

TITLE Update on Complaints

FOR CONSIDERATION BY Standards Committee on 30 March 2022

WARD (All Wards);

LEAD OFFICER Deputy Chief Executive - Graham Ebers

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 24 January 2022, there has been one new complaint received against a WBC councillor – the complaint was expected to be concluded shortly after publication of this report and a verbal update will be provided to the Committee at the meeting. Similarly a verbal update will be provided on the complaint received on 29 November 2021 that has gone to investigation. Updates on all complaints can be found at Appendix A including the historic complaints relating to two town councils.

As requested by the Committee, the Monitoring Officer met with Town and Parish clerks on 16 March to explore options to make Councillors more aware of the expectations of the Code of Conduct and engagement with the complaints process when required. Clerks reported that their towns and parishes had either recently adopted the new LGA Model Code of Conductor were actively considering it, and it was agreed that more further promotion could take place at the start of the new municipal year through, for example, annual council meetings. It was also agreed that the Monitoring Officer would develop an online training package for use by towns and parishes.

The Committee is advised that the changes to the complaints process recommended at the October 2021 meeting were approved by full Council on 17 February 2022.

As discussed previously, a future focus for the Committee should be the promotion of training for councillors in the Code. New Members to the Council will receive induction training from the Monitoring Officer in May and it is suggested that this be considered more broadly at the first meeting of the Committee in 2022/23 with a view to rolling out a programme to all councillors.

Background

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;
- the identification of areas where training or other action might avoid further complaints.

Since the last report to the Committee on 24 January 2022, there has been one new Code of Conduct complaint 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.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	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.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

There are no direct implications arising from this report on the Council's carbon neutral objective.

Reasons for considering the report in Part 2

Not applicable

List of Background Papers

None

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Appendix A

New Complaint

Date Received	Acknowledged	Within 3 days?	Complainant	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded/ Next steps	Within Performance Timescales
10/3/22	10/3/22	Y	Member of public	Wokingham Borough Member	Alleged failure to respond to enquiry from the public.	Clarification received from complainant together with response from subject member.	Conclusion will be reached w/c 21/3/22 to be verbally reported to Committee.	Tbc

Open/Unresolved Historic Complaints

Date Received	Acknowledged	Within 3 days?	Complainant	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded/ Next steps	Within Performance Timescales
29/11/21	30/11/21	Y	Member of public	Wargrave Parish Council Member	Alleged inappropriate use of information for personal gain.	Initial assessment completed and consultation meeting held 20/12/21 whereby agreed to commission investigation.	Investigators report received 21/3/22 Verbal update will be reported to Committee.	N

Performance Timescales (introduced October 2021)

Acknowledgement within 3 days of receipt

Initial consultation meeting held within 15 working days of acknowledgement

Conclusion within 3 months (if investigation required)

Status of Historic Complaints

16/9/21	17/9/21	Y	Town & Parish Councillor	Woodley Town Council Member	Conduct of a fellow councillor during a Council meeting.	<ul style="list-style-type: none"> • Subject Member asked to comment on 17/9/21. No response received. • Town Clerk informed of complaint on 17/9/21. Assessment to proceed without above responses. • Noted that this complaint relates to same councillor as 14/12/20 below. 	Complaint referred to subject members' party.
7/21	29/7/21	Y	Member of public	Wokingham Town Council	Conduct of two members relating to a planning matter.	<ul style="list-style-type: none"> • No breach of Code 	22/2/22
21/12/20	22/12/20	Y	Woodley Town Councillor	Woodley Town Council Member	Conduct of a fellow councillor during a Council meeting.	Consultation meeting held on 20/12/21 where it was concluded that whilst a breach may have occurred, the Councillor concerned offered to apologise for his conduct but this has not taken place.	Re-opened.
14/12/20	15/12/20	Y	Woodley Town Councillor	Woodley Town Council Member	Conduct of a fellow councillor during a Council meeting.	<ul style="list-style-type: none"> • Consultation meeting held w/c 6 December. • Councillor given deadline of early January to respond to complaint. 	Complaint referred to subject members' party.