

Audit Governance & Standards Committee

29 July 2021

CODE OF CONDUCT INVESTIGATION REPORT

Report by Lauren McCann, Monitoring Officer

Purpose

To report to the Committee the outcome of a Code of Conduct investigation (in private session)

To **resolve** that -

1. The Report be noted, without question or debate.

Key Points

Context

s.27 Localism Act 2011 requires that relevant authorities have a statutory duty to promote and maintain high standards of conduct my Members and co-opted Members of the authority

Authorities are required to adopt a Code dealing with the conduct that is expected of Members when they are acting in that capacity, and to adopt arrangements for the investigation of complaints and decisions on such allegations.

The Monitoring Officer has responsibility for such complaints.

Under the Code of Conduct complaints procedure, complaints are subject to a three-stage process:

- (1) Preliminary consideration by the Monitoring Officer, in consultation with the Independent Person, as to whether the complaint merits further investigation;
- (2) Formal investigation by an external investigator;
- (3) Reference to the AGSC in the event that the external investigator considers that there is evidence of a breach of the Code of Conduct.

Where a Report has been prepared by an external investigator, which has concluded that there is no breach of the Code of Conduct, then the Code of Conduct procedure provides that this should be reported to AGSC, without question or debate as follows:

6.1 The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the complainant and to the member concerned, notifying them that they are satisfied that no further action is required, and give both of them a copy of the Investigating Officer's final report. The findings will be reported to the Council for information, without question or debate, unless the member asks that they be not reported. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider their report.

Code of Conduct Investigation

The investigation related to complaints by 2 Members about comments made by another Member on social media.

The Monitoring Officer considered that the complaints merited investigation and Ms Alison McKane, former Monitoring Officer of the London Borough of Lambeth (retired) was appointed to investigate the complaints.

The Report concluded that whilst the comments caused offence, they were made in the course of the cut and thrust of political discourse, and did not therefore fall in breach of the Code of Conduct.

The Report also recommended that the Council should consider having a more formal Social Media Policy for councillors which would help to draw the boundaries and assist in a greater understanding of what is and what is not acceptable conduct in an Online social media context.

The Report is exempt pursuant to Schedule 12A Local Government Act 1972, paragraphs (1) and (7).

Financial Context

None

Resource Implications

None

Legal Implications

None

Risk Assessment

N/A

Equalities Analysis

N/A

Health Implications

N/A

Road Network Implications

N/A

Sustainability Implications

N/A

Background papers

List of reports/documents

Exempt Information

Code of Conduct Investigation Report

Author of report

Lauren McCann, Monitoring Officer