

## MEMBER CONDUCT COMMITTEE – 13TH JUNE 2022

### 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

Officer to Contact: Adrian Ward  
Monitoring Officer  
01509 634573  
[adrian.ward@charnwood.gov.uk](mailto:adrian.ward@charnwood.gov.uk)

Karen Widdowson  
Democratic Services Manager and Deputy Monitoring  
Officer  
01509 634778  
[Karen.widdowson@charnwood.gov.uk](mailto:Karen.widdowson@charnwood.gov.uk)

## Part B

### Summary of Complaints Received to 31<sup>st</sup> May 2022

1. Since the last meeting of the Committee held on 13th December 2021, and up to 31<sup>st</sup> May 2022, 5 new complaints have been received. Therefore 6 complaints were received in total during 2021/22, and 2 complaints have been received so far in 2022/23.
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	6

3. For information, a complainant submitted a complaint about the process that had been followed in dealing with their member conduct complaint, and the Chief Executive commissioned an independent investigator to examine that procedural complaint. Whilst the investigator did not uphold any elements of the complaint they did make a recommendation about clarifying the reporting and publicity arrangements for fact finding reports, and this is therefore the subject of a separate report on the agenda for this meeting.

Details of complaints received in 2021/22

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	2	No further investigation or action merited.	Bias and improper personal interests in 'calling-in' a planning application.	No evidence of any improper actions or motives.		
		No further investigation or action merited.	Bias and improper personal interests in 'calling-in' a planning application.	No evidence of any improper actions or motives.		
Parish / Town	4	No breach of the Code of Conduct identified.	Aggressive, threatening and bullying behaviour.	Investigation found that no breach identified based on balance of probability.		No breach of the Code of Conduct identified
		Actions other than an investigation recommended.	Connected complaint against 2 councillors for bullying, aggressive and hostile behaviour.		Recommended that the relevant council should investigate a prior accusation of bullying by one of the councillors against the complainant, and also should reconsider a previous recommendation	

Details of complaints received in 2021/22

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
					from a Member Conduct Panel to commission an independent governance review.	
		Councillor offered to apologise.	False and unsubstantiated claims made by councillor during a meeting.		Councillor's offer an an apology was satisfactory to the complainant.	
		No further investigation or action merited.	Abusive and bullying behaviour.	Councillor denied the allegations and both parties confirmed there were no witnesses, therefore an investigation would not be justified.		

Details of Complaints Received in 2022/23

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
Borough	1	Fact finding review in progress.	Conflict of interest in relation to an HMO property.			
Parish / Town	1	Fact finding review in progress.	Bullying and intimidating behaviour while chairing a meeting.			