

MEMBER CONDUCT COMMITTEE – 21ST SEPTEMBER 2020

Report of the Monitoring Officer

Part A

ITEM 5 UPDATE ON COMPLAINTS RECEIVED

Purpose of Report

To provide the Committee with an update on the complaints about breaches of the Code of Conduct that have been received and any issues arising from those complaints.

Recommendation

That the current position in respect of complaints about breaches of the code of conduct that have been received be noted.

Reason

To keep the Committee informed about complaints.

Policy Justification and Previous Decisions

The functions and responsibilities of the Committee set out in the Council's Constitution include determining any complaints that members of the Borough Council or the parish and town councils in the Borough have breached the Code of Conduct. The initial stages of the complaints process are dealt with by the Monitoring Officer and the purpose of this report is to keep the Committee informed of the volume and nature of complaints that are received.

Implementation Timetable including Future Decisions

It is recommended that the Committee receives reports at each meeting about the complaints that have been received.

Report Implications

The following implications have been identified for this report.

Financial Implications

None

Risk Management

No risks have been identified with this decision.

Background Papers: None

Appendix A: List of complaints & actions 2019/20 and 2020/21

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Part B

Summary of Complaints Received to 31st August 2020

1. Since the last meeting of the Committee held on 19th December 2019, and up to 31st August 2020, 12 new complaints have been received, making 9 complaints received in total received during 2019/20, and 6 complaints received to date in 2020/21 (all of which relate to town/parish councillors).
2. For comparative information, the following table summarises complaints received in previous years (including complaints about both Borough and Parish/Town Councillors):

Year	Total Complaints
2012/13 (9 months)	10
2013/14	6
2014/15	21
2015/16	14
2016/17	7
2017/18	10
2018/19	13
2019/20	9
2020/21 (to date)	6

Details of complaints received in 2019/20

Appendix A

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
Borough	3	Fact finding review found that the complaint did not merit further action or investigation	Comments made during a speech at a Council meeting included implied allegations about a fellow Councillor	The comments made fell within the reasonable limits of freedom of political expression		
		Fact finding review found that the complaint did not merit further action or investigation	Various allegations about election campaign activities, failing to declare interests, and making false declarations	Complainant was advised that potential electoral offences need to be reported to the Police. The other issues were considered not to merit further action, and the Independent Person agreed with this		
		Fact finding review found that the complaint did not merit further action or investigation	Allegations about misleading tweets which caused difficulties with the complainant's employment	No breach of the Code of Conduct was identified		
Parish / Town	6	Fact finding review found that the complaint did not merit further action or investigation	Abuse of position by 2 parish councillors to obtain a key to access private land	The actions complained about did not relate to the individuals acting in their capacity as parish councillors		

Details of complaints received in 2019/20

Appendix A

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
		Fact finding review found that the complaint did not merit further action or investigation	The councillor received an anonymous donation into their own bank account, which was then paid to the parish council for a defibrillator	The councillor satisfactorily explained the source of the donation and the reasons why it was paid from their own bank account to the parish council		
		Fact finding review found that the complaint did not merit further action or investigation	Insulting language used by the councillor when speaking to the complainant	The councillor stated that they had no recollection of the incident, and there were no witnesses		
		Investigation found that the councillor had a case to answer – hearing being arranged	Failing to declare a disclosable pecuniary interest and improperly seeking a personal financial advantage			
		Fact finding review found that the complaint did not merit further action or investigation		Disputes over what exactly was said during the meeting, and also even if the councillors did say what was alleged, it was a frank and open exchange of views and was not		

Details of complaints received in 2019/20

Appendix A

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
				disrespectful to the staff concerned		
		Fact finding review in progress	Self-referred complaint by a councillor who considers that the parish council have imposed sanctions without going through a proper process – relates to the councillors interactions with the parish clerk			

Details of complaints received in 2020/21

Appendix A

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
Parish / Town	6	Fact finding review found that the complaint did not merit further action or investigation	Disrespectful response to a Facebook post	No evidence that the response was inappropriate or disrespectful in any way. Also, the Councillor had posted an apology on the site		
		Fact finding review found that the complaint did not merit further action or investigation	Two councillors both 'liked' a Facebook post which seemed to accuse other councillors of wrongdoing	No evidence that what the councillors did was inappropriate or disrespectful in any way		
		Fact finding review found that the complaint did not merit further action or investigation	Dispute over permission to use a bookcase, where the complainant alleges that the councillor spoke loudly and threatened legal action	Investigating the complaint further would not be an effective use of public resources given the minor nature of the issues involved		
		Fact finding review found that the complaint did not merit further action or investigation	Disrespectful treatment of staff in an email following advice given to the councillor about personal	Supported the suggestion of the complainant that training on personal interests should be arranged		

Details of complaints received in 2020/21

Appendix A

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
			interests			
		Fact finding review found that the complaint did not merit further action or investigation	Disrespectful comment made about a 3 rd party (who was not present) during a confidential meeting	Investigating the complaint further would not be an effective use of public resources given the minor nature of the issues involved		
		Fact finding review in progress	Bullying and harassment of a member of staff during a meeting			