

Standards and Ethics

Quarter 3 Report

2022-2023

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Introduction

This is the quarterly report to the Audit & Governance Committee detailing both the figures for the Ethical Indicators and the figures for the Local Determination of Complaints process for 2022/23.

For clarification purposes the months covered by the quarters are as follows:

Quarter 1 - 1 April to 30 June

Quarter 2 - 1 July to 30 September

Quarter 3 - 1 October to 31 December

Quarter 4 - 1 January to 31 March

The report is split into 2 parts for ease of reference; Part 1 refers to the local determination of complaints, part 2 is the table showing the ethical indicators figures.

The report will enable the Audit & Governance Committee to build up a picture over time of how many complaints are received and where these are coming from. The parts of the Code of Conduct which have been breached will also be recorded to enable training to be targeted effectively.

Local Determination of Complaints

The Monitoring Officer received 10 complaints in Quarter 3 of 2022/23 (1 October 2022 – 31 December 2022).

1 complaint received were unable to be progressed as it was determined that the Councillor was acting in a private capacity.

2.1 Assessment Sub-committee Decisions

There has been 0 Assessment Sub-committee meetings in this quarter.

The Monitoring Officer pursues an informal dispute resolution process prior to initiating formal proceedings via the Sub-committee route.

9 complaints have been resolved informally in Quarter 3.

2.2 Timeliness of Decision

The Standards for England Guidance stated that the Assessment Sub-committee should complete its initial assessment of an allegation “within an average of 20 working days” to reach a decision on what should happen with the complaint. The Council has taken this standard and adapted it under the new rules to aim to hold an Assessment Sub-committee within 20 working days of notifying the parties that informal resolution is not possible.

2.3 Review Requests

There have been 0 review requests in Quarter 3. Review requests can only be made following a decision of ‘No further Action’ by the Assessment Sub-committee where there is submission of new evidence or information by the complainant.

2.4 Subsequent Referrals

None to report – see above

2.5 Outcome of Investigations

None to report – see above

2.6 Parts of the Code Breached

This section is intended to show where there are patterns forming to enable the Audit and Governance Committee to determine where there needs to be further training for Councillors. Targeting training in this way makes it more sustainable and, hopefully, more effective.

So far this year, the following areas of the code were found to have been breached:

N/A

Complaints made to the Monitoring Officer under the Code of Conduct during Q3 2022/23

Qtr 3 22/23	Complaint from	About district/ parish councillor	Regarding	status
	Parish Cllr	District Cllr	Behaviour at a Council meeting	Resolved informally
	District Cllr	District Cllr	Register of interests [this comprises individual complaints about 7 District Cllrs]	Resolved informally
	Parish Cllr	Parish Cllr	Declarations of interest and access to information	Resolved informally
	Member of the public	District Cllr	Failure to comply with obligations	It was concluded this complaint was unable to be progressed as the subject member was not acting in their capacity as a Councillor at the time

Ethical Indicators

PERFORMANCE INDICATOR0	Q1			Q2			Q3			Q4		
	20/ 21	21/ 22	22/ 23	20/ 21	21/ 22	22/ 23	20/ 21	21/ 22	22/ 23	19/ 20	20/ 21	21/ 22
Instances of concerns raised re Modern Slavery	0	0	0	0	0	0	0	0	0	0	0	1
Instances of concerns raised re Modern Slavery referred to national agencies	0	0	0	0	0	0	0	0	0	0	0	0
Number of whistle blowing incidents reported	0	0	0	0	0	0	0	0	0	0	0	0
Number of Challenges to procurements	0	0	0	0	0	0	0	0	0	0	0	0
Public interest Reports	0	0	0	0	0	0	0	0	0	0	0	0
Objections to the Councils Accounts	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary action relating to breaches of the Member/Officer Protocol	0	0	0	0	0	0	0	0	0	0	0	0
Follow up action relating to breaches of the Member/Officer Protocol	0	0	0	0	0	0	0	0	0	0	0	0

Freedom of Information Requests

	Q1			Q2			Q3			Q4		
	20/21	21/22	22/23	20/21	21/22	22/23	20/21	21/22	22/23	19/20	20/21	21/22
Total Number (FOIs)	55	102	147	93	107	122	152	90	108	79	94	196
% answered on time	72.2%	82.9%	51%	84.1%	71.9%	79%	75%	95.1%	60%	95.8%	86%	78.17%
Average per month	18	34	49	31	36	41	51	30	38	26	31	65
Average response time (days)	15	14	7	13	13	9	17	10	14	11	11	15
Business as usual (BAUs)	27	1	N/A	24	14	N/A	26	2	N/A	65	11	N/A
Withheld due to exemption/fees (FOI and BAU)*	10	19	0	16	12	0	31	15	7	8	10	13
Transfers (TFRs)	14	18	29	18	12	21	25	24	18	33	23	28
Subject access requests (SARs)	3	1	3	6	2	6	12	5	5	5	5	13
Internal Reviews	1	0	1	Tbc	2	3	0	1	3	2	0	2
Environmental Information Requests/ Land Charges Searches (personal)	213	6	4	1	491	4	2	336	7	334	11	1

- We have seen a small decrease in number of FOI's received in Q3. This will be due to the Christmas period
- There has been an impact to the answered on time figure for Q3. We feel this is due to a number of complex requests received which have required multiple service areas input. The majority of requests that were overdue were no more than 10 days. There was a total of 12 requests which were overdue by 30 plus days. This is a vast improvement on previous quarters
- The aim is to achieve 90% + response rate
- The exemption function is now active on the case management system and we are able to report on these figures
- We do not log requests as a BAU on the new system. All requests are logged on the case management system as an FOI request.

FOI Exemptions for Q3 22/23

Exemption	Description	FOI	BAU	Total
S21	Information Already Reasonably Accessible			
S22	Information Intended for Future Publication			
S27	International Relations			
S28	Relations within the UK			
S29	The Economy			
S30	Investigations			
S31	Law Enforcement			
S32	Court Records			
S36	Effective Conduct of Public Affairs			
S38	Endangering Health and Safety			
S39	Environmental Information			
S40	Personal Information of the Requester/Personal Information			
S41	Confidentiality			
S42	Legal Professional Privilege			
S43	Trade Secrets and Prejudice to Commercial Interests			
S44	Prohibitions on Disclosure			
Total	<i>Number need not match the number of cases. Multiple exemptions may apply to one case.</i>	0	0	0

Definitions

Business as usual Information requested can be sent quickly and easily within the normal course of business

Land Charges specific information about a particular property

Ombudsman Complaint a customer has followed Stage 1 and 2 complaints procedure but unhappy with the outcome they are entitled to take complaint to the Local government Ombudsman who will decide if the Council has a case to answer.

Subject Access Request a request by an individual to see information an organisation holds on them

Transfers requests received that fall out of our remit i.e. Adult social Care or Highways

Environmental Information Request a right for any person to request access to environmental information held by public authorities.