

Audit and Governance Committee

22 June 2022

Learning from code of conduct and localism act complaints

For Review and Consultation

Portfolio Holder: Cllr L Miller, Customer and Community Services

Local Councillor(s): All

Executive Director: M Prosser, Chief Executive

Report Author: Antony Bygrave

Title: Senior Assurance Officer Complaints

Tel: 01929 557268 and 01305 225011

Email: antony.bygrave@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary:

This report sets out the level of resources that Dorset Police and Dorset Council are expending on responding to code of conduct and complaints and allegations of offences committed under the Localism Act 2011 from town and parish councils.

Recommendation:

That the Committee scrutinises and notes the number and origin of Councillor Code of Conduct complaints and allegations, the resulting resource impacts and additional costs incurred through investigation.

Reason for Recommendation:

To have an awareness of the numbers and origins of Councillor Code of Conduct complaints and the limited scope for organisational learning, and to challenge whether the Code of Conduct policy is genuinely being used in the public interest.

Report

Context

- 1.1 There are some 160 councils and 1,400 councillors in Dorset providing valuable services for local people. Their activity is hugely varied and the size of the organisations vary considerably. Some of the larger town councils employ significant numbers of staff and carry out a wide range of operational activities in their areas. At the other end of the scale, some of the smaller parishes provide a very important voice of their local community but may not directly deliver any operational services on the ground.
- 1.2 Most town and parish councils are well-run, operate effectively with councillors and employees exemplifying the seven principles of public life, known as the Nolan principles. Occasionally, some individuals in town and parish councils may not act in accordance with the Nolan principles and / or may commit an offence under the Localism Act 2011. Criminal offences relate to not declaring a pecuniary interest when required by the act to do so. All town and parish councils in Dorset have adopted a code of conduct for their councillors which sets out what is expected of them in line with the Nolan principles.

The Seven Principles of Public Life – the Nolan Principles

- 1.3 The seven principles of public life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. They are:
 - **Selflessness** – to act solely in terms of the public interest.
 - **Integrity**- to avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
 - **Objectivity** – to act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
 - **Accountability** – to be accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
 - **Openness** – to act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
 - **Honesty** – to be truthful.
 - **Leadership** – to exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

The role of Dorset Council and Dorset Police in overseeing good conduct

- 1.4 Dorset Council has arrangements in place to investigate and reach decisions about code of conduct complaints. Dorset Police must investigate allegations into offences committed under the Localism Act 2011.

Summary of findings

Dorset Council

- 1.5 In 2020/21, we received 54 code of conduct complaints about Dorset Council and Town and Parish Councillors in Dorset. Of these, just 8 were investigated and 3 upheld. Of the 54 Councillor Conduct Complaints, 45 related to Town and Parish Councillors with 9 relating to Dorset Council. At the time of this report in 2021/22, Dorset Council have received 60 complaints in relation to the Code of Conduct with 49 related to Town and Parish Councillors and 11 relating to Dorset Council. Although some are still open and under investigation, only 1 has been upheld to date. Here is the breakdown of Town and Parish Councillor complaints:

1/04/2020 – 31/03/2021	1/04/2021 – 31/12/2021	Total
Blandford	1 0	1
Burton Bradstock	1 0	1
Chickerell	1 0	1
Church Knowle	0 1	1
Colehill	0 1	1
East Stoke	1 0	1
Ferndown	1 1	2
Holt	1 1	2
Langton Matravers	1 0	1
Lyme Regis	1 1	2
Lytchett Matravers	0 1	1
Lytchett Minster and Upton	3 0	3
Owermoigne	0 1	1
Portland	1 9	10
Puncknowle	0 1	1
Shaftesbury	21 16	37
Sherborne	1 0	1
Shillingstone	1 0	1
Stallbridge	1 0	1
West Parley	1 0	1
Weymouth	4 6	10
Wimborne	2 0	2
Winterborne St Martin	1 1	2
Winterborne Whitechurch	0 6	6
Worth Matravers	0 1	1

Dorset Police

- 1.6 The following table shows the complaints that the police have received in the last 8 years. Shaftesbury Town Council makes up, by far, the largest number. Of the 14 allegations made in relation to Shaftesbury Town Council, None of them have resulted in any offence being identified.

Council	Totals
Bourton	1
Broadwindsor	1
Dewlish	1
East Dorset District Council	2
North Dorset District Council	1
Piddle Valley	1
Shaftesbury	14
West Lulworth	1
Weymouth	1
Worth Matravers	1
	24

Learning

- 1.7 In line with our approach to other complaints we will continue to look in the future how we can learn from complaints about councillors as part of promoting high standards of conduct. However, with so few upheld there is a concern that some of the complaints received from councillors about councillors are not in the true spirit of the Code of Conduct. There is however, a repeat theme of conduct on social media. Although often not in scope of the policy (as the accounts are private), councillors should perhaps be mindful of possible offence being taken.

2. **Financial Implications**

Significant resources have been spent in investigating many complaints emanating from one organisation – many of which do not result in any substantive findings. Where there have been complaints upheld, this has had little change in overall behaviours. Clearly this does not constitute good value for money for local taxpayers. Whilst it is not possible to put a financial value on this, it is clear that this is officer time that could be spent more productively.

If there are complex reviews to be undertaken then we pay the Independent Person (IP) at an hourly rate of £30

3. **Climate Implications**

None

4. **Well-being and Health Implications**

Being the subject on an allegation or complaint may have detrimental impacts on people and is particularly unfortunate when the allegation or complaint turns out to be without merit.

5. **Other Implications**

None

6. **Risk Assessment**

6.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

7. **Equalities Impact Assessment**

An equalities impact assessment is not needed for this report as it is not making any proposals.

8. **Appendices**

None

9. **Background Papers**

None