

## **BOLSOVER DISTRICT COUNCIL**

### **Meeting of the Standards Committee on 9<sup>th</sup> February 2026**

#### **Member Complaints**

#### **Report of the Director of Governance and Legal Services & Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Contact Officer</b>	Jim Fieldsend, Director of Governance and Legal Services & Monitoring Officer

#### **PURPOSE/SUMMARY OF REPORT**

- To update on the complaints made against councillors since 1<sup>st</sup> January 2025.

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#### **REPORT DETAILS**

##### **1. Background**

- 1.1 All those working or serving in public life including M.P.s, councillors and employees are required to adhere to the Nolan Principles of Public Life, i.e selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.2 Councillors are also required to agree to sign up to a code of conduct which is designed to regulate their behaviour in the form of a clear set of rules. Each council has its own code of conduct however many, like Bolsover District Council, will have adopted the Local Government Association's standard code. The code requires councillors to:
- Treat others with respect;
  - Not bully, harass or discriminate against people;
  - Act impartially;
  - To treat certain information as confidential;
  - Not to bring the Council or the role as councillor into disrepute;
  - Not to misuse the position as councillor;
  - Not to misuse Council resources;
  - Cooperate with any Code of Conduct investigation;
  - Comply with rules regarding disclosure of interest;
  - Comply with gifts and hospitality rules;
  - Undertake all mandatory training.

- 1.3 If a councillor fails to comply with the requirements of the code a complaint can be made to the Council's Monitoring Officer, who is responsible for maintaining councillor standards at both District and Town Council level.
- 1.4 When a complaint is made the Monitoring Officer will assess whether the councillor in question was a councillor at the time of the incident and whether he/she was acting as a councillor when the incident occurred. The Monitoring Officer is not concerned about incidents occurring whilst a councillor is acting in a private capacity. The Monitoring Officer will also consider whether, if proven, does the behaviour amount to a breach of the code.
- 1.5 If a complaint meets the basic criteria the Monitoring Officer will decide whether to undertake a more detailed investigation. Many breaches are of a nature where it is not in the public interest to justify a formal investigation. These breaches can be dealt with by the councillor accepting that there has been a breach and offering an apology or agreeing to some training. However, occasionally a councillor will not accept that there has been a breach and the Monitoring Officer will appoint someone to investigate.
- 1.6 Where an investigation is held, if the investigator finds that no breach has occurred no further action will be taken. However, where a breach is found to have been held, this can either result in more informal action, e.g. an apology or training or a formal hearing in front of the Standards Sub-Committee. If the Sub-Committee finds that the councillor has breached the code of conduct they have limited powers. For instance, they can censure the councillor, they can recommend that they undertake training, they can recommend to the council concerned that they be removed from a position of responsibility. Currently there is no power to suspend a councillor from office, however the Government have recently consulted on proposals to strengthen the standards and conduct framework which includes a proposal to suspend councillors for more serious breaches and for persistent breaches. We are currently waiting to hear what the Government proposes to do following the consultation and this will be reported to a future Standards Committee.
- 1.7 Throughout the complaints process the Monitoring Officer will consult with someone known as an Independent Person. Currently the Council has three Independent Persons who act as a sounding board for the Monitoring Officer, two of which were recently appointed by the Council in its meeting on 8<sup>th</sup> October.

## **2. Details of Proposal or Information**

- 2.1 Appendix 1 of the report sets out details of the complaints received since the start of 2025. So far at the time of writing we have processed 22 complaints. Some of the complaints are about more than one councillor and other complaints have been made by more than one complainant. Six complaints are currently under investigation or due to be investigated. Three new complaints are being assessed as to whether an investigation is necessary. Three complaints have resulted in councillors accepting they have breached the code and apologised to the complainant. Two councillors resigned as a councillor soon after a complaint being made and no further action taken. The remainder of the complaints were not

considered to be matters that fell under the jurisdiction of the member complaints regime.

### 3. Reasons for Recommendation

- 3.1 To keep members of Standards Committee updated on code of conduct complaints.

### 4 Alternative Options and Reasons for Rejection

- 4.1 There are no alternative options.

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### RECOMMENDATION(S)

1. That the Committee note the report.

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### IMPLICATIONS:

<b><u>Finance and Risk</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>Details:</b>		
On behalf of the Section 151 Officer		
<b><u>Legal (including Data Protection)</u></b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Details:</b>		
Section 28(6) and (7) of the Localism Act 2011 requires the Council to have arrangements in place under which allegations that a district town or parish councillor within its area has failed to comply with that authority's code of conduct can be investigated and decisions made on such allegations.		
On behalf of the Solicitor to the Council		
<b><u>Staffing</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>Details:</b>		
On behalf of the Head of Paid Service		
<b><u>Equality and Diversity, and Consultation</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>Details:</b>		

**Environment**      Yes ☐      No ☒

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment

**Details:**

**DECISION INFORMATION:**

☒ **Please indicate which threshold applies:**

**Is the decision a Key Decision?**

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Yes ☐      No ☒

**Revenue (a)** Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

(a) ☐      (b) ☒

**Capital (a)** Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

(a) ☐      (b) ☒

**District Wards Significantly Affected:**

*(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)*

Please state below which wards are affected or tick **All** if all wards are affected:

All ☐

If Yes, is the call-in period to be waived in respect of the decision(s) proposed within this report? *(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)*

Yes ☐      No ☐

**Consultation carried out:**

*(this is any consultation carried out prior to the report being presented for approval)*

Yes ☐      No ☒

Leader ☐    Deputy Leader ☐    Executive ☐    SLT ☐  
Relevant Service Manager ☐    Members ☐    Public ☐  
Other ☐

**Links to Council Ambition: Customers, Economy, Environment, Housing**

Customers.

**DOCUMENT INFORMATION:**

Appendix No	Title
1	Councillor Complaints Received 2025/2026

**Background Papers**

*(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).*

DECEMBER 2024