

Report of the Director of Legal and Governance to the meeting of Standards Committee to be held on 25 April 2024

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Subject:

Procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct within the area of City of Bradford Metropolitan District Council.

Summary statement:

To consider proposed amendments to the procedure which is used to deal with complaints submitted under the Members' Code of Conduct adopted by the Council and with complaints submitted under the Codes of Conduct adopted by Parish and Town Councils in the District area.

EQUALITY & DIVERSITY:

The Members' Code of Conduct adopted by the Council requires members to promote equality and not discriminate unlawfully against any person. The Code emphasises that councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

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1. SUMMARY

This report details proposed amendments to the procedure which is used to deal with complaints submitted under the Members' Code of Conduct adopted by the Council and with complaints submitted under Codes of Conduct adopted by Parish and Town Councils in the District area.

2. BACKGROUND

- 2.1 In July 2012 Council adopted a Members' Code of Conduct following the implementation of the Localism Act 2011 which required all councils to have a Member Code of Conduct. At the same meeting Council also adopted a procedure for considering complaints alleging a failure to comply with the Code of Conduct.
- 2.2 In March 2022 Council adopted a new Code of Conduct effective from the beginning of the Municipal Year 2022/23.
- 2.3 The procedure for considering complaints alleging failure to comply with the Code of Conduct was not reviewed when the Council adopted the new Code of Conduct and has not been substantively reviewed since its adoption in July 2012.
- 2.4 The procedure is followed when dealing with complaints submitted under the Council's Members' Code of Conduct and under Codes of Conduct adopted by Parish and Town Councils in the District area.

3. OTHER CONSIDERATIONS

- 3.1 The Procedure has been refreshed and updated to ensure that complainants and those members subject to a complaint are clear as to the procedure to be followed. The Council was assisted by the Association of Democratic Services Officers who have knowledge and experience of good practice in this area.
- 3.2 Attached at Appendix 1 is the current procedure together with suggested amendments shown in red. The main substantive suggested amendments are as follows:
 - 3.2.1 To insert a new paragraph 6 detailing clearly the requirements which need to be met before a complaint can be accepted by the Monitoring Officer.
 - 3.2.2 Clarifying the categories (paragraph 8) where it is unlikely that a complaint will be considered valid and if considered invalid will not be progressed under the procedure. This has been amended to include complaints which relate to a person who has died, resigned or is seriously ill where it would not be in the public interest to pursue and complaints which the Monitoring Officer considers are malicious, vexatious, politically motivated, tit-for-tat or not sufficiently serious to warrant further investigation or action.

- 3.2.3 Making it clear that a Member is not notified of the complaint if the complaint does not satisfy the criteria in paragraph 6 or is not classed as a valid complaint.
- 3.2.4 Clearly providing for investigation of the complaint (stage 3) if considered necessary.
- 3.2.5 Making clear that any informal resolution between the parties is confidential between the parties and that a decision notice produced following consideration by the Complaints Sub-Committee of the Standards Committee will usually be published.

4. FINANCIAL & RESOURCE APPRAISAL

There are no direct financial implications arising from this report.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The adoption of the amended procedure will strengthen the Council's governance arrangements in respect of considering complaints alleging a failure to comply with the Council's Members' Code of Conduct.

6. LEGAL APPRAISAL

- 6.1 The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by its members and co-opted members.
- 6.2 Any changes to the current procedure for considering complaints alleging failure to comply with the Members' Code of Conduct adopted by the Council is subject to the approval of full Council.

7. OTHER IMPLICATIONS

- 7.1 There are no sustainability, climate emergency, community safety, Human Rights Act, Trade Union, ward, nor children and young people implications in this report.

7.2 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

Not applicable.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

- 9.1 Recommend to Council the adoption of the amended Procedure as set out in Appendix 1.
- 9.2 Recommend to Council the adoption of the amended Procedure as set out in Appendix 1 with additional amendments.
- 9.3 Decide that the current Procedure does not need to be amended.

10. RECOMMENDATIONS

- 10.1 That the amended Procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct within the area of City of Bradford Metropolitan District Council as set out in Appendix 1 be recommended to Council for adoption to be effective from the beginning of the Municipal Year 2024/2025 in respect of complaints submitted from the commencement of the Municipal Year 2024/2025.
- 10.2 Upon adoption by Council delegated authority be given to the Director of Legal and Governance to make any consequential amendments required to the Council's constitution.

11. APPENDICES

Appendix 1 - Amended Procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct within the area of City of Bradford Metropolitan District Council.

12. BACKGROUND DOCUMENTS

None.