

HERTFORDSHIRE COUNTY COUNCIL

**STANDARDS COMMITTEE
MONDAY, 29 JUNE 2015 AT 2.00 PM**

Agenda Item No.

3

COMPLAINTS UPDATE

Report of the Chief Legal Officer

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1. Purpose of Report

- 1.1 To provide an update to Members on the number and the nature of the complaints received by the Chief Legal Officer alleging that members had breached the Code of Conduct

2. Recommendation

- 2.1 Members are asked to note the report and to give their views on any matters mentioned in the Report.

3. Summary and Background

- 3.1 Following the Localism Act 2011, a new standards regime was introduced for local authority Members. In July 2012 the County Council adopted a revised code of conduct for members and procedure for dealing with complaints that members had breached the Code of Conduct. This involves an initial assessment by the Chief Legal Officer (as Monitoring Officer) in consultation with the Council's Independent Person. If the complaint is rejected at this stage then the complainant has a right of appeal to the Chief Executive, who considers the appeal in consultation with the Group Leaders. If, after initial assessment, the Chief Legal Officer considers that there might potentially be a breach of the Code of Conduct, then the complaint is referred to investigation.
- 3.2 A report was brought to the Committee in November 2013 updating Members on the complaints that had been received by the Chief Legal Officer during the period 1 July 2012 to 30 October 2013. This report provides an update on the number of complaints received by the Chief Legal Officer and includes comments from the Council's Independent Person on the nature of the complaints that have been received.

4. Complaints

4.1 The number of formal complaints that have been made to the Chief Legal Officer since the new Code of Conduct for Members was introduced in July 2012 are as follows:

July 2012 – March 2013	3
April 2013 – March 2014	2
April 2014 – March 2015	4

4.2 Of the 9 complaints referred to above, 2 were found not to relate to the Member's capacity as County Councillor and, therefore, did not engage the Code. In the case of 2 complaints, it was not clear whether the Member had been acting in his/her capacity as a County Councillor.

4.3 Of the 7 complaints which related to or may have related to the Member when acting in their capacity as a County Councillor:

- Two related to alleged delay in responding to email correspondence
- One related to a member ceasing to correspond with the complainant
- One related to perceived insensitivity by a member
- One related to private comments made by a member
- One related to remarks on twitter
- One related to the behaviour by the member when discussing an issue with a member of the public

4.4 In all cases, following consultation with the Independent Person, the Chief Legal Officer (as Monitoring Officer) informed the complainant that the complaint did not amount to a breach of the Council's Code of Conduct. In one case in 2014/15, the complainant appealed the decision of the Monitoring Officer not to investigate the complaint. The appeal was considered by the Chief Executive and was dismissed.

4.5 Whilst none of the complaints made were considered to amount to a breach of the Council's Code of Conduct it will be noted that the nature of the complaints made all relate to communication issues. The Chief Legal Officer since July 2012 has also had the occasional discussion with persons who were considering making complaints but did not in the event make a complaint. These discussions also related to communication issues such as those referred to above.

5. Independent Person's Comments

5.1 As mentioned in paragraph 4.4 the Council's Independent Person has been consulted on all cases where a formal complaint has been made.

The Independent Person has submitted the following comments for inclusion in this Report:

‘All members are in a privileged position and in the majority of cases are carrying out a first class service. Although the number of complaints received to date are relatively low and are not covered by the Code of Conduct, I believe the Standards Committee have an opportunity to remind members to reflect on how they conduct themselves in public and to reinforce the expected professionalism and integrity of their day to day communications with constituents, especially with the advent of modern media communications, “twitter” and “facebook”.’

6. Financial Implications

6.1 None arising from this Report

Background Information

Report to and Minutes, Standards Committee, November 2013,
Report to and Minutes, Standards Committee, February 2015