

REPORT TO: General Purposes Committee

DATE: 19 March 2021

SERVICE AREA: Legal & Governance, Corporate Affairs

REPORTING OFFICER: Head of Legal & Governance
(Jennifer Norton)

SUBJECT: **STANDARDS COMPLAINTS & INVESTIGATIONS
2020/21**

WARD/S AFFECTED: ALL DISTRICT

FORWARD PLAN REF: N/A

1.0 PURPOSE OF REPORT

1.1 This report summarises the complaints made to the Monitoring Officer about alleged breaches of the member's code of conduct. It covers complaints against Borough Council and Parish Council members made during the financial year 2020/21 and their outcome.

2.0 RECOMMENDATION/S

2.1 That members note the complaints made and their outcome.

3.0 RECOMMENDED REASON/S FOR DECISION/S

3.1 To keep members informed of the number and type of standards complaints received together with how they are being addressed.

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION

4.1 None.

5.0 THE REPORT

5.1 The Localism Act 2011 established an amended ethical standards regime for elected members. Under Section 28(6) and (7) of the Act, the Council must have in place "arrangements" under which allegations that a member or co-opted member of the authority or of a parish council within the

authority's area, has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.

Complaints Made From 1 April 2020

- 5.2 Appendix 1 lists the complaints received by the Monitoring Officer from 1 April 2020 to the date of writing this report.
- 5.3 Of the 9 complaints received 5 relate to Harrogate Borough Councillors with the other 4 being complaints against Parish Councillors.
- 5.4 By way of summary of the 9 complaints there are:
- 5 cases where the Monitoring Officer and Independent Person considered they did not merit formal investigation.
 - 4 cases which were not within the remit of the code of conduct as they did not relate to alleged conduct as a councillor.

The Council's Independent Person is consistently appraised in relation to all complaints and his views taken into account by the Monitoring Officer in deciding on the appropriate course of action.

Complaints Carried Forward from 2019/20

- 5.5 Since the date of last year's annual report to the Committee (18 June 2020) the following outcomes have occurred in relation to cases reported to that Committee for 2019/20:
- SB 2019 (1) – referred to Panel hearing on 8 September 2020. The Panel's decision notice available on modgov.
 - SB 2019 (13) – referred to a Panel hearing on 14 September 2020 and 4 February 2021. The Panel's decision notices are available on modgov.
 - SB 2019 (15) – investigated and awaiting decision as to whether proceeding to a hearing.
 - SB 2019 (19) – the investigation did not find evidence to support the allegations of breach of the provisions of the code regarding disrespect and bullying. The Independent Person and Monitoring Officer agreed no further action.
 - SB 2019 (20) – Independent Person, Monitoring Officer and parties agreed to local resolution of this complaint.
 - SB 2019 (22) – Independent Person, Monitoring Officer and parties agreed a local resolution of this complaint.

6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

- 6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations,

assessments, considerations and implications considered necessary during preparation of this report are detailed below.

OFFICER CONTACT: Please contact Jennifer Norton, if you require any further information on the contents of this report. The officer can be contacted at *Harrogate Borough Council, Head of Legal & Governance, PO Bo 787, Harrogate, HG1 9RW* 01423 556036 or by e-mail – Jennifer.norton@harrogate.gov.uk

