

BABERGH AND MID SUFFOLK DISTRICT COUNCILS

TO:	Joint Audit and Standards Committee	REPORT NUMBER: JAC/21/22
FROM:	Monitoring Officer	DATE OF MEETING: 28 March 2022
OFFICER:	Emily Yule, Monitoring Officer	KEY DECISION REF NO. N/A

CODE OF CONDUCT COMPLAINTS MONITORING REPORT

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 the report be noted.

4. KEY INFORMATION

- 4.1 The Monitoring Officer receives and investigates code of conduct complaints made about Councillors. These complaints are allocated to either the Monitoring Officer or one of the two Deputy Monitoring Officers and are processed in accordance with the adopted code of conduct complaints procedure. An initial assessment is made of the complaint to establish whether or not the code of conduct is engaged. If the complaint is valid, the Monitoring Officer will write to the Councillor who is the subject of the complaint to ask for their response. The Monitoring Officer will then decide whether the complaint can be determined or whether further investigation is required. Councillors will normally be informed whenever a complaint is made about them unless there is good reason not to inform them. Complaints cannot be made anonymously unless the complainant is able to demonstrate that they may be at risk of harm if anonymity was not granted.
- 4.2 The Councils have appointed a number of Independent Persons, with whom the Monitoring Officer is required to consult before making a finding of a breach of the code. In practice the Independent Persons are often consulted at a number of stages in the complaints process.
- 4.3 This report covers complaints received in the period from 17 November 2021 to 11 March 2022. The complaints are listed in the tables below along with the complaints from the previous period that have already been reported to Committee.

4.4 Information relating to Babergh District Council

Babergh		
	Previous Complaints (13.07.2021 – 16.11.2021)	Current Complaints (17.11.2021 – 11.03.2022)
No. of complaints received	6	15
No. of complaints against district councillors	1	0
No. of complaints against parish councillors	5	15
No. of complaints upheld	1	2
No. of findings of no breach	5	8
No. of complaints where complaint is referred to the police	0	0
No. of complaints pending decision	0	5

4.4.1 There has been a significant increase in the number of town and parish council complaints received compared to the last period, however this is the result of multiple complaints about the same issue in two cases. The complaints that were not upheld tended to relate to issues that are outside of the remit of the Monitoring Officer or scope of the code of conduct. In one case the Councillor resigned before the complaint could be investigated.

4.4.2 Two complaints were upheld and the Councillors were found to be in breach of the code of conduct. The recommended sanctions were as follows:

Complaint Number	Details of Complaint	Recommendation
1	Failure to treat others with respect	No recommendation as the subject of complaint had apologised ahead of the investigation's conclusion.
2	Bullying and harassment	That the Councillor apologise for their actions and undergo further Code of Conduct training.

4.5 Information relating to Mid Suffolk District Council

Mid Suffolk		
	Previous Complaints (13.07.2021 – 16.11.2021)	Current Complaints (17.11.2021 – 11.03.2022)
No. of complaints received	12	4
No. of complaints against district councillors	1	0
No. of complaints against parish councillors	11	4
No. of complaints upheld	7	1
No. of findings of no breach	5	3
No. of complaints where complaint is referred to the police	0	0
No. of complaints pending decision	0	0

4.5.1 Conversely, there was a decrease in the number of complaints received in the Mid Suffolk area for this period. However, this is linked to there being eight complaints about a single issue in the previous period.

4.5.2 One complaint was upheld:

Complaint Number	Details of Complaint	Recommendation
1	Conflict of interests.	The Councillor was issued with a formal warning regarding disclosure of interests.

4.6 Informal advice and assistance

4.6.1 The Monitoring Officer and team have received a high number of informal enquiries from parish clerks and members of the public in the last period. These relate to issues such as casual vacancies, registers of interests and informal advice on conduct issues. There has also been a large number of queries about parish council procedure rules and access to information held by parish councils which are outside of the Monitoring Officer's remit to investigate.

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 No public consultation was required for this report.

10. EQUALITY ANALYSIS

10.1 Equality Impact Assessment (EIA) is not required for this report.

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.