

BABERGH and MID SUFFOLK DISTRICT COUNCIL

TO: Joint Audit and Standards Committee	REPORT NUMBER: JAC/21/37
FROM: Monitoring Officer	DATE OF MEETING: 28 November 2022
OFFICER: Ifty Ali – Monitoring Officer	KEY DECISION REF NO. N/A

ANNUAL COMPLAINTS MONITORING REPORT 2021/22

1. PURPOSE OF REPORT

- 1.1 This report provides the committee with an overview of the Code of Conduct complaints received or determined over the last annual period.

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. RECOMMENDATIONS

- 3.1 That the Code of Conduct complaints monitoring information contained in Paper JAC/22/21/37 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 the Deputy Monitoring Officer 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 the Code of Conduct complaints received in the 12 months between 1 May 2021 and April 30th 2022 across both the Babergh and Mid Suffolk District.

OVERVIEW

4.4 In total, the Monitoring Officer received 53 Code of Conduct complaints against Babergh and Mid Suffolk Councillors at both District level and Town and Parish level between 1st May 2021 and 30th April 2022.

4.5 The below table details the outcomes of these complaints:

Number of complaints upheld	16
Number of complaints dismissed	33
Number of complaints withdrawn	4

4.6 Where complaints have been upheld, the Monitoring Officer has issued an appropriate recommendation to the subject of the complaint detailing the actions that should be taken in response to the details of the complaint. This recommendation letter is sent to both the subject of the complaint and the complainant.

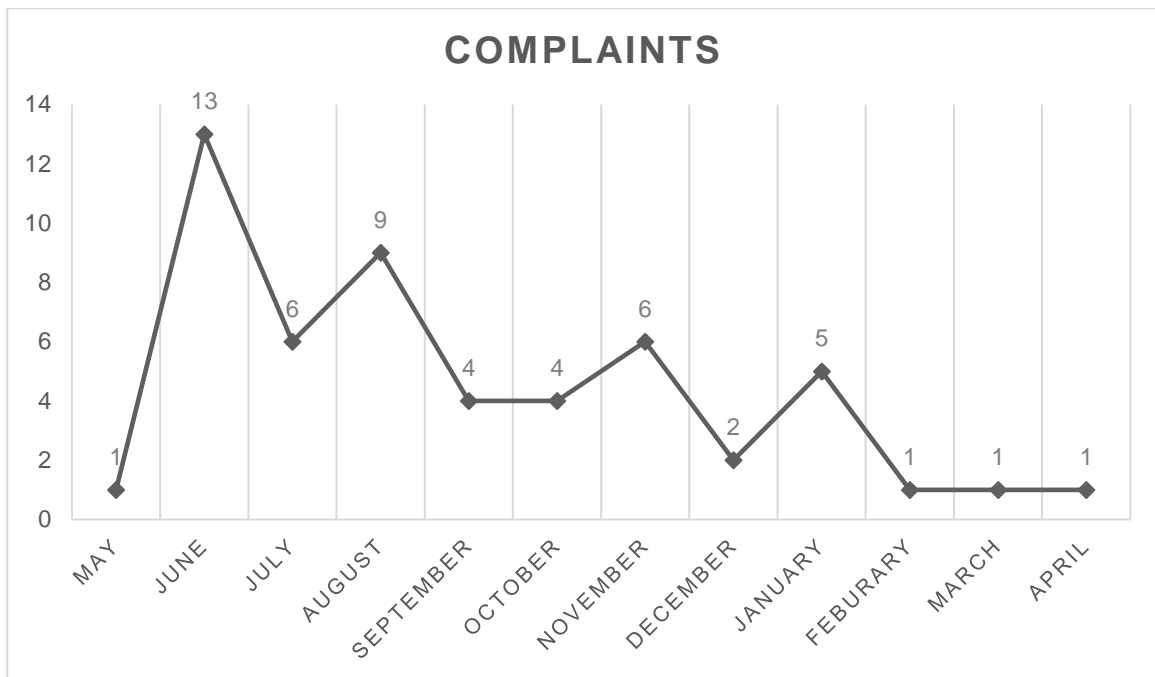
4.7 Where complaints have been dismissed, this is often because the complaint details fall outside of the Monitoring Officer's investigative remit or there are no instances of a clear and identifiable breach of the Code of Conduct.

4.8 Where complaints have been withdrawn, this withdrawal has been made by the complainant for a number of reasons. For the 4 complaints withdrawn within this time period the reasonings for doing so are listed in the table below:

Complaint	Reason for withdrawal
1	Not enough evidence to support the complaint
2	No longer wanted to proceed with the complaint
3	Councillor resigned before investigation could be completed
4	Councillor resigned before investigation could be completed

4.9 For this monitoring period, it has taken the Monitoring Officer on average 34.1 working days to make a determination on a Code of Conduct complaint. This time spans from the day that the complaint form is received to the day that the recommendation letter is distributed to the complainant and the complaint subject. This falls within our allocated time for detailing with a complaint as detailed in our complaints procedure of 54 working days. Some complaints, however, do take longer than this to resolve due to the nature of the complaint details.

4.10 Throughout the year the number of complaints that we receive varies. An identifiable trend is that we received less complaints in the run up and immediate follow on to the new electoral year. The chart below details the variations in complaint submissions:



4.11 Complainants can file a complaint under 4 different identity categories – these are: Clerk, Councillor, Officer and Public. The below table details the distribution of these 53 complaints in relation to the complainant identity type:

Complainant Identity	Number of complaints
Clerk	0
Councillor	12
Officer	1
Public	40

4.12 Complainants can file a complaint under 10 different issues. The below table details the distribution of these 53 complaints in relation to the complaint category:

Complaint Category	Number of complaints
Bringing the Council into disrepute	18
Bullying, harassment, and discrimination	9
Disclosure of confidential information	0
Lack of impartiality	0
Misuse of local authority resources	0
Misuse of position	6

Non-declaration of gifts and hospitality	0
Non-declaration of interests	8
Not treating others with respect	10
Not code of conduct	2

BABERGH DISTRICT

- 4.13 The below tables detail the complaints received in relation to Babergh District Council and the Town and Parish Councils within this district:

Number of complaints received	33
Number of complaints upheld	8
Number of complaints dismissed	22
Number of complaints withdrawn	3
Number of complaints referred to police	0

	Babergh District	Town and Parish
Number of complaints received	2	31
Number of complaints upheld	1	7

- 4.14 The complaints received concerning Councillors at Town and Parish level encompassed 8 different Councils. These were: Acton, Brantham, Brent Eleigh, Great Cornard, Hadleigh, Lavenham, Long Melford, and Pinewood.

- 4.15 The below table details the 1 complaint upheld against a Babergh District Councillor:

#	Complaint Category	Complainant	Time Taken	Recommendation
1	Not treating others with respect	Officer	23 Days	That the Councillor issues a formal written apology

- 4.16 The below table details the 7 complaints upheld against Town and Parish Councillors in the Babergh District:

#	Complaint Category	Complainant	Time Taken	Recommendation
1	Not treating others with respect	Public	57 Days	No recommendation as the Councillor had apologised ahead of the investigation's conclusion.
2	Bullying and harassment	Councillor	18 Days	That the Councillor undergoes further training.
3	Not treating others with respect	Public	66 Days	No recommendation as the Councillor had apologised ahead of the investigation's conclusion.
4	Not treating others with respect	Public	66 Days	No recommendation as the Councillor had apologised ahead of the investigation's conclusion.
5	Not treating others with respect	Councillor	64 Days	No recommendation as the Councillor had apologised ahead of the investigation's conclusion.
6	Not treating others with respect	Councillor	62 Days	No recommendation as the Councillor had apologised ahead of the investigation's conclusion.
7	Non-disclosure of interests	Public	23 Days	That the Councillor undergoes further training.

4.17 Complaints 3 through to 6 in the above table detail multiple complaints made against 1 Councillor regarding 1 single issue.

MID SUFFOLK DISTRICT

4.18 The below tables detail the complaints received in relation to Mid Suffolk District Council and the Town and Parish Councils within this district:

Number of complaints received	20
Number of complaints upheld	8
Number of complaints dismissed	11
Number of complaints withdrawn	1
Number of complaints referred to police	0

	Mid Suffolk District	Town and Parish
Number of complaints received	2	18
Number of complaints upheld	0	8

4.19 The complaints received concerning Councillors at Town and Parish level encompassed 8 different Councils. These were: Barham, Battsford, Bramford, Cotton, Drinkstone, Felsham, Hessett, and Wattisfield.

4.20 The below table details the 8 complaints upheld against Town and Parish Councillors in the Mid Suffolk District:

#	Complaint Category	Complainant	Time Taken	Recommendation
1	Bringing the Council into disrepute	Public	32 Days	That the Councillor apologises at the next Council meeting.
2	Bringing the Council into disrepute	Public	31 Days	That the Councillor apologises at the next Council meeting.
3	Bringing the Council into disrepute	Public	30 Days	That the Councillor apologises at the next Council meeting.
4	Bringing the Council into disrepute	Councillor	29 Days	That the Councillor apologises at the next Council meeting.
5	Bringing the Council into disrepute	Public	26 Days	That the Councillor apologises at the next Council meeting.
6	Bringing the Council into disrepute	Public	26 Days	That the Councillor apologises at the next Council meeting.
7	Bringing the Council into disrepute	Public	26 Days	That the Councillor apologises at the next Council meeting.
8	Non-disclosure of interests	Public	21 Days	The Councillor was issued with a formal warning

4.21 Complaints 1 through to 7 in the above table detail multiple complaints made against 1 Councillor regarding 1 single issue.

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 When 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

- 11.1 There are no environmental implications associated with this report.

12. APPENDICES

Title	Location
None	None

13. BACKGROUND DOCUMENTS

13.1 None.

14. REPORT AUTHORS

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