BABERGH AND MID SUFFOLK DISTRICT COUNCILS

TO:	**Joint Audit and Standards Committee**	**REPORT NUMBER: JAC/21/3**
FROM:	**Monitoring Officer**	**DATE OF MEETING: 26 July 2021**
OFFICER:	**Emily Yule, Monitoring Officer**	**KEY DECISION REF NO. N/A**

REPORT FROM THE MONITORING OFFICER

1. PURPOSE OF REPORT

1.1 The report provides the Committee with an update on Code of Conduct complaints received or determined since the last time that such complaints were reported to the Committee.

2. OPTIONS CONSIDERED

2.1 The Monitoring Officer is required by the constitution to regularly report complaints to the Joint Audit and Standards Committee.

3. RECOMMENDATION

3.1 That the Code of Conduct Complaints monitoring information contained in Paper JAC/20/16 be noted.

3.2 That the Code of Conduct Complaints Monitoring Report be reported to Joint Audit and Standards Committee on an annual basis.

3.3 That the Committee outlines any further information that should be included in the Annual Report.

4. KEY INFORMATION

4.1 This report covers complaints received in the 4 months from 19 March 2021 to 12 July 2021. The complaints are listed in the table below along with the previous complaints that were previously reported to Committee.

BDC		
	Previous Complaints (01.11.2020 – 18.03.2021)	**Current Complaints** (19.03.2021 – 12.07.2021)
No. of complaints received	45	11
No. of complaints against district councillors	10	6
No. of complaints against parish councillors	35	5
No. of complaints upheld	7	4
No. of findings of no breach	20	4
No. of complaints where complaint is referred to the police	0	0
No. of complaints pending decision	18	3

MSDC		
	Previous Complaints (01.11.2020 – 18.03.2021)	**Current Complaints** (19.03.2021 – 12.07.2021)
No. of complaints received	5	3
No. of complaints against district councillors	1	1
No. of complaints against parish councillors	4	2
No. of complaints upheld	0	0
No. of findings of no breach	2	0
No. of complaints where complaint is referred to the police	0	0
No. of complaints pending decision	3	3

4.2 The Monitoring Officer and Deputies continue to receive a high number of enquiries for pre-complaint advice and from Town and Parish Councils requesting procedural and governance advice especially during the Covid-19 pandemic. Where there have been large numbers of complaints from a Council, the Deputy Monitoring Officer has provided extra support. Queries regarding informal advice are being recorded to monitor the volume and nature of the enquiries and to ensure that all respondents are providing consistent advice.

4.3 In the Babergh District 4 complaints were upheld since 19.03.2021. The details of the type of complaint and the outcome have been detailed below:

Complaint Number	Details of Complaint	Recommendation
1	Non-declaration of pecuniary interest	That the Councillor update their register of interests and undertake training on their responsibilities as a Councillor within 3 months.
2	Failure to treat others with respect	That the Councillor does not make similar comments & that an apology is made to the affected parties.
3	Failure to treat others with respect	That the Councillor does not make similar comments & that an apology is made to the affected parties.
4	Non-declaration of interest	That the Council re-examine the item without the subject of the complaint being present, and that the Council as a whole undertakes training.

4.4 The Monitoring Officer recommends to the Committee (para 3.2) that in future an annual review of Complaints is prepared instead of the quarterly report. The reporting is proposed to be in line with the council year (May-April) and would be reported at the following meeting in July. This is to provide the Committee with a more holistic view of complaints as the investigations often transcend the reporting periods.

4.5 To ensure that the annual report provides value to the Committee, Members are asked under recommendation 3.3 to outline what further information should be included in the annual report.

5. LINKS TO CORPORATE PLAN

5.1 To provide public confidence and legitimacy to the decision-making process that underpins all decisions that are made by the Council that support the priorities identified in the Corporate Plan.

6. FINANCIAL IMPLICATIONS

6.1 There are no direct financial implications arising from this report.

7. LEGAL IMPLICATIONS

7.1 Under the Localism Act 2011, the Monitoring Officer is required to establish a local code of conduct for councillors and to investigate complaints made relating to breaches of that code.

8. RISK MANAGEMENT

8.1 Key Risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Complaints are not handled promptly	2 - Unlikely	1 - Minimal	Monitoring of complaints, clear complaints procedure
Decisions are not sound	2 - Unlikely	3 - Bad	Apply adopted procedures, consult with the independent person

9. CONSULTATIONS

9.1 Where appropriate the Monitoring Officer is required to consult the Independent Person when considering Code of Conduct complaints.

10. EQUALITY ANALYSIS

10.1 Equality Impact Assessment (EIA) not required.

11. ENVIRONMENTAL IMPLICATIONS

12.1 There are no environmental implications associated with this report.

12. APPENDICES

Title	Location
None	None

13. BACKGROUND DOCUMENTS

13.1 None.