

MEMBER CONDUCT COMMITTEE – 20TH SEPTEMBER 2021

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

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Part B

Summary of Complaints Received to 31st August 2021

1. Since the last meeting of the Committee held on 22nd March 2021, and up to 31st August 2021, no new complaints have been received. Therefore 7 complaints were received in total during 2020/21 (all of which related to town/parish councillors), and no complaints have been received so far in 2021/22.
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	7
2021/22 (to date)	Nil

3. For information, a Panel of the Member Conduct Committee met on 4th June 2021 to undertake a hearing into a self-referred complaint from Cllr Howe of Birstall Parish Council. The Panel concluded that Cllr Howe had breached the Code of Conduct of the parish council in that he wrote articles which contained personal comments about the Clerk that a reasonable person would regard as being disrespectful, and the Panel recommended that:
 - Birstall Parish Council should issue a formal letter to Councillor Howe setting out the breach of the Code of Conduct which had been identified. The Panel did not consider that any other sanctions were justified,
 - That Birstall Parish should afford Council Howe the same access to information and support that is afforded to other members of Birstall Parish Council,
 - Given the evidence arising during the investigation suggested that there was some confusion over roles and responsibilities of the Clerk and parish councillors and that there were some questions over issues of transparency, scrutiny and public accountability relating to financial and budgetary matters amongst other things, the Parish Council should consider commissioning an independent Governance Review such as is available from LRALC.

4. Whilst Birstall Parish Council have accepted the first recommendation of the Panel, they indicated that they do not accept the other two recommendations.

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	7	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 found that the complaint did not warrant further action or investigation	Bullying and harassment of a member of staff during a meeting	Audio recording of the meeting showed that the councillor behaved in a measured and calm manner and did not bully the member of staff		
		Fact finding review found that the complaint did not warrant further action or investigation	Negative social media posts about the Parish Council and references to a confidential staffing report	Councillor resigned and it was considered not to be in the public interest to consider the complaint further		