

# Agenda Item 33.

**TITLE** Update on Councillor Code of Conduct Complaints

**FOR CONSIDERATION BY** Standards Committee on 12 March 2024

**WARD** (All Wards);

**LEAD OFFICER** Chief Executive - Susan Parsonage

## **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 29 January 2024, there has been one new complaint 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**

During 2023/24 to date, there have been 18 complaints against Wokingham Borough councillors. A full analysis of the complaint can be found in the draft Annual Report – see separate agenda item.

## **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             |

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| <b>Other financial information relevant to the Recommendation/Decision</b> |
| None   |

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| <b>Cross-Council Implications</b> (how does this decision impact on other Council services, including properties and priorities?) |
| None specific   |

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|--------------------------------------|
| <b>Public Sector Equality Duty</b>   |
| This is an information update report |

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| <b>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></b> |
| There are no direct implications arising from this report on the Council’s carbon neutral objective   |

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| <b>Reasons for considering the report in Part 2</b> |
| Not applicable.                                     |

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| <b>List of Background Papers</b> |
| None.                            |

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|---------------------------------------|---|
| <b>Contact</b> Andrew Moulton         | <b>Service</b> Governance                       |
| <b>Telephone No</b> Tel: 07747 777298 | <b>Email</b><br>andrew.moulton@wokingham.gov.uk |

**Appendix A**  
**Member Code of Conduct Complaints 2023/24 (on 4 March 2024)**

| Ref   | Date Received | Acknowledged | Within 3 days? | Complainant                  | Subject Member               | Summary of Complaint   | Progress/Conclusion   | Date Concluded/ Next steps | Within Performance Timescales |
|-------|---------------|--------------|----------------|------------------------------|------------------------------|--|---|----------------------------|-------------------------------|
| WBC18 | 19/2/24       | 19/2/24      | Y              | Member of Public             | 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                             |
| 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 undertaken by MO. Consultation meeting held with independent person on 29/1 where it was agreed to commission a short investigation.  | 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.<br><br>NB: WBC15 and WBC14 relate to the same post but received from different complainants. | 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. | 6/2/24                     | 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 undertaken by MO. Consultation meeting held with independent person where it was concluded that there had been no breach of the Code. | 6/2/24                     | Y                             |
| WBC14 | 16/1/24       | 16/1/24      | Y              | Member of Public             | Wokingham Borough Councillor | Allegation that social media post breached the Social Media  | Initial assessment of complaint undertaken by MO. Consultation meeting held   | 6/2/24                     | Y                             |

|       |          |          |   |                  |   |  |  |          |   |
|-------|----------|----------|---|------------------|---|--|--|----------|---|
|       |          |          |   |                  |   | guidance in the Constitution.  | with independent person where it was concluded that there had been no breach of the Code.  |          |   |
| 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 undertaken by MO. Consultation meeting held with independent person where it was concluded that there had been no breach of the Code.                | 2/2/24   | 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. | 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<br>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 – a verbal update will be provided at the meeting.                           | 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 – a verbal update will be provided at the meeting.                           | 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<br><br>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)

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