

Agenda Item 17.

TITLE	Update on Complaints
FOR CONSIDERATION BY	Standards Committee on 23 October 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 in July 2023, there have been eight new complaints received.

Detailed updates on 2023/24 complaints can be found at **Appendix A**.

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 2023/24 complaints at Appendix A.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and 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
This is an information update 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
Member Code of Conduct Complaints 2023/24 (as at 13 October 2023)

Ref	Date Received	Acknowledged	Within 3 days?	Complainant	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded/ Next steps	Within Performance Timescales
T&P1	28/9/23	28/9/23	Y	Member of Public	Parish Councillor	Complainant currently clarifying which part(s) of Code they believe have been breached.	At initial assessment stage.	Ongoing	Y
WBC8	18/9/23	18/9/23	Y	Member of Public	Wokingham Borough Councillor	Allegation of breaches of respect, impartiality of officers and disrepute relating to social media post.	Initial assessment of complaint undertaken by MO. Consultation meeting with Independent Person being arranged to decide next steps.	Ongoing	Y
WBC7	25/8/23	25/8/23	Y	Wokingham Borough Councillor	Wokingham Borough Councillor	Allegation of breaches of respect, impartiality of officers and disrepute relating to social media post.	Initial assessment of complaint undertaken by MO. Consultation held with Independent Person on 2 October where it was agreed to undertake a short investigation.	Ongoing	Y
WBC6	27/7/23	28/7/23	Y	Wokingham Borough Councillor	Wokingham Borough Councillor	Allegation of inappropriate language used in an informal meeting which may have breached respect, unlawful discrimination, and disrepute clauses.	Initial assessment of complaint undertaken by MO. Consultation held with Independent Person on 15 August where it was agreed to undertake a short investigation. Investigation concluded one breach of respect clause and finding of no breach of two other clauses.	Finding of breach - Decision Notice published To be reported to Council on 19/10/23	Y
WBC5	12/7/23	13/7/23	Y	Wokingham Borough Councillor	Wokingham Borough Councillor	Allegation of disrepute relating to a post made on social media.	Initial assessment of complaint undertaken by MO. Consultation held with Independent Person on 28 July where it was concluded that there had been no breach of the Code.	28/7/23	Y

WBC4	10/7/23	10/7/23	Y	Member of Public	Wokingham Borough Councillor	Allegation of disrespect shown to complainant at a public meeting of the Council's Executive.	Initial assessment of complaint undertaken by MO. Consultation held with Independent Person on 21 July where it was concluded that there had been no breach of the Code.	21/7/23	Y
WBC3	8/7/23	10/7/23	Y	Wokingham Borough Councillor	Wokingham Borough Councillor x 2	Allegation of disrespect shown to complainant at a public meeting of the Council's Executive.	Initial assessment of complaint undertaken by MO. Consultation held with Independent Person on 21 July where it was concluded that there had been no breach of the Code.	21/7/23	Y
WBC2	7/7/23	8/7/23	Y	Wokingham Borough Councillor	Wokingham Borough Councillor	Allegation of disrespect shown to complainant at a public meeting of the Council's Executive.	Initial assessment of complaint undertaken by MO. Consultation held with Independent Person on 21 July where it was concluded that there had been no breach of the Code.	21/7/23	Y
WBC1	3/7/23	3/7/23	Y	Member of Public	Wokingham Borough Councillor x 2	Allegation of disrespect shown to complainant at a public meeting of the Council's Executive.	Initial assessment of complaint undertaken by MO. Consultation held with Independent Person on 21 July where it was concluded that there had been no breach of the Code.	21/7/23	Y

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)

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