

# Waverley Borough Council

**Report to:** Standards & General Purposes Committee  
**Date:** 1 July 2024  
**Ward(s) affected:** All  
**Report of:** Monitoring Officer  
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**Lead Councillor:** Cllr Victoria Kiehl, Portfolio Holder for Organisational Development and Governance  
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**Report Status:** Open  
**Key Decision:** No

## Annual Report of the Monitoring Officer Regarding Misconduct Allegations

### 1. Executive Summary

- 1.1 This annual report presents the Code of Conduct allegations received by Council's Monitoring Officer during 2023-24.
- 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 The Annual Code of Conduct Register has been redacted and is attached in Appendix 1.
- 1.4 The Localism Act 2011, 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, the Standards in Public Office 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, town and parish councillors.

## **2. Recommendation to Committee**

The Standards & General Purposes 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; and
- 2.3 To review Code of Conduct matters on an annual basis.

## **3. Reasons for the Recommendation**

- 3.1 The Standards & General Purposes 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.

## **4. Purpose of the Report**

- 4.1 The Monitoring Officer is obliged to report on an annual basis, the outcome of Code of Conduct matters to the Standards & General Purposes Committee. The purpose of this report is to satisfy such reporting requirements and appraise the Committee of the Code of Conduct allegations, the outcome of any investigations, the recommendations and the actions taken to date.

## **5. Strategic Priorities**

- 5.1 To ensure compliance with the need to:

- demonstrate our commitment to listening to complaints;
- demonstrate commitment to transparency and accountability;
- uphold the highest standards in public office

## **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.
- 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 has also taken place with the Council's Corporate Management Board.
- 7.2 Consultation has taken place with the Leader of the Council and the relevant Portfolio Holder.

## **8. Key Risks**

- 8.1 The purpose of the Code of Conduct complaints process is to ensure the highest standards of behaviour whilst in public office. 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. Any action taken in respect of any employees has been taken in compliance of all Council Human Resources Policies.

## **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 the 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 current Policy provides that the Monitoring Officer is responsible for the operation of the policy and is obliged to receive and record any Code of Conduct complaints and appropriately investigate them.

## **13. Climate Change Implications**

- 13.1 There are no direct climate change implications arising from this report.

## **14. Conclusions**

- 14.1 All allegations and disclosures alleging breaches of the Code of Conduct by Borough Councillors and co-opted members or Parish Councillors are taken very seriously and dealt with in accordance with the Council's adopted arrangements. Where investigations are carried out, they are robust and thorough and involve one of the Council's appointed Independent Persons.
- 14.2 The Standards and General Purposes Committee should satisfy itself that the governance arrangements are operating effectively.

## **15. Background Papers**

- 15.1 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.

## **16. Appendices**

- 16.1 Appendix 1: 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.