

Agenda Item 9.

TITLE	Update on Complaints and Training Programme
FOR CONSIDERATION BY	Standards Committee on 18 July 2022
WARD	All Wards;
LEAD OFFICER	Monitoring Officer - Andrew Moulton

OUTCOME / BENEFITS TO THE COMMUNITY

To inform and feedback results of the Member Complaints process

RECOMMENDATION

The Committee is asked:-

1. To note the update on complaints and consider any issues arising.
2. To consider the training programme for 2022/23.

SUMMARY OF REPORT

Since the last report on Complaints to the Committee in March 2022, there have been 5 complaints received – four relating to WBC councillors, and one relating to a Town & Parish councillor.

No further action was taken with regards four of the complaints. One complaint (ref T&P1) is subject to investigation and is expected to conclude shortly.

The Committee will note that three complaints related to comments and exchanges on social media. Members are referred to Appendix E of the Code of Conduct which sets out guidance for councillors on the use of social media.

Updates on these 2022/23 complaints can be found at **Appendix A**. The Committee will note that the performance in terms of dealing with two of the complaints was below target as these complaints were received during the period leading up to the May elections when staff were fully occupied in their planning and delivery. Steps will be taken for the same period in 2023 and future years to deal with any complaints received during that period of the year.

At **Appendix B** are details of previously outstanding historic complaints relating to two town & parish councils.

As reported previously to 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 in 2022/23. It was also agreed that the

Monitoring Officer would develop an online training package for use by towns and parishes. This work is ongoing.

As discussed previously, a future focus for the Committee should be the promotion of training for councillors in the Code.

New Members elected to the Council received 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 in March 2022, there have been five 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 current 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 (how does this decision impact on other Council services, including properties and priorities?)

None specific.

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:- <ul style="list-style-type: none"> • 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 – <i>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</i>
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
Member Code of Conduct Complaints 2022/23 (as at 9 July 2022)

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Ref	Date Received	Acknowledged	Within 3 days?	Complainant	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded/ Next steps	Within Performance Timescales
WBC4	19/6/22	20/6/22	Y	Member of public	Wokingham Borough Member	Allegation of bringing the office of councillor into disrepute relating to comments made in a media interview.	Independent Person consultation held on 6/7/22.	6/7/22 No further action.	Y
WBC3	24/5/22	25/5/22	Y	Member of public	Wokingham Borough Member	Alleged disrespect in social media exchanges.	Independent Person consultation held on 9/6/22.	9/6/22 No further action.	Y
T&P1	18/5/22	18/5/22	Y	Member of public	Remenham Parish Council	Conduct relating to election campaign and at Parish Meeting.	Independent Person consultation held on 9/6/22.	Investigation commissioned.	Ongoing
WBC2	28/4/22	28/4/22	Y	Member of public	Wokingham Borough Member	Alleged disrespect in social media exchanges.	Independent Person consultation held on 30/5/22. Meeting delayed due to Monitoring Officer's availability due to other duties associated with elections and change of administration.	30/5/22. No further action.	N
WBC1	30/3/22	30/3/22	Y	Member of public	Wokingham Borough Member	Alleged disrespect in social media exchanges.	Independent Person consultation held on 30/5/22. Meeting delayed due to Monitoring Officer's availability due to other duties associated with elections and change of administration.	30/5/22. No further action.	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)

Appendix B Outcomes of Historic Complaints

Date Received	Acknowledged	Within 3 days?	Complainant	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded/ Next steps
29/11/21	30/11/21	Y	Member of public	Wargrave Parish Council Member	Alleged inappropriate use of information.	Initial assessment completed and consultation meeting held 20/12/21 whereby agreed to commission investigation. Investigators report received 21/3/22.	13/6/22 Member found to be in breach of Wargrave Parish Council Code of Conduct.
16/9/21	17/9/21	Y	Town & Parish Councillor	Woodley Town Council Member	Conduct of a fellow councillor during a Council meeting.	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.	Member to be reported for breach of Woodley Town Council Code of Conduct.
21 /12/20	22/12/20	Y	Town & Parish 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.	Member to be reported for breach of Woodley Town Council Code of Conduct.
14/12/20	15/12/20	Y	Town & Parish Councillor	Woodley Town Council Member	Conduct of a fellow councillor during a Council meeting	Despite a number of requests to the subject member, the councillor concerned has not co-operated with the process	Member to be reported for breach of Woodley Town Council Code of Conduct
13/12/20	15/12/20	Y	Town & Parish Councillor	Woodley Town Council Member	Conduct of a fellow councillor during a Council meeting	Despite a number of requests to the subject member, the councillor concerned has not co-operated with the process	Member to be reported for breach of Woodley Town Council Code of Conduct.
8/10/20	8/10/20	Y	Town & Parish Councillor	Woodley Town Council Member	Conduct of a fellow councillor during a Council meeting	Despite a number of requests to the subject member, the councillor concerned has not co-operated with the process	Member to be reported for breach of Woodley Town Council Code of Conduct.

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