

Report to:	Audit and Governance Committee	Date:	18 June 2020
Report title:	Operation of the Code of Conduct		
Report from:	Stephen Gerrard, Interim Monitoring Officer		
Ward/Areas affected:	Borough Wide		
Chair of Committee/Lead Member:	Councillor Sam Weatherlake		
Author(s)/Contact Number(s):	Stephen Gerrard, Interim Monitoring Officer, 020 8770 6781		
Corporate Plan Priorities:	<ul style="list-style-type: none"> Smarter ways of working 		
Open/Exempt:	Open		
Signed:		Date:	3 June 2020

1. Summary

- 1.1 A function of the Council's Audit and Governance Committee is to receive reports on the operation of the member Code of Conduct at Sutton. The purpose of this report is to update the committee on complaints which have been received and dealt with since the last meeting of the Audit & Governance Committee on 31 October 2019.

2. Recommendations

- 2.1 To note and comment on the action taken by the Monitoring Officer in dealing with complaints.
- 2.2 To make any further recommendations relevant to the committee's role and function in promoting high standards of ethical conduct by members.

3. Background

- 3.1 The Localism Act resulted in changes to the process for dealing with Code of Conduct complaints made against Councillors. The Monitoring Officer is required to review every complaint received and consult with the Independent Person as to whether the complaint requires formal investigation. The Monitoring Officer will consider the following in determining whether a complaint requires investigation:
1. It is against a councillor or co-opted member.
 2. The councillor or co-opted member was in office at the time of the alleged conduct.

3. If proven, the complaint would be a breach of the Code of Conduct in force at the time of the alleged misconduct.
4. The complainant has provided sufficient information for referral for investigation or any other action.
5. The complaint is about someone who is no longer a member of the Council, but is a member of another relevant authority.
6. The complaint has already been the subject of an investigation or other action relating to the Code of Conduct.
7. The complaint is about something that happened so long ago that there will be little benefit in taking action now, or it is not feasible to investigate for any other reason.
8. The complaint is too trivial to warrant further action or not in the public interest.
9. The complaint appears to be simply frivolous, vexatious, politically motivated or tit-for-tat.

4. Issues

4.1 Complaints were received by the Monitoring Officer as set out in the table below:

Complaint from	Complaint about	Action
Member	Circulating misleading information	Under consideration
Member of Public	Conflicts of interest	Under consideration
Member of Public	Lack of responsiveness to email and contact	Under consideration

- 4.2 The recurring theme in the above complaints is around a perception that members are not responding sufficiently quickly to email contacts that are substantially about different service areas. There is national research which suggests that the role and responsibilities of elected councillors is not well understood by the general public, who sometimes perceive that councillors are full-time council employees and therefore expect customer service levels of responsiveness from members, or for members to simply respond and do whatever the member of the public asks.
- 4.3 It may be worth members considering putting automatic responses on their email accounts to explain how they work and when members of the public can expect a reply, to help manage these expectations.
- 4.4 Members are reminded that their role in this Committee is to comment on general trends and issues raised by the complaints summarised in this report, not the details of individual

complaints which are dealt with in accordance with the process set out in the Constitution, and should not be discussed at this Committee, particularly if any complaints may be subject to future processes requiring a panel or Committee hearing.

- 4.5 It is positive to note that following a high number of complaints following the 2018 elections, the number and seriousness of the complaints has significantly reduced. There were no complaints during the previous quarter and the two received during this quarter are not considered to be serious code of conduct matters. The Committee may wish to reduce the frequency of these reports to biannual rather than quarterly.

5. Options Considered

- 5.1 The Monitoring Officer has authority to decide whether there are grounds to initiate a formal investigation of a complaint made about a member, using the criteria above and the powers provided in the legislation. The Monitoring Officer must consult the Independent Person when reaching a decision to investigate. In addition, legal advice is taken where necessary to inform the decisions.
- 5.2 The Audit and Governance Committee's views and comments on the complaints and themes set out in Section 4 are welcomed to inform the approach going forward.

6. Impacts and Implications

Financial

- 6.1 There are no financial implications arising directly from this report.

Legal

- 6.2 The legal implications are set out in the body of the report.

7. Appendices and Background Documents

Appendix letter	Title
N/A	N/A

Background documents
None

Audit Trail		
Version	Final	Date: 3 June 2020
Consultation with other officers		
Finance	No	N/A
Legal	No	N/A
Equality Impact Assessment required	No	N/A