step process, described as the 'can/should' stages – the first stage being 'can we deal with this complaint?' and the second being 'should we deal with this complaint?'.

2.8.1 First-step criteria

The first step is a jurisdictional test and would assess whether the complaint is:

- against one or more named councillors of the authority or of a parish or town that the council is responsible for;*
- the named councillor was in office at the time of the alleged conduct;*
- the complaint relates to matters where the subject member was acting as a councillor or representative of the authority and it is not a private matter (i.e. the subject member was acting in their official capacity);*
- the complaint, if proven, could be a breach of the Code under which the subject member was operating.*

In relation to the final bullet point above, the Monitoring Officer will not only consider any parts of the Code of Conduct identified by you, but will consider the whole of the relevant Code of Conduct to ascertain which parts the Monitoring Officer believes are engaged.

If the complaint fails one or more of the tests above, it cannot be investigated as a breach of the Code, and you will be informed that no further action will be taken in respect of the complaint. If there is any doubt, however, the allegation should proceed to the second stage. For example, if it is unclear whether the councillor was acting 'in capacity' or not then the second stage of assessment criteria should be used.

2.8.2 Second-step criteria

We will then assess your complaints against the following criteria by the Monitoring Officer:

- a) Does the complaint contain sufficient evidence to demonstrate a potential breach of the Code, even where further information is sought from the complainant?*
- b) Is the matter serious enough and sufficiently in the public interest to warrant the public resource and expense of an investigation?*
- c) Are there alternative, more appropriate, remedies that should be explored first?*
- d) Does the complaint, in the view of the Monitoring Officer, appear malicious, politically motivated, or 'tit for tat'?*
- e) Whether, even if proven, the complaint would not be serious enough to warrant any sanction (see section 5.1 on sanctions);*

- f) Whether a substantially similar complaint has previously been considered and no new material evidence has been submitted within the current administration;*
- g) Whether a substantially similar complaint has been submitted and accepted;*
- h) Does the complaint relate to conduct in the distant past? This would include consideration or any reason why there had been a delay in making the complaint;*
- i) Has the behaviour that is the subject of the complaint already dealt with? For example, through an apology at the relevant meeting;*
- j) Does the complaint actually relate to dissatisfaction with a local authority decision rather than the specific conduct of an individual?*
- k) Is it about someone who is no longer a councillor or who is seriously ill, thus impeding their ability to engage in the complaint process?*
- l) Had the subject member acted on the advice of an officer or the Independent Person in relation to the conduct complained of?*
- m) Did the conduct arise from lack of experience or training?*
- n) Is the subject matter of the complaint being dealt with through any other complaints, legal or regulatory process.*

The above criteria are intended to be indicative rather than prescriptive, and the underlying public interest will always be considered when deciding on whether to take action on a complaint.

2.9 Decision

2.9.1 Initial assessment decisions

One of the three following decisions will be reached on an allegation:

- no further action should be taken on the allegation;*
- the matter should be dealt with through a process of informal resolution in the first instance (see section on informal resolution) or;*
- the matter should be referred for a formal investigation (see section on investigations).*

3.3 Examples of informal resolution

- An apology;*
- Training by the subject member;*
- Policy/protocol change or adoption by the Council;*
- Provision of advice from the Monitoring Officer to the Subject Member; or*
- Mediation*