

## Complaints and Compliments about Councillors 2020 - 2022 (Law and Governance, Clare Pinnock)

### Synopsis of report:

To provide Members with a summary of the complaints and compliments received during 2020-2021 and 2021/2022 concerning elected Councillors and co-opted Members. These cover the municipal years, not calendar years.

### Recommendation(s):

None. This report is for information.

## 1. Context of Report

- 1.1 The Council maintains a spreadsheet of formal complaints about elected Councillors and co-opted Members. It is also published on the Council's website, anonymised, unless a Hearing determines that the matter be considered in public or the remedy for a complaint involves disclosure of the Councillor(s) concerned.
- 1.2 Members will recall that the Committee on Standards in Public Life issued a series of best practice recommendations, one of which concerned the publication of decision notices with regard to matters of conduct which had been determined by this Committee. Officers considered that in the interests of transparency an annual report on complaints would also be appropriate.

## 2. Report

- 2.1 The Council's Complaints Procedure regarding the conduct of Councillors delegates such matters to the Monitoring Officer and/or his Deputy. Guidance on how to make a complaint is published on our website. [Councillors – Runnymede Borough Council](#)
- 2.2 There were 12 entries in the complaints register and 1 compliment recorded for the Municipal Year 2020/2021. For 2021/2022 there were 2 complaints and no compliments recorded.
- 2.3 Providing a detailed breakdown of complaints would inevitably lead to a Councillor being identified. Therefore, it is sufficient to report that the majority of complaints concerned general conduct and the requirement under the Code of Conduct to treat others with respect and not bring their office into disrepute.
- 2.4 There are no open complaints from 2020 – 2022. Most were closed either because no further details were provided by the people making the complaints or it was determined by the Monitoring Officer after consulting the Independent Person that no further action was required.

- 2.5 There were no Hearings in 2020/2021 or 2021/2022. However, this is not to say that complaints do not illustrate lessons to be learned. For example, Members need to be very careful in their use of social media so as not to be misinterpreted or engage in lengthy debate, which, by its nature can become personal and detract from their duties as a Councillor. One incident can lead to a number of complaints about it and about the Councillor(s) involved. For example, in 2020/2021 there were 6 complaints about the same person and incident. In 2021/2022 there was a complaint from several people about one incident. In this case the Monitoring Officer decided to have one lead complainant. Following investigation this was resolved by the Councillor issuing an apology to the Council.
- 2.6 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.
- 2.7 There was one compliment received during 2020/2021. This was from residents about the Councillors received by the former Mayor, Councillor Sohi, and shared with Runnymede Foodbank, with whom a number of Councillors volunteered (and still do), and staff for assistance given during the pandemic and lockdown.
- 3. Policy framework implications**
- 3.1 The Complaints policy and procedures are reviewed regularly to ensure they are proportionate and accessible. No amendments to the policy were considered necessary in 2020/2021, save for the decision to close open complaints where no further details had been received from someone after prompting and a period of 4 weeks since the complaint is first lodged, as explained below.
- 3.2 Complaints are regarded as 'out of time' if a complaint is made about a Councillor and the person does not follow it up after 4 weeks with any further details that would suggest an investigation might be appropriate.
- 3.3 Officers would view four weeks as being a reasonable period of time for someone to provide follow up information in respect of a complaint. If there were a reasonable reason why information was not provided within four weeks e.g. serious illness, then the complaint could be reopened.
- 3.4 By recording complaints on the system which are not being investigated because no actual details have been provided can distort the statistical data that the Council holds. However, the register on the website clearly shows where a complaint has been closed and why.
- 3.5 Members will recall that best practice recommendation 7 was that local authorities should have access to at least 2 independent persons. Owing to the pandemic and pressure of other work we have not yet been able to advertise for a second independent person. However, arrangements for this are in hand and we are confident to have a second person in place this summer.

#### 4. **Resource implications**

- 4.1 The registers are co-ordinated by an Officer in Law and Governance on behalf of the Monitoring Officer, who 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 is deemed worthy of investigation, and meets the legal and local tests, the services of an independent solicitor are engaged to which there is a cost attached. In 2020/2021, there were no investigations involving the independent solicitor and there was one case investigated in 2021/2022.
- 4.3 The Council's Independent person is also consulted and the call on his time can be significant. In 2020/2021 he was involved in three cases and in 2021/2022 he was consulted once.
- 4.4 Plans to recruit a second Independent person were delayed by the Pandemic. However, it is hoped to issue an advertisement shortly so that this position can be filled.

#### 5. **Equality implications**

- 5.1 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) to advance equality of opportunity
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share protected characteristics.

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

- 5.2 In 2020/2021 and 2021/2022 there were no specific allegations relating to protected characteristics and the Code of Conduct, with which Councillors and co-opted Members are required to comply is underpinned by the Equality Act.

#### **(For information)**

#### **Background papers**

The Complaints and Compliments Registers held on the Council's feedback drive and relevant (part exempt) emails on the Council's outlook system.