

Guildford Borough Council

Report to: Corporate Governance & Standards Committee

Date: 6 June 2024

Ward(s) affected: All

Report of: Monitoring Officer

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Report Status: Open

Annual Report of the Monitoring Officer regarding Misconduct Allegations

1. Executive Summary

- 1.1 This report presents the Monitoring Officer's Annual Report regarding Misconduct Allegations against Councillors.
- 1.2 This report is presented in the interests of improving transparency and accountability. The report summarises the Code of Conduct activity over the last year and analyses the effectiveness of the Council's system.
- 1.3 Details of complaints received and decisions taken in relation to Allegations of Misconduct against Borough Councillors and Parish Councillors under the Arrangements for dealing with Allegations of Misconduct between 1 April 2023 and 31 March 2024 are attached as Appendix 1 to this report.
- 1.4 The Localism Act 2011 (s.27) sets out the Council's duty to promote and maintain high standards of conduct by its councillors and any co-opted members.

- 1.5 The Local Government Association Model National Councillor Code of Conduct 2020 was launched in 2021. This is based upon the Nolan Principles and the expectation of the behaviour of those elected within all tiers of local government, including borough, parish and town councils.
- 1.6 The Monitoring Officer is required to review all Code of Conduct Complaints received, in respect of allegations concerning the conduct of borough and parish councillors.

2. Recommendation to Committee

The Committee is asked to:

- 2.1 Review the contents of the Annual Code of Conduct report to satisfy itself that the governance arrangements are operating effectively.
- 2.2 Make any recommendations for improvement.
- 2.3 Continue to review Code of Conduct matters on an annual basis.

3. Reasons for the Recommendation

- 3.1 This Committee is a key component of the authority's corporate governance regime. The Committee provides an independent and high-level focus on the assurance and reporting arrangements that underpin good governance.
- 3.2 The Committee has, within its terms of reference in Part 3 of the Constitution, 'To consider the Monitoring Officer's Annual Report on misconduct complaints against councillors, and any other matter referred by the Monitoring Officer' (paragraph 28).

4. Purpose of the Report

- 4.1 The Monitoring Officer is obliged to report the outcome of any particular Code of Conduct matter to the Corporate Governance and Standards Committee.

5. Strategic Priorities

- 5.1 To demonstrate our commitment to listening to complaints and to transparency and accountability.

6. Background

- 6.1 In discharging its duty to promote and maintain high standards of conduct, the Council must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the Council when they are acting in that capacity.
- 6.2 The Council is also required to have arrangements in place under which allegations of misconduct can be investigated, and decisions on those allegations can be made. Both the adopted Code of Conduct and Arrangements for Dealing with Allegations of Misconduct by Councillors and Co-Opted Members (the “Arrangements”) can be found in Part 5 of the Council’s Constitution.
- 6.3 It is considered Good Governance to present an Annual Report on the outcome of Misconduct Allegations against Councillors and Co-Opted Members.

7. Consultations

- 7.1 Consultation will take place with the Leader of the Council.
- 7.2 Consultation has also taken place with the Council’s Corporate Management Board.

8. Key Risks

- 8.1 The purpose of the Code of Conduct complaints process is to ensure resilience and robust service delivery in accordance with good practice. The progress made towards openness, transparency and Good Governance has mitigated any risks to service failure or non-compliance and should now provide confidence to the Council.

9. Financial Implications

- 9.1 There is a financial cost to the Council if complaints are passed to external consultants for investigation/report. During the period referred to in this report, no complaints have progressed to investigation stage.
- 9.2 There are no other direct financial consequences arising from this report.

10. Human Resource Implications

10.1 There are no direct human resource implications arising from this report.

11. Equality and Diversity Implications

11.1 There is a general obligation in the Councillors' Code of Conduct in which Members undertake "Not to do anything which may cause your authority to breach any of the equality enactments".

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

12. Legal and Governance Implications

12.1 The Monitoring Officer is responsible for the operation of the Code of Conduct and is obliged to receive and record any complaints of misconduct and, where appropriate, ensure that they are investigated promptly.

13. Conclusions

13.1 All allegations and disclosures alleging breaches of the Code of Conduct by Borough Councillors or Parish Councillors are taken very seriously and in each case such allegations were dealt with diligently in accordance with the adopted Arrangements.

13.2 The Corporate Governance and Standards Committee should satisfy itself that the governance arrangements are operating effectively.

14. Background Papers

Case files referred to in Appendix 1 are exempt under paragraphs 1 and 2 Part 1 of Schedule 12A to the Local Government Act 1972.

15. Appendices

Appendix 1: Complaints received and Decisions taken in relation to Allegations of Misconduct against Borough Councillors & Parish Councillors under the Arrangements for dealing with Allegations of Misconduct (1 April 2023 to 31 March 2024)