

TITLE Update on Complaints

FOR CONSIDERATION BY Standards Committee on 23 January 2023

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 to note the update on complaints and consider any issues arising.

SUMMARY OF REPORT

Since the last update report to the Committee on 24 October 2022, there have been two new complaints received.

Updates on these 2022/23 complaints can be found at **Appendix A**.

In addition, at **Appendix B** is the latest position regarding historic complaints relating to a town council. In total there were seven outstanding complaints previously reported; four of these have been resolved and the remaining three are with Legal Services for review and action as shown in the report.

Background

One of the roles of the Committee is to monitor the operation of the Member Code of Conduct.

The Committee undertakes this role through the receipt of regular updates from the Monitoring Officer that provides information on the numbers, types, and outcomes of complaints.

The relevant part of the Constitution is 9.1.12 – Process for Considering Code of Conduct Complaints.

On receipt of a complaint, the Monitoring Officer makes an initial assessment and writes a summary of the complaint and then, subject to consultation with an Independent Person, has delegated authority to decide to:-

a) take no action if there is clear evidence that there has been no breach of the Code of Conduct.

b) Resolve the matter informally by asking the Subject Member to:-

i) take part in mediation with the complainant in order to settle the complaint, provided both the Subject Member and the complainant are willing to do so, and/or

ii) make a written apology to the complainant which is acceptable to the Monitoring Officer and the Independent Person, and/or

iii) attend training and/or

iv) correct an entry in the Members' Register of Interests or correct a declaration made;
OR

c) Require a formal investigation and a written investigation report by an Investigating Officer. The investigation report shall conclude whether there has been a breach of the Code of Conduct. Copies of the investigation report will be provided in confidence to the Independent Person, and the Subject Member. OR

d) Refer the complaint to the Standards Committee for a decision on whether options a), b) and c) above should be followed.

Analysis of Issues

See summary of 2022/23 complaints at Appendix A.

The latest position on Woodley Town Council historic complaints is provided at Appendix B.

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

Cross-Council Implications (how does this decision impact on other Council services, including properties and priorities?)

Public Sector Equality Duty
This is an information update 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 12 January 2023)

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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
WBC8	21/11/22	21/11/22	Y	Wokingham Borough Member	Wokingham Borough Member	Allegation concerning posts on social media.	Independent Person consultation held on 19/12/22.	19/12/22 No further action.	Y
WBC7	25/10/22	26/10/22	Y	Wokingham Borough Member	Wokingham Borough Member	Allegation concerning a post on social media.	Independent Person consultation held on 7/11/22.	7/11/22 No further action.	Y
WBC6	23/8/22	23/8/22	Y	Wokingham Borough Member	Wokingham Borough Member	Allegation concerning letter written in lead up to May 2022 elections.	Complaint is at investigation stage and is complete apart from subject member's final responses.	Ongoing	N
WBC5	3/8/22	3/8/22	Y	Officer	Wokingham Borough Member	Allegations of various breaches of the Code pertaining to correspondence.	Independent person consultation held on 27/9/22	18/10/22 Complaint withdrawn	Y
T&P2	25/7/22	27/7/22	Y	Earley TC Councillor	Earley Town Council Member	Allegation of disrespect regarding correspondence.	Independent Person consultation held on 10/8/22.	11/8/22 No further action.	Y
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 conducted.	28/9/22 Finding of no breach following investigation.	N
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

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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 – Woodley Town Council

Date Rec'd	Subject Member	Complainant	Allegation	Status	Outcome
13 Dec 2020	Councillor "C"	Woodley TC member	Conduct of a fellow councillor during a Council meeting.	Acknowledgement made on 14 Dec 2020, initial assessment conducted on 8 Jan which concluded that a short investigation was required which was inconclusive given lack of response from Subject Member.	With Legal Services for final review.
21 Dec 2020	Councillor "A"	Woodley TC member	Conduct of a fellow councillor during an online Council meeting.	Councillor "A" agreed to make apology to complainant. No complaint forthcoming so complaint re-opened however Councillor "A" asserts that he withdrew the remark in question at the meeting and later apologised.	With Legal Services for final review
4 Nov 2021	Councillor "A"	Woodley TC member	Breach of confidentiality in disclosing to the press the outcome of the Sept 21 Hearings Panel.	Monitoring Officer consulted with Chair of Standards Committee and wrote to Councillor "A" on 11 & 17 November 2021 seeking information. Councillor "A" confirmed that one of his witnesses (a journalist) to the Sept 21 Hearing Panel had published the article without his knowledge. Case under review by Legal Services.	With Legal Services for final review.

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