

Agenda Item 25.

TITLE Update on Councillor Code of Conduct Complaints

FOR CONSIDERATION BY Standards Committee on 29 January 2024

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 October 2023, there have been nine new complaints received.

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

This brings the total of complaints received to date in 2023/24 to 18 (17 relating to Wokingham Borough Council and 1 to a parish council). This compares to a total of 12 received in 2022/23. A full analysis of this will be provided in the Committee's Annual Report to be considered at its next meeting on 12 March 2024.

At its last meeting, the Committee asked for more information about Councillor to Councillor complaints, and also whether individuals were submitting multiple complaints. This information is provided in the main body the report.

Background

1. 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.
2. 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

Councillor to Councillor Complaints

3. At its October 2023 meeting, the Committee asked if “there were any patterns regarding Councillor to Councillor complaints along party lines.”
4. During 2023/24 to date, there have been 17 complaints against Wokingham Borough councillors. Of these, 6 (or 35%) were submitted by Borough councillors. There is no discernible pattern with complainants being from more than one political party.
5. One of the criteria in the Constitution (section 9.1.12.4) used by the Monitoring Officer for determining an initial assessment of a complaint relates to its seriousness:-

Seriousness of the complaint – is the complaint trivial, vexatious, malicious, politically motivated, or ‘tit for tat’? Would the resources/cost involved in investigating and determining the complaint be disproportionate to the allegation if proven?

6. In each of the complaints received in 2023/24 from a Councillor, the complaint met the “seriousness” threshold.

Individuals submitting multiple complaints

7. The Committee also asked whether individuals were making multiple complaints. In 2023/24, there was no evidence of this. There was, however, three examples of an incident or event (e.g. a public meeting, and social media posts) leading to multiple complaints from different complainants. This may be one reason why the number of complaints in 2023/24 is higher than in previous years.

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 (on 19 January 2024)

Ref	Date Received	Acknowledged	Within 3 days?	Complainant	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded/ Next steps	Within Performance Timescales
WBC17	18/1/24	18/1/24	Y	Wokingham Borough Councillor	Wokingham Borough Councillor	Allegation that a failure to declare an interest brought the Council into disrepute.	Initial assessment of complaint being undertaken prior to consultation with independent person.	Ongoing	Y
WBC16	16/1/24	16/1/24	Y	Member of Public	Wokingham Borough Councillor	Allegation that social media post breached the Social Media guidance in the Constitution. NB: WBC15 and WBC14 relate to the same post but received from different complainants.	Initial assessment of complaint being undertaken prior to consultation with independent person.	Ongoing	Y
WBC15	16/1/24	16/1/24	Y	Member of Public	Wokingham Borough Councillor	Allegation that social media post breached the Social Media guidance in the Constitution.	Initial assessment of complaint being undertaken prior to consultation with independent person.	Ongoing	Y
WBC14	16/1/24	16/1/24	Y	Member of Public	Wokingham Borough Councillor	Allegation that social media post breached the Social Media guidance in the Constitution.	Initial assessment of complaint being undertaken prior to consultation with independent person.	Ongoing	Y
WBC13	12/1/24	15/1/25	Y	Member of Public	Wokingham Borough Councillor	Allegation that a social media post breached the requirements of "respect."	Initial assessment of complaint being undertaken prior to consultation with independent person.	Ongoing	Y

WBC12	15/11/23	16/11/23	Y	Member of Public	Wokingham Borough Councillor	Allegation that a social media post concerning the Israel Gaza conflict breached the Code. NB: WBC 11 and WBC 10 relate to the same social media post.	Initial assessment of complaint undertaken by MO. Consultation meeting held on 15 November with Independent Person where it was concluded that there had been no breach of the Code.	21/12/23	Y
WBC11	8/11/23	9/11/23	Y	Member of Public	Wokingham Borough Councillor	Allegation that a social media post concerning the Israel Gaza conflict breached the Code.	Initial assessment of complaint undertaken by MO. Consultation meeting held on 15 November with Independent Person where it was concluded that there had been no breach of the Code.	21/12/23	Y
WBC10	8/11/23	8/11/23	Y	Member of Public	Wokingham Borough Council Parish Councillor	Allegation that a social media post concerning the Israel Gaza conflict breached the Code.	Initial assessment of complaint undertaken by MO. Consultation meeting held on 15 November with Independent Person where it was concluded that there had been no breach of the Code.	21/12/23	Y
WBC9	23/10/23	23/10/23	Y	Member of Public	Wokingham Borough Councillor	Allegation of breaches of disrepute and misuse of position relating to social media post.	Initial assessment of complaint undertaken by MO. Consultation meeting held with Independent Person where it was concluded that there had been no breach of the Code.	7/12/23	Y
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.	Following further discussions with the complainant, it was concluded that this was not a Councillor Code of Conduct Complaint and has been forwarded to the parish council to deal with under their complaints policy.	7/11/23 Complaint withdrawn – not a Code of Conduct matter.	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 held on 2 November with Independent Person where it was agreed to undertake a short investigation.	Ongoing	N
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	N
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 Reported to Council on 16/11/23	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)