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 2018/19 and their outcome.

2.0 RECOMMENDATIONS

2.1 That Members note the complaints made and their outcome.

3.0 RECOMMENDED REASONS FOR DECISIONS

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 OPTIONS 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.

5.2 The current arrangements for ensuring ethical standards and addressing complaints were adopted by Harrogate Borough Council on 7 March 2012 and can be accessed on the Council’s website.

Complaints Made From 1 April 2018

5.3 Appendix 1 lists the complaints received by the Monitoring Officer from 1 April 2018 to the date of writing this report.

5.4 Of the 8 complaints received 4 relate to Harrogate Borough Councillors with the other 4 being complaints against Parish Councillors.

5.5 By way of summary as at the date of writing this report there are:

- 2 cases under investigation
- 1 case where an investigation concluded no breach
- 4 cases where the Monitoring Officer and Independent Person considered they did not merit formal investigation.
- 1 case where the complainant decided not to make a formal complaint.

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 2017/18

5.6 Since the date of last year’s annual report to the Committee (22 March 2018) the following outcomes have occurred:

- SB 2017-12 Investigation concluded that Parish Councillor not a member of the action group but occupied a “position of general control or management” for the purposes of paragraph 17 of the Parish Code and should therefore have declared an interest in item of business. Local resolution achieved around training and protocols.

- SB 2017 -13 - the Investigating Officer concluded that there had been no breach of the Code of Conduct by the Parish Councillor

- SB 2017-15(1) &(2) – Investigation found breach by Parish Councillor and Former Parish Councillor in failure to declare interests. Local resolution recommended including training on interests and participation for the parish councillor concerned. However, the Monitoring Officer has received a recent complaint that suggests terms of local resolution not being observed and therefore being considered under SB 2018-8
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.

Background Papers – Report to General Purposes Committee 22 March 2018; Code of Conduct for Members and Procedure for making a complaint against elected members.

OFFICER CONTACT: Please contact Jennifer Norton, if you require any further information on the contents of this report. The officer can be contacted on 01423 556036 or by e-mail – Jennifer.norton@harrogate.gov.uk