



## Audit & Governance Committee

26 January 2024

Agenda Item

**12**

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| Title:               | Annual Complaints report and update on complaints against Members 2023/24 |
| Report of:           | Edwina Adefehinti   |
| Lead Member:         | Cllr Edna Murphy- Governance  |
| Public Report:       | Yes   |
| Key Decision:        | No  |
| Voting Arrangements: | Majority  |

### Recommendations:

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| A | The annual report on code of conduct complaints be reviewed and any areas for further work be identified. |
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### Strategic Objective(s):

The proposals within this report fit under the following strategic objective(s):

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|  | The report improves the CPCA's corporate governance framework and helps to protect the interests of the CPCA and promote best value. |
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### 1. Purpose

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| 1.1 | This report is an overview of complaints dealt with throughout 1 June 2023 to 31 May 24("the review year")and complaints against members for this period.   |
| 1.2 | <p>To enable the committee to be assured that high standards of conduct continue to be promoted and maintained. To provide an overview of the arrangements for dealing with code of conduct complaints.</p> <p>It is important this committee has an overview of complaints received against elected members and any trends. This report will enable this committee to discharge its duty to promote and maintain high standards of conduct for Members; review the application of the Code of Conduct for Members'; and maintain an overview on ethical standards in general across the authority.</p> |

### 2. Proposal

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| 2.1 | <p>To make any comments or recommendations regarding complaints against members which may include:</p> <p>Recommending training</p> <p>Investigating the trends</p> <p>Making recommendations to the Board</p> <p>Recommending amendments to the constitution</p> <p>Recommending amendments to the code of conduct complaints process</p> |
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### 3. Background

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| 3.1 | <p><b>Complaints</b></p> <p>Four legacy complaints were dealt with during the period 1 June 2023 to 31 May 2024. These complaints were made in 2022.</p> <p>Three of the complaints were against the mayor and were concluded via a hearing on 14<sup>th</sup> November 2023. A Decision Notice has been published.</p> <p>The fourth complaint is yet to be concluded. This complaint was made by a member against another member. the primary cause for complaint relates to an alleged breach of confidential information.</p> <p>In addition, there have been three fresh complaints made in the review period. These complaints were made by members against members for and the primary cause for complaint relates to comments made in public and/or social media.</p> <p>Therefore, there are four outstanding complaints to conclude.</p> <p>In order to deal with each complaint, the Monitoring Officer contacts the member who is subject to the complaint and may consult the Independent Person.</p>  |
| 3.2 | <p><b>Independent Persons</b></p> <p>Section 28(7) of the Act also requires that the CPCA appoint “at least one independent person” whose views are sought and taken into account before it makes its decision on an allegation of a breach of the code of conduct.</p> <p>During the review year, there were two independent persons appointed for the CPCA. The Independent Persons are appointed by this committee. The monitoring officer is grateful for the work and support from the independent persons.</p> <p>Independent persons may also offer support to councillors who are subject to complaints. Members may approach independent persons when they are informed that a complaint has been made against them. The independent persons have not provided support to any members during the review period.</p> <p>The Independent Persons are appointed by this committee.</p> <p>The Monitoring Officer in consultation with the Independent Person can filter out complaints that, for example:</p> <ul style="list-style-type: none"> <li>• do not fall within the code of conduct;</li> <li>• are considered to be frivolous or vexatious;</li> <li>• are about events which took place more than 6 months’ prior to the receipt of the complaint by the Monitoring Officer, unless there are exceptional circumstances; and/ or</li> <li>• do not merit further investigation on public interest grounds.</li> </ul> |
| 3.2 | <p><i>Alternative options considered:</i></p>   |

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|  | There are no alternative options, the committee should annually review overall figures and trends from code of conduct complaints. The report provides a factual summary of the complaint undertaken during the period 1 June 2023 to 31 May 2024 the ('review year'). |
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## 4. Appendices

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| 4.1 | N/A |
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## 5. Implications

### Financial Implications

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### Legal Implications

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| 6.1 | <p>Under the Constitution this committee has the responsibility:</p> <ul style="list-style-type: none"> <li>• for ensuring the Combined Authority has effective policies and processes in place to ensure high standards of conduct by its Members and Co-opted Members</li> <li>• for assisting the Members and Co-opted Members to observe the Code of Conduct and</li> <li>• for implementing the obligation to ensure high standards of conduct amongst Members</li> </ul> <p>The Members' Code of Conduct is set out in the constitution. The CPCA's arrangements in Chapter 16 of the constitution, under which complaints about Member conduct are investigated and decided to comply with the relevant provisions of the Localism Act 2011. All complaints are dealt with in consultation with one of the CPCA's Independent Persons.</p> |
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### Public Health Implications

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### Environmental & Climate Change Implications

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### Other Significant Implications

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### Background Papers

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