

REPORT OF THE MONITORING OFFICER

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TO  
STANDARDS COMMITTEE  
ON

30 JUNE 2022

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**TITLE: Monitoring Officer Update on Complaints against Members**

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**RECOMMENDATIONS:**

Members are recommended to note the update.

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**EXECUTIVE SUMMARY:**

This report summarises the status of complaints against members of the Council that were open at the time of the last report to committee (March 2022) and of complaints that have been received since then.

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**BACKGROUND DOCUMENTS:**

Salford City Council Constitution, Code of Conduct for Elected Members.

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**KEY DECISION: NO**

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**DETAILS:**

**1. Process for dealing with complaints against members**

Any complaint that a member has breached the Member's Code of Conduct must be made to the Monitoring Officer. The Monitoring Officer deals with all complaints in line with Salford City Council's Arrangements for dealing with allegations of failure to comply with the Code of Conduct for Members ("the Arrangements"), which are published on the Council's website.

Members will recall that it is for the Monitoring Officer to carry out an initial assessment of all complaints against members. If the Monitoring Officer believes the information received merits consideration s/he will, after consultation with the Independent Person, take a decision as to whether it should be investigated, or another course of action taken. As a matter of course, the Monitoring Officer discusses all complaints with the Independent Person and seeks to resolve the complaint at the earliest opportunity.

If an investigation is deemed necessary, this will usually involve the commissioning of an external investigation. There is still opportunity upon the receipt of an investigation report for the complaint to be resolved, but if no resolution is possible at this stage, then the member could be referred to a full hearing before a Hearings Panel (a sub-committee of the Standards Committee). In such circumstances, it would be for the Panel to decide whether a breach of the Code of Conduct has taken place and what action should take place.

### **Complaints Summary**

It was reported to the last meeting of the Standards Committee on 24 March 2022 that there were six complaints open.

Three of these complaints have now been fully resolved and closed. In respect of the three that remain open:-

One complaint submitted by a member of the public has been upheld. The complainant was unhappy with the informal resolution offered. The Deputy Monitoring Officer had been dealing with this complaint. Unfortunately due to the election and the Deputy Monitoring Officer having to take unexpected leave, the matter has not yet been concluded.

There are two further outstanding complaints which date back to early 2021. The complaints are linked and both have been referred to an independent investigator with the investigation reports received at the end of 2021. The complaints now require resolution, however, at least one of them will require referral for some kind of hearing as an informal resolution has not been possible.

In these circumstances paragraph 8.2 of the Arrangements requires the Monitoring Officer to report the Investigating Officer's findings to a Hearing Panel of the Council which will conduct a hearing before deciding whether the subject members have breached the Code.

The constitution of the Hearing Panel is set out in paragraph 9 of the Arrangements which provides that "it will comprise of at least one of the Independent Members co-opted to the Standards Committee and three elected Members of the Standards Committee one of whom should be a Member of the minority party".

The nature of the two complaints currently being dealt with means members of the main and the minority parties have either a conflict of interest in the matter and/or their involvement would give rise to the risk of an allegation of bias/impartiality. In the circumstances it is the Monitoring Officer's opinion that members are unable to

participate in the hearing stage set out in the Arrangements as to do so would be in breach of paragraph 1.3 of the Arrangements which states that no member or officer who may have a conflict can have any role in administering the Arrangement and the process may therefore be procedurally unfair.

It is also not legally possible for the Council to delegate its functions to the Chair of the Standards Committee so that they could hear the complaint alone.

In the circumstances therefore the Monitoring Officer intends to refer the matter to full Council to seek approval for special arrangements to be put in place to deal with these complaints where this is necessary to bring them to a conclusion.

### **Complaints Received since March 2022**

Three complaints have been received since March 2022.

Two of these complaints have been closed.

One of these complaints related to an allegation that a Councillor failed to declare a pecuniary interest in a committee meeting. The complaint was not upheld.

The second complaint was not progressed and was eventually closed as the complainant failed to respond to correspondence.

The complaint that is currently open and being dealt with is a complaint relating to a post on social media.

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### **KEY COUNCIL POLICIES:**

Salford City Council Constitution, Code of Conduct for Members, Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members.

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### **EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:**

There are no implications for equality and diversity arising from this report.

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### **ASSESSMENT OF RISK: N/A**

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### **LEGAL IMPLICATIONS:**

Under Salford City Council's Constitution any breach of the Member's Code of Conduct must be referred to the Monitoring Officer who will progress the complaint in accordance with the Council's procedures.

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**FINANCIAL IMPLICATIONS: N/A**

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**PROCUREMENT IMPLICATIONS: N/A**

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**HR IMPLICATIONS: N/A**

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**CLIMATE CHANGE IMPLICATIONS: N/A**

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**OTHER DIRECTORATES CONSULTED: N/A**

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**WARDS TO WHICH REPORT RELATES: N/A**

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