



## Audit & Governance Committee

**18 July 2024**

Title:	Annual Complaints report and update on complaints against Members 2023/24
Report of:	Edwina Adefehinti
Lead Member:	Cllr Edna Murphy- Governance
Public Report:	Yes
Key Decision:	No
Voting Arrangements:	Majority

### Recommendations:

A	The annual report on code of conduct complaints be reviewed and any areas for further work be identified.
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### Strategic Objective(s):

The proposals within this report fit under the following strategic objective(s):

	The report improves the CPCA's corporate governance framework and helps to protect the interests of the CPCA and promote best value.
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### 1. Purpose

1.1	This report is an overview of complaints dealt with throughout 1 June 2023 to 3 <sup>rd</sup> June 2024("the review year") and complaints against members for this period.
1.2	<p>The Combined Authority has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the authority.</p> <p>The monitoring officer is responsible for dealing with allegations that members of the Combined Authority have failed to comply with the members' code of conduct and for administering the local standards framework.</p> <p>The committee is responsible for receiving an annual review by the monitoring officer. In accordance with Section 28 Localism Act 2011 the Combined Authority has adopted the LGA model code of conduct.</p> <p>To enable the committee to be assured that high standards of conduct continue to be promoted and maintained. To provide an overview of the arrangements for dealing with code of conduct complaints.</p> <p>It is important this committee has an overview of complaints received against elected members and any trends. This report will enable this committee to discharge its duty to promote and maintain high standards of conduct for Members; review the application of the Code of</p>

	Conduct for Members'; and maintain an overview on ethical standards in general across the authority.
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## 2. Proposal

2.1	<p>To make any comments or recommendations regarding complaints against members which may include:</p> <ul style="list-style-type: none"><li>Recommending training</li><li>Investigating the trends</li><li>Making recommendations to the Board</li><li>Recommending amendments to the constitution</li><li>Recommending amendments to the code of conduct complaints process</li></ul>
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## 3. Background

3.1	<p><b>Complaints</b></p> <p>Five complaints were dealt with during the period 1 June 2023 to 31 May 2024.</p> <p>Four of the complaints were made by elected members, one of which is no longer a member of the Combined Authority. The fifth complaint was made by a member of the public.</p> <p>One of the complaints has now been concluded. This complaint was made by a previous member against another member. The primary cause for complaint related to an alleged breach of confidential information. Following an investigation into the complaint, the investigator found that due to a lack of evidence, it was not possible to conclude whether a breach of confidentiality had taken place. On this basis, a decision notice confirming no further action was issued to both the Complainant and the Subject Member, however, the Decision Notice was not published as the Constitution does not require that a decision notice is published in the case of no further action.</p> <p>In addition, as stated above there have been four fresh complaints made in the review period with three of these complaints being made by members against members. The primary cause for complaint relates to comments made in public and/or social media. The fourth complaint was made by a member of the public against a member</p> <p>Therefore, there are four outstanding complaints to conclude.</p> <p>To deal with each complaint, the Monitoring Officer contacts the member who is subject to the complaint and consult the Independent Person and may also consult an independent investigator to ensure fairness.</p> <p>Due to the impact of the Data Protection Act 2018 and UK General Data Protection Regulation (GDPR) the CPCA must ensure that any personal data is processed fairly and lawfully at every stage of the process. Reasonable expectations of privacy need to be balanced against the public interest. As the investigations have not been concluded, it would be unfair to disclose details of the complaint as this could be prejudicial to all parties.</p>
3.2	<p><b>Independent Persons</b></p> <p>Section 28(7) of the Act also requires that the CPCA appoint "at least one independent person" whose views are sought and taken into account before it makes its decision on an allegation of a breach of the code of conduct.</p>

	<p>During the review year, there were two independent persons appointed for the CPCA. The Independent Persons are appointed by this committee. The monitoring officer is grateful for the work and support from the independent persons.</p> <p>Independent persons may also offer support to councillors who are subject to complaints. Members may approach independent persons when they are informed that a complaint has been made against them. The independent persons have not provided support to any members during the review period.</p> <p>The Independent Persons are appointed by this committee.</p> <p>The Monitoring Officer in consultation with the Independent Person can filter out complaints that, for example:</p> <ul style="list-style-type: none"> <li>• do not fall within the code of conduct;</li> <li>• are considered to be frivolous or vexatious;</li> <li>• are about events which took place more than 6 months' prior to the receipt of the complaint by the Monitoring Officer, unless there are exceptional circumstances; and/ or</li> <li>• do not merit further investigation on public interest grounds.</li> </ul>
3.2	<p><i>Alternative options considered:</i></p> <p>There are no alternative options, the committee should annually review overall figures and trends from code of conduct complaints. The report provides a factual summary of the complaint undertaken during the period 1 June 2023 to 31 May 2024 the ('review year').</p>

## 4. Appendices

4.1	N/A
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## 5. Implications

### Financial Implications

5.1 There are no direct financial implications from this report.

### Legal Implications

6.1 Under the Constitution this committee has the responsibility:

- for ensuring the Combined Authority has effective policies and processes in place to ensure high standards of conduct by its Members and Co-opted Members
- for assisting the Members and Co-opted Members to observe the Code of Conduct and
- for implementing the obligation to ensure high standards of conduct amongst Members

The Members' Code of Conduct is set out in the constitution. The CPCA's arrangements in Chapter 16 of the constitution, under which complaints about Member conduct are investigated and decided to comply with the relevant provisions of the Localism Act 2011. All complaints are dealt with in consultation with one of the CPCA's Independent Persons.

### Public Health Implications

7.1

### Environmental & Climate Change Implications

8.1

### Other Significant Implications

9.1	
Background Papers	
10.1	