

TITLE	Update on Code of Conduct Complaints
FOR CONSIDERATION BY	Standards Committee on 8 March 2021
WARD	None Specific
LEAD OFFICER	Monitoring Officer - Andrew Moulton

OUTCOME / BENEFITS TO THE COMMUNITY

To inform and feedback results of the Member Complaints process.

RECOMMENDATION

To note the report and consider any issues arising.

SUMMARY OF REPORT

Since the last report on Complaints to the Committee, on 12 October 2020, there have been five new complaints received.

Appendix A provides a summary of the complaints and the latest position on each.

A key issue for the Committee's work in the new municipal year will be the need for further training and guidance on Members' use of social media – see separate item on this agenda.

Following the last meeting of the Standards Committee on 11 January (which was adjourned before the update on complaints item was considered), queries were raised about the way historic complaints had been dealt with.

Part 9.1.13 of the Constitution provides the process that is followed by the Council when it receives a complaint under the Code of Conduct. This process is clear that any decisions on Code of Conduct complaints that are not taken by a Standards Committee Hearing Panel (there have been none since May 2019) are made by the Monitoring Officer.

The process requires the Monitoring Officer to consult one of the Council's Independent Persons and the Chairman or Vice Chairman of the Committee. The decision is and always has been that of the Monitoring Officer and not the Chairman or the Independent Person. The Monitoring Officer must only have regard to their views.

Background

Under Section 9.1.13.5 of the Council's Constitution, the Monitoring Officer provides a report to the Standards Committee, on a quarterly basis, which contains the following: the number and nature of complaints received; progress on any investigations and associated costs; and identify areas where training or other action might avoid further complaints. However, the name(s) of the Member(s) will not be disclosed.

Since the last report to the Committee on 12 October 2020, there have been five new Code of Conduct complaints received.

Under the Council's adopted policy for the consideration of Code of Conduct Complaints, the Monitoring has delegated authority to decide whether the complaint:-

- a) can be resolved informally i.e. by mediation with the two parties before making a decision on whether the complaint merits formal investigation;
- b) requires investigation;
- c) should be referred to the Standards Committee;
- d) no further action should be taken.

Analysis of Issues

The latest position on existing complaints is shown at Appendix A.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Revenue
Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications

The work and conduct of Councillors can impact all aspects of the Council's services.

Reasons for considering the report in Part 2
Not applicable

List of Background Papers
None

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Code of Conduct Complaints

Date Received	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded
5/3/2020	Town & Parish Member	Complaint received from a Town & Parish Clerk about bullying and disrespect to other Members and officers, and a potential breach of that Councils' equality duties.	Following an initial evaluation of the complaint in consultation with the Chairman and Independent Person, an independent investigation was commissioned by the Monitoring Officer which indicated evidence of a breach. The hearing will be held with a Panel of Members of the Standards Committee. The Panel was scheduled to be held on 12 January but this was postponed following the need to clarify the membership of the Standards Committee. A new date is to be advised.	Ongoing
4/6/2020	Two WBC Members	Complaint received from a member of the public that alleges two Councillors were not adhering to social distancing rules. However, the complainant is unclear as to which part(s) of the Code of Conduct may have been breached.	The Monitoring Officer made an initial evaluation of the complaint and following consultation with the Chairman and Independent Person on 1 July, the Monitoring Officer concluded that there was no evidence of a breach of the Code of Conduct.	1/7/20
23/7/2020	WBC Member	Complaint received from a member of the public. Allegation that Councillor had breached disrespect and bullying provisions in the Code as a consequence of statements made on social media.	Following an initial evaluation of the complaint in consultation with the Vice-Chairman and Independent Person, an independent investigation has been commissioned. The investigator has produced her report and the outcome will be reported verbally to the Committee.	Ongoing

Date Received	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded
28/7/2020	2 WBC Members	Complaint received from a member of the public. Allegation that Councillors had breached disrespect rule in failing to adhere to social distancing guidance.	The Monitoring Officer made an initial evaluation of the complaint and, following consultation with the Chairman and Independent Person, the Monitoring Officer concluded that there was no evidence of a breach of the Code of Conduct.	6/11/20
2/8/2020	WBC Member	Complaint received from another WBC member about a press release relating to charges for personal trainers.	Following consultation with the Chairman of the Standards Committee and the Independent Person on 11 January it was decided by the Monitoring Officer that there was no breach of the Code of Conduct.	11/1/21
25/11/2020	WBC Member	Complaint received from another WBC member about a social media post made by the subject member that it is alleged to have breached confidentiality.	The Monitoring Officer made an initial evaluation of the complaint and in consultation with the Chairman and Independent Person on 8 December the Monitoring Officer decided to commission an investigation into the matter. The investigation is currently underway at the time of writing.	Ongoing
3/12/2020	WBC Member	Complaint received from a member of the public alleging that a social media post by the subject member was disrespectful and in breach of clause 9.2.8.1 of the Code of Conduct.	The Monitoring Officer consulted with the Vice Chairman of the Standards Committee and the Independent Person on 21 December. It was concluded that there was no breach of the Code of Conduct. However, it was also concluded that the Standards Committee should consider a proposed Member Guide to Use of Social Media to be incorporated in the Council's Constitution in due course – see separate item on agenda.	21/12/20
14/12/2020	Town & Parish Member	Complaint received from a Town & Parish Councillor about the conduct of a fellow	The Monitoring Officer has made an initial evaluation of the complaint prior to consulting with the Chairman and Independent	Ongoing

		Councillor during a Council meeting.	Person – a verbal update will be provided to the Committee.	
21/12/2020	Town & Parish Member	Complaint received from a Town & Parish Councillor about the conduct of a fellow councillor during a Council meeting.	The Monitoring Officer has made an initial evaluation of the complaint prior to consulting with the Chairman and Independent Person – a verbal update will be provided to the Committee.	Ongoing