Report to	Standards Committee	**Item**
	08 October 2019	4
Report of	Monitoring officer	
Subject	Standards update	

Purpose

This report provides an update to the committee on complaints about members; the requirement for a complaint against a councillor form; and an update on the review by the Committee on Standards in Public Life relating to Local Government Ethical Standards.

Recommendation

To:

1) note the monitoring officer update;
2) consider referrals received by the monitoring officer relating to councillor conduct; and
3) consider the complaints against the councillors form.

Corporate and service priorities

The report helps to meet the corporate priority a healthy organisation.

Financial implications

There are no direct financial consequences of this report.

Ward/s: all

Cabinet member: Councillor Kendrick - Resources

Contact officers

Rachel Crosbie: Monitoring officer (NPLaw)01603 222313
rachel.crosbie@norfolk.gov.uk

Background documents

None

Report

Background

1. The chief responsibilities of the Monitoring Officer can be summarised as follows:-

    (a) a duty to report to the Council and the Executive in any case where the Monitoring Officer is of the opinion that any proposal or decision is or is likely to be illegal or to constitute maladministration;

    (b) a range of functions relating to councillors conduct;

    (c) specific functions under the Council's Constitution.

2. The ability of the Monitoring Officer to undertake this role effectively depends on excellent working relations with colleagues and Members and on the flow of information and access to debate particularly at early stages. The scope of the work also extends to partnership arrangements.

3. A chief responsibility of the monitoring officer is to receive and investigate complaints about members of the council.

4. Since the last meeting of standards the monitoring officer has received a number of complaints regarding councillor conduct which will be summarised at the meeting.

5. Members of the public wishing to make a complaint about a councillor are required to complete a complaint form attached as appendix 1. At this stage, a request can be made to the monitoring officer for anonymity. However, in the interest of fairness and natural justice, this will only be granted if there are reasonable grounds.

6. Members of the committee are asked to review the form and consider if it is still fit for purpose.

7. At the last meeting members requested more data on referrals received and there is a tracker appended to this report for committee members to review.

8. Members will be aware that the committee on standards in public life has published its report on local government ethical standards. The full report is available online here. The monitoring officer will provide an update on the report at the meeting.

NORWICH City Council

COUNCILLORS CODE OF CONDUCT

Complaint Form

Your details

1. Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the councillor(s) you are complaining about
- the monitoring officer of the Council

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

☐ Member of the public
☐ An elected or co-opted member of an authority
☐ An independent member of the standards committee
☐ Member of Parliament
☐ Local authority monitoring officer
☐ Other council officer or authority employee
☐ Other

3. Please provide us with the name of the councillor (s) you believe have breached the Code of Conduct.

First Name	Last Name

4. Please explain in this section (or on separate sheets) what the councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the councillor said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Use a separate sheet if there is not enough space on this form.

Only complete this next section if you are requesting that your identity is kept confidential.

5. In the interests of fairness and natural justice, we believe councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the summary of your complaint unless you have good reason to believe that:

(1) There are reasonable grounds for believing that the complainant will be at risk of physical harm if identity is disclosed.

(2) The complainant is an officer who works closely with the member and is afraid of the consequences to employment or of losing job if identify is disclosed.

(3) The complainant suffers from a serious health condition and there are medical risks associated with identity being disclosed. In such circumstances, medical evidence of the condition may be required.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. He/she will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

6. Complaints must be submitted in writing. This includes email and fax. However, in line with the requirements of the Disability Discrimination Act 2000 we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible, through contact details below.

Return the Form to:-

Stuart Guthrie
Democratic and elections Manager
Norwich City Council
City Hall
NORWICH
NR2 1NH

Please mark envelope confidential

Enquiries: Tel: 01603 212055 Email: stuartguthrie@norwich.gov.uk

APPENDIX 2

Monitoring Officer – Activity tracker 2019-20

Summary of Referrals		
Qtr received	**Referral Type**	**Outcome**
	Behaviour on social media	Advice given
	Behaviour on social media	Advice given
	Breaching of confidential council information	Advice given – addressed via training of new members
	Trespassing on private land	Advice given – Councillor apologised to complainant
	Breach of officer/ member code of conduct	Advice given – Councillor offered to apologise to officer
	One complaint outstanding	
Qtr 2	Possible facebook/behaviour matter	
Qtr 2	Possible not treating others with respect	
Qtr 2	Possible not treating others with respect	
Qtr 2	A confidential info breach	
Qtr 2	Possible not treating others with respect	
Qtr 2	General complaint	Withdrawn
Qtr 2	Possible not treating others with respect	

Training identified	Who	Timescale
Conflicts of interests in relation to directorships of companies and roles and responsibilities	HR procuring as staff likely to attend too.	Qtr 3

Policy updates	Who	Timescale
Improve guidance on gifts and hospitality policy	M.O	Qtr 3
Introduce social media guidance	M.O	Qtr 4
Revisions to be made to the council's whistleblowing policy to recognise the change in the external agency available for individuals to report issues through to.	Revision made, signed off at JCNC to go to CEO/ audit to review - completed.	Qtr 3