

Complaints about Councillors 2022 – 2023 (Law and Governance, Clare Pinnock)

Synopsis of report:

To provide Members with a summary of the complaints and compliments received during 2022-2023 concerning elected Councillors and co-opted Members. This covers the municipal year, not calendar year.

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 which is currently in the process of being updated to include a template form that people can fill in and send to the Monitoring Officer and Democratic Services.
- 2.2 There were 5 entries in the complaints register for 2022/2023.
- 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 is one open complaint from 2022/2023. The Monitoring Officer is giving this consideration. The other four complaints were closed because no further details were provided by the people making the complaints, it was determined by the Monitoring Officer that no further action was required and in the last case, the complaint had been dealt with under a different process.

2.5 There were no Hearings in 2022/2023 concerning the Code of Conduct.

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.

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 2022/2023. However, we have made some changes to the process and narrative on the website to reflect the fact that 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.

3.2 We have also created a separate complaints form which people can complete if they wish to make a complaint about a Councillor which routes directly to the Monitoring Officer and Democratic Services staff. This asks people to indicate which part of the Code of Conduct they feel has been potentially breached and what outcome they are seeking. All the fields are 'required' and whilst they do need to give their name, they can opt to remain anonymous, and this will be discussed with them when their form is received.

3.3 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.

3.4 Members will recall that best practice recommendation 7 was that local authorities should have access to at least 2 independent persons. Officers have plans in hand to re-advertise this role, as we currently only have one such independent person in post.

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 2022/2023 there were no investigations involving the independent solicitor.

4.3 The Council's Independent person is also consulted and the call on his time can be significant. In 2022/2023 he was not called on.

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 2022/2023 there were no specific allegations relating to protected characteristics. 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.