

Item No. 16.	Classification: Open	Date: 5 February 2024	Meeting Name: Audit, governance and standards committee
Report title:		Review of complaints made under the Members' Code of Conduct in 2023	
Ward(s) or groups affected:		All	
From:		Assistant Chief Executive (Governance and Assurance)	

RECOMMENDATIONS

1. That the committee notes this report.

BACKGROUND INFORMATION

2. The Localism Act 2011 provided for local authorities to establish their own local arrangements for approving a members' code of conduct, and for dealing with any complaints about the code.
3. Following the implementation of the Act in 2012, Southwark Council approved its own code of conduct, formed a standards committee and appointed independent persons.
4. The responsibility for standards activity including the monitoring of the operation of the members' code of conduct passed to this committee in April 2016.

KEY ISSUES FOR CONSIDERATION

5. The Act requires local authorities to have arrangements in place to investigate allegations of breaches of the code of conduct by members and make decisions on them. The current arrangements were last updated at the meeting of this committee on 22 November 2022. The arrangements have continued to include provision for the monitoring officer to agree local solutions to resolve complaints without formal investigations in appropriate cases and to determine at an initial stage in the process whether any further action is needed in any particular case.
6. Since 2012 the monitoring officer has agreed to analyse the complaints data and report this information to the appropriate committee annually. The data for 2023 is shown in appendix A alongside comparative data for the previous three years.

7. Where multiple complaints have been received about the same member on the same subject, these have been treated in the statistics as representing one complaint. Where a number of members have been included in a single complaint again this has been recorded as one complaint.

Commentary

8. There was a decrease in the number of complaints received in the last year with the lowest number received since 2020. All the complaints have come from members of the public. The monitoring officer has dealt with all the complaints without requiring any formal investigations this year and no breach findings have been made in any of the cases. In all cases the monitoring officer decided that no further action should be taken in relation to these complaints having carried out an initial investigation.
9. One of the complaints was resolved by the monitoring officer as a result of a councillor providing an apology. It should be noted that where an apology is given there is no finding that there has been a breach of the code. In another case the monitoring officer did not consider that the complaint was likely to lead to a breach of the code as alleged. In the third case the monitoring officer did not consider there was any basis in the complaint for a breach of the code.
10. The complaints have arisen in the context of interactions between councillors and members of the public in public meetings and on social media. The complaints have related to differences of views between members of the public and councillors over locally contentious issues which invariably involve robust communications.
11. Where relevant the monitoring officer has sought the views of one of the independent persons prior to making her decision. Their views and consideration has been very valuable in assisting the monitoring officer in assessing complaints and finding solutions. During the year the council successfully appointed two further independent persons making a current total of three.
12. The assistance of the Whips has also been helpful in supporting the monitoring officer in responding to complaints.

Code of conduct training

13. Code of conduct training has been provided to two new co-opted members during the year. The training looked at the provisions of the code and gave some case examples to assist members in avoiding any possible breaches.

Code of Conduct review

14. The committee will be aware that a review of the code of conduct by the council is currently underway. A member officer working group has been established to take this forward with a view to making recommendations to the committee later in 2024. Workshops are being arranged in February for all members to participate in and provide views if they wish to. The review is focusing on the Local Government Association updated model code of conduct, and whether any changes to Southwark's current code should be made in the light of this.

Policy framework implications

15. This report is not considered to have direct policy implications.

Community and equalities (including socio-economic) impacts

16. The council has an open and transparent process for anyone to make a complaint against a member when they consider that the code of conduct has not been maintained. Information about the process is accessible on the council's website and there are arrangements in place for members of the public to make complaints in writing, or orally if necessary due to any disability or language difficulties.

Health Impacts

17. There are no specific identified health impacts resulting from the matters addressed in this report, so a health impact statement is not considered necessary.

Climate change implications

18. There are no specific climate change issues arising from the matters dealt with in this report.

Legal implications

19. The specific legal implications relating to this report have been included in the report.

Financial implications

20. The resources needed for dealing with the complaints process have been maintained within current budgets.

Consultation

21. There has not been any consultation in relation to this report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Members' code of conduct	https://www.southwark.gov.uk/assets/attach/8861/Code-of-conduct_May-2014.pdf 160 Tooley Street PO Box 64529, London, SE1P 5LX	Constitutional team; constitutional.team@southwark.gov.uk
Members' code of conduct complaints investigation procedure	https://www.southwark.gov.uk/assets/attach/3752/Members-Code-of-Conduct-Complaints-Investigation-Procedure.pdf	Constitutional team; constitutional.team@southwark.gov.uk

APPENDICES

No.	Title
Appendix A	Members' Code of Conduct Complaints 2020-2023

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown Assistant Chief Executive (Governance and Assurance)		
Report Author	Charles Meredith, Assistant Governance Lawyer		
Version	Final		
Dated	05.02.24		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Assistant Chief Executive (Governance and Assurance)	Yes	Incorporated	
Strategic Director of Finance	No	No	
Cabinet Member	N/a	N/a	
Date final report sent to Constitutional Team			25 January 2024