

Agenda Item 8.

TITLE	Update on Code of Conduct Complaints
FOR CONSIDERATION BY	Standards Committee on 19 July 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 including the timeliness of reaching outcomes to individual complaints.

SUMMARY OF REPORT

Since the last report on Complaints to the Committee on 8 March 2021, there have been two new complaints received.

Appendix A provides a summary of the complaints (including those outstanding prior to 8 March 2021) and the latest position on each.

At the last meeting of the Standards Committee, Members expressed concerns about the timeliness of dealing with complaints. The report considers the latest position and provides information about the action taken by the Monitoring Officer to better support the process. However, the Committee is also asked to what further steps it would wish to take to ensure the effectiveness and efficiency of the complaints process.

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 8 March 2021, there have been two new Code of Conduct complaints received.

Under the Council's adopted policy for the consideration of Code of Conduct Complaints, the Monitoring Officer 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.

Timeliness of dealing with Complaints

The Constitution currently states:

"The decision by the Monitoring Officer will normally be taken within 10 working days of receipt of the complaint. Once a decision has been made by the Monitoring Officer the complainant, the Subject Member and the Town/Parish Clerk (if applicable) will be informed of the outcome as soon as possible."

The Monitoring Officer (MO) has access to various resources to deal with complaints including a Deputy MO and an internal investigation team.

For straightforward complaints (i.e. ones that do not require a full investigation) where the complainant and subject member, and Independent Person and Chairman of Standards Committee are readily available and able to respond to the MO's requests for additional information, the 10 day target should be achievable. However, as Members have already noted, this target has not been consistently achieved over the past period, albeit there have been exceptional circumstances over the past 18 months due to prioritising the response and recovery from Covid-19.

Internally, management action has been taken to ensure more capacity is available to expedite investigations. However, achieving a timely response also requires co-operation from all parties to ensure that when legitimate concerns are submitted,

reaching an outcome can be expedited. It is interesting to note that of the six complaints reported in Appendix A, none came from members of the public.

Whilst the Committee has previously decided not to restrict or amend the provision that allows Members to submit complaints against fellow Members under the Member Code of Conduct process, the Committee is asked whether it wishes to reconsider the issue in the context of ensuring the complaints process is effective and efficient.

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.

Public Sector Equality Duty

Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

An Equality Impact Assessment (EIA) is not relevant to this report.

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. A revised date was agreed but this had to be postponed due to the non-availability of the councillors' representative. A new date is to be advised.	Ongoing
26/11/2020	WBC	Complaint received from Councillor alleging breach of confidentiality by a fellow councillor.	This complaint has been subject to a full investigation which has now been completed. A verbal update re the outcome will be available by the time of the Standards Committee meeting.	Ongoing
14/12/2020	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
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
21/6/2021	WBC	Complaint received from Councillor about the conduct of a fellow councillor	The Monitoring Officer has made an initial evaluation of the complaint prior to consulting with the Chairman and	Ongoing

		during a Council meeting.	Independent Person – a verbal update will be provided to the Committee.	
22/6/2021	WBC	Complaint received from Councillor about the conduct of a fellow councillor about the use of social media.	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

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