

Report title	Complaints and Compliments about Councillors 2023/2024
Report author	Clare Pinnock – Democratic Services Officer
Department	Law and Governance
Exempt?	No

<p>Purpose of report:</p> <ul style="list-style-type: none"> • For information

<p>Synopsis of report:</p> <p>To provide the Committee with a summary of complaints and compliments received about councillors and co-opted members for the municipal year 2023/24.</p>

1. Context and background of report

- 1.1 It is within the remit of this Committee to have an oversight of the Code of Conduct for councillors and co-opted members of the Council, under Article 8 of the Council’s Constitution.
- 1.2 One of the recommendations emerging from the Committee on Standards in Public Life is to encourage transparency with regard to reporting on matters of conduct, whilst protecting the identity of those involved, unless directed to make such information publicly available. Members are referred to previous reports to this Committee in [January 2019](#), [September 2020](#) and [January 2021](#) which detail our implementation of those recommendations and updates to our Code of Conduct.
- 1.3 The Council operates a separate policy for dealing with [complaints about councillors](#) which is available on our website. Elsewhere on this agenda is a report detailing a new corporate Complaints Policy to be approved which cross-references that process.

2. Report and, where applicable, options considered and recommended

- 2.1 In 2023/24 we recorded 5 complaints about councillors. Two were closed following initial consideration by the Monitoring Officer and three are still open. One was referred for investigation as reported to this Committee for information in March 2024 and is still at the stage of an informal resolution being sought. The investigation has been conducted and the Monitoring Officer is in receipt of the draft report, on which comments have been made and he is awaiting feedback and agreement on the next steps. The other two open complaints are being considered by the Monitoring Officer, one of which it is hoped to bring an informal resolution to in the near future. The other has been consulted on with the Independent Person and is in progress. There are no outstanding complaints from 2022/23 and there were no Hearings in 2023/24 concerning the Code of Conduct.

- 2.2 In accordance with our retention schedule, details of complaints about Councillors are held securely, then destroyed 7 years after a Councillor ceases to hold office.
- 2.3 In 2023/24 we recorded one compliment about two Councillors working together to assist a local resident who took the trouble to telephone us and was very appreciative of the time and energy they spent bringing improvements to their life in the community.

3. Policy framework implications

- 3.1 At its meeting in [April 2024](#) the Council passed a resolution in relation to the LGA campaign 'Debate not Hate'. As a result, we have updated the complaints policy to include a suitable reference to the actions arising from that in relation to councillors and co-opted members.
- 3.2 Officers are working on how best to incorporate this in the complaints processes.
- 3.3 If a Councillor is not satisfied with the process followed to deal with a complaint about them, the Local Government and Social Care Ombudsman (LGO) can investigate complaints from locally elected Councillors where they allege they have suffered a personal injustice because of actions taken by a body in the Ombudsman's jurisdiction. This is because where a Councillor makes a complaint of this type, they are not doing so on behalf of the Council or another public body, but in their own personal capacity. They are also not an employee, governed by a personnel relationship with a Council, where there are legal limits on what the Ombudsman can investigate. The website reflects this and has done since 2023 when this clarification was issued.

4. Resource implications/Value for Money

- 4.1 The records are co-ordinated by an Officer in Law and Governance on behalf of the Monitoring Officer, who, with colleagues in Office Services, also provides administrative assistance to the Monitoring Officer from when a complaint is received to when it is closed and/or determined/resolved.
- 4.2 When a complaint meets the legal and local tests, the services of an independent solicitor may be engaged if it leads to an investigation to which there is a cost attached. There was one investigation involving the independent solicitor in 2023/24.
- 4.3 The Council's Independent person is also consulted and the call on his time can be significant. In 2023/24, the Independent Person has been consulted in relation to two of the cases this year.
- 4.4 We will seek to recruit a further Independent Person during the course of the autumn to supplement the current resource the Council has.

5. Legal implications

- 5.1 Dealing with complaints about councillors and co-opted Members comes under the Localism Act 2011.

6. Equality implications

- 6.1 The Council has a duty under the Equality Act 2010. Section 149 of the Act provides that we must have due regard to the need to;

- a) eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act
- b) advance equality of opportunity
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share protected characteristics.

6.2 We should at all times act in a way that is non-discriminatory through our policies and procedures and interactions with people.

6.3 Extract from the Complaints Policy:

“The Council encourages healthy debate and recognises the important role that Councillors play in our communities. The Council has adopted a robust, zero-tolerance approach to harassment, intimidation or abuse of Councillors and co-opted Members with clear reporting and monitoring mechanisms, and to ensure that the guiding principles of the Local Government Association’s ‘Debate Not Hate’ Campaign are supported by the Protocol for the Management of Unreasonable Complainant Behaviour.”

7. Environmental/Sustainability/Biodiversity implications

7.1 None Identified.

8. Risk Implications

8.1 The risk of not dealing with complaints in a consistent and transparent manner could expose the Council to reputational damage.

9. Other implications

9.1 To comply with data protection legislation, data is anonymised except where it is deemed in the public interest not to.

9.2 We must also have due regard for Human Rights and the right to privacy.

10. Timetable for Implementation

10.1 None.

11. Conclusions

11.1 There were 5 cases in 2023/24 which have been reported on in accordance with our agreed policies and procedures.

12. Background papers

- Exempt correspondence held on Law and Governance files series 66.17.12

13. Appendices

- None.