

23 March 2023

ANNUAL / PERIODIC REPORT OF THE MONITORING OFFICER

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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

1. Chair's Foreword

- 1.1. I was delighted to have chaired the Standards Committee in 2022-2023, ably assisted by my Vice-Chairs, Councillors Geary and McPake. Although this was a quieter year from a complaints perspective, the Committee has nonetheless undertaken some important work.
- 1.2. We have reviewed the Arrangements Procedure in great detail seeking to amend or clarify any issues that have arisen. We have now adopted a new Arrangements Procedure to deal with all Code of Conduct complaints. I would like to put on record my thanks to all those involved in reviewing the Arrangements.
- 1.3. I am also delighted with the training undertaken by Councillors in respect of the Code of Conduct. This is particularly important given a new Code was adopted and Councillors are now aware of any changes and reminded of their ongoing responsibilities under the Code.
- 1.4. It has been a privilege to serve as Chair of the Standards Committee for this year. I would like to wish all Officers and Members the very best for the next Council year.

Councillor Ben Nolan- Chair, Standards Committee 2022-2023

2. The Role of the Standards Committee and the Standards Regime

- 2.1. The remit of the Standards Committee is to promote and maintain high ethical standards of conduct by Councillors and Co-opted Councillors of Milton Keynes, and to assist Parish and Town Councils in doing so.
- 2.2. The Committee must uphold the provisions pertaining to conduct and registers of interest as set out in Chapter 7 of the Localism Act 2011, specifically to deal with complaints about potential breaches of the respective Codes of Conduct of Milton Keynes and Parish/Town Councillors.
- 2.3. The Committee's membership comprises Councillor Nolan (Chair), Geary (Vice-Chair), McPake (Vice-Chair), Crooks, De Villiers, Imran, Nazir, Smith and Wallis, together with Parish Councillors P Windsor and L Fisher as co-opted members.
- 2.4. During 2022/2023, the Standards Committee met 4 times. A working group (comprising of Councillor Nolan, Crooks and Geary) which was formed to review the arrangements) met 3 times.
- 2.5. In the last year, the Standard Committee's work included the regular receipt of the Periodic Monitoring Officer's Report, and it undertook two main pieces of work (detailed below).

3. Review of the Arrangements for Dealing with Standard Allegations

- 3.1 A working group was formed to review the Arrangements with the following members. After 3 working group sessions, an amended Arrangements Procedure was proposed and approved by the Standards Committee, on 26 January 2023 and their amended Terms of reference were approved by Full Council on 22 February 2023. The new arrangements came into effect immediately for any complaint received on or after 27 January.
- 3.2 In summary, the changes address and cover:
 - a) Clarity in the sanctions available and the role and remit of Committee and Monitoring Officer (MO).
 - b) Streamlining the process- including the role of Assessment Sub-Committee.
 - c) The flexibility of the Arrangements to deal with complaints involving allegations of a criminal or litigious nature and with Subject Members who resign or lose their seat.
 - d) Allowing a better understanding of the process by using plain English, definitions and simpler explanations.
- 3.3 Following a decision made by the Local Government and Social Care Ombudsman (LG&SCO) in respect of the way Teignbridge District Council handled a Standards Compliant, the Arrangements now include further information in section 8 about receiving further complaints during an ongoing investigation. We will ensure:

'If a further complaint is received about the subject member whilst an investigation is ongoing, it will not normally be incorporated into the existing complaint, unless:

- a) it is a complaint about the same event / series of events, or conduct that occurred at the same time as the original complaint; and*
- b) the subject member is advised in writing that the scope of the investigation has been amended to reflect the new complaint.*

Once the investigators report has been completed, and formally received by the Monitoring Officer, it will not be re-opened, or the investigating officer re-instructed on the original complaint'.

3.5 This ensures that we are promoting our commitment to good governance and our statutory obligations under the Localism Act 2011.

4. Code of Conduct Training

4.1 The Standards Committee, via the MO is responsible for ensuring necessary training for Councillors of the Council on ethical standards and Code of Conduct issues. Training is offered to ward councillors as part of their induction following their election and subsequently at periodic intervals.

4.2 Following the adoption of a new Code of Conduct in June 2022, the MO and Deputy Monitoring Officers (DMOs) offered a refresher training to all ward councillors on any changes and responsibilities under this new code. 3 sessions were offered, followed by 3 mop up sessions and officers attending Group Meetings to deliver the training. At the time of writing, 8 Councillors are outstanding, who have booked onto final mop up session(s).

4.3 DMOs presented an item at Parishes Forum giving Parish Councils an overview of the Model Code of Conduct, encouraging them to adopt this new Code. Training is available for Parish and Town Councils who have adopted the new Code.

4.4 On the 30 of January, Buckinghamshire & Milton Keynes Association of Local Councils (BMKALC) invited the MO to present internal dispute resolution training in Parishes. This was a joint presentation with Buckinghamshire Council which covered rules, culture, meeting etiquette, dealing with difficult behaviour and sources of support.

4.5 The MO and DMOs have a good working relationship with BMKALC and speak regularly in relation to Parish and Town Council issues within Milton Keynes.

4.6 In addition, both the MO and DMOs address multiple queries from members of the public and councillors about the complaints process and standards regime. The approach taken is grounded in seeking better behaviour and informal resolution.

5. Code of Conduct Complaints

5.1 During 2022-2023, there was an increase in the number of standard complaints against Councillors as compared to 7 complaints received last committee year.

5.2 Between April 2022 and February 2023, there were:

- (a) 7 complaints concerning Milton Keynes City Council Councillors
- (b) 6 complaints concerning Parish Councillors

Table 1 - Ward Councillor Complaints:

Date	Complainant	Subject Matter/Allegation	Outcome	Date Concluded
08 August 2022	Member of the Public	Failing to treat members of the public with respect and bringing council into disrepute	No further action - no breach	06 December 2022
26 August 2022	Member of the Public	Failing to respond to emails	No further action- no breach	18 November 2022
23 September 2022	Member of the Public	Failing to respond to emails/failure to act with integrity	No further action- no breach	22 November 2022
30 September 2022	Member of the Public	Bullying	No further action- not acting in capacity as a Councillor	05 December 2022
19 February 2023	Member of the Public	Bullying, intimidation and bringing council into disrepute	Ongoing	--
19 February 2023	Member of the Public	Bullying, intimidation and bringing council into disrepute	Ongoing	--
06 March 2023	Member of the Public	Behaviour	Ongoing	--

Table 2 - Parish Councillor Complaints:

Date	Complainants	Subject Matter/Allegation	Outcome	Date Concluded
28 April 2022	Parish Employee	Inappropriate behaviour- sexual remarks	No further action- no jurisdiction	09 December 2022
10 November 2022	Parish Councillor	Failing to act with integrity and bringing the Council into disrepute	No further action- no breach	03 January 2023
10 November 2022	Parish Councillor	Failing to act with integrity and bringing the Council into disrepute	No further action-no breach	03 January 2023
04 January 2023	Parish Councillors	Bullying and intimidatory behaviour	Ongoing	--
23 January 2023	Member of the Public (Anonymous Complaint)	Stealing	Closed- no further action	07 February 2023
27 January 2023	Parish Councillor	Failing to act with integrity, bringing the council into disrepute and failing to declare interests	Ongoing	--

- 5.3 No complaint has proceeded to investigation.
- 5.4 The average time for dealing with complaints was 3 months. Following the new Arrangements, we will aim to deal with complaints quicker and efficiently.
- 5.5 The most complained about obligation is failing to act with integrity and bringing the Council into disrepute.
- 5.6 Notable focus on complaints made from Parish Councillors against colleagues, this requires a different resolution to resolve issues arising between individuals.
- 5.7 No sanctions have been imposed on Councillors this Committee year.

6. Other work

Dispensations

- 6.1 At the Standards Committee meeting on 26.01.23, it was decided that the authority be delegated to the Monitoring Officer to grant dispensations for any of the reasons set out in section 33 of the Localism Act in consultation with the Chair and Vice Chairs of the Standards Committee, where the following conditions are met:
- a) the Monitoring Officer has had regard to all relevant circumstances;
 - b) the matter is, in the opinion of the Monitoring Officer, urgent;
 - c) any dispensation granted would only be for one meeting (on a specified date).
- 6.2 This allows the Monitoring Officer greater flexibility to respond to issues, where the granting of dispensation might be considered appropriate.

Sensitive Interests

- 6.3 Following concern from a Parish Councillor about their address being shown on their publicly available Register of Interest, a note was issued to all Parish, Town and Community Councils clarifying the legal requirements surrounding the publication of home addresses in election material and Register of Interests.
- 6.4 This note clarified how Councillors can make a sensitive interest request and what the Monitoring Officer will consider before making a decision.

Complaints made about employees/services:

- 6.5 Since August 2022, we have received 20 complaints about MKCC employees/services. We have amended the complaints form and webpage to make it clearer that the form is only for complaints against Councillors. When we receive these complaints, we either get in touch with the Complainant and refer them to the correct form or refer straight onto Complaints and Compliments and make the relevant departments aware.

7. The Future

- 7.1 Following the adoption of a new Arrangements Procedure, it is hoped that Code of Conduct Complaints are dealt with effectively and promptly.
- 7.2 The Monitoring Officer is committed to offering further training to all Councillors.