

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

TO: Joint Audit and Standards	REPORT NUMBER: JAC/23/05
FROM: Monitoring Officer	DATE OF MEETING: 31 st July 2023
OFFICER: Ifty Ali – Monitoring Officer	KEY DECISION REF NO. N/A

ANNUAL COMPLAINTS MONITORING REPORT 2022/23

1. PURPOSE OF REPORT

- 1.1 This report provides the Committee with an overview of the code of conduct complaints that have been received and determined over the last municipal year.
- 1.2 Whilst the matters of each code of conduct complaint is confidential, this report provides general details of the complaints received over the last year so trends in reporting can be identified and assessed by 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. An annual report is brought before Councillors at the first committee meeting of every municipal year.

3. RECOMMENDATIONS

- 3.1 That the annual code of conduct complaints monitoring information contained in Paper JAC/23/05 be noted.

4. KEY INFORMATION

- 4.1 The Monitoring Officer receives and investigates code of conduct complaints made against Councillors at both District and Parish level. Upon receipt of a complaint, an initial assessment is carried out to establish whether or not the code of conduct is engaged in the situation detailed by the complainant. If the complaint is considered valid, it is allocated to either the Monitoring Officer or the Deputy Monitoring Officer and is processed in accordance with our adopted code of conduct complaints procedure (Appendix A).
- 4.2 Once a complaint is deemed valid, the Monitoring Officer will contact the Councillor who is the subject of the complaint for a response. The subject member has 14 working days in which to submit their response. This response is not required for the Monitoring Officer to come to a conclusion on the complaint and it is the subject member's own prerogative to respond or otherwise. The subject member will receive full details of the complaint made against them which includes the name of the complainant unless anonymity has been awarded.

- 4.3 The Councils have appointed 5 Independent Persons, as agreed upon by both Councils in September 2022, with whom the Monitoring Officer is required to consult before making a finding of a breach of the code. The Independent Persons will assess the investigation conducted and ensure that the Monitoring Officer has followed procedure when assessing the complaint. It is common practice that the Independent Persons will also be consulted at a number of different stages in the complaints process.
- 4.4 Once a decision has been made, the Monitoring Officer will contact both the complainant and the subject member with a decision notice. The Monitoring Officer may also inform others of the decision reached at their discretion. This decision notice will detail the outcome of the complaint and the sanctions imposed on the complaint subject, if any. The Monitoring Officer's decision on a code of conduct complaint is final and there is no right of appeal against the decision reached.
- 4.5 This report covers the code of conduct complaints received and determined within the last 12 months between 1st May 2022 and 30th April 2023 across both Babergh and Mid Suffolk.

OVERVIEW

- 4.6 In total, the Monitoring Officer received 36 code of conduct complaints against Councillors in Babergh and Mid Suffolk at both District and Town / Parish level between 1st May 2022 and 30th April 2023.
- 4.7 The below table details the outcomes of these 36 complaints:

Number of complaints upheld	8
Number of complaints dismissed	19
Number of complaints where code was not engaged	9
Number of complaints withdrawn	0

- 4.8 The below table details at what stage of the complaints handling procedure each complaint was determined at:

Full Investigation	26
Initial Assessment	10

- 4.9 Where complaints have been upheld and a breach in the code has been identified, the Monitoring Officer has issued appropriate sanctions, if necessary, to the subject member detailing the actions that should be taken to resolve the issues identified. These sanctions are also communicated to the complainant and occasionally the Clerk if the complaint subject is a Parish Councillor.

- 4.10 Where complaints have been dismissed, the Monitoring Officer has found no identifiable breach in the code of conduct. This decision can be made after a complaint goes through an initial assessment or after being processed through a full investigation. Often times, the Monitoring Officer will receive complaints about Councillors where the code is not engaged or it is outside their remit to investigate the issues detailed. If appropriate, and with the complainant's consent, the Monitoring Officer will pass along complaints that do not fall within their remit to the appropriate Officers / department to investigate.
- 4.11 If a complaint is determined at the initial assessment stage, the subject member will often not be informed of the complaint made against them unless there are exceptional reasons for making them aware.
- 4.12 For this annual period, the Monitoring Officer has taken on average 43.2 working days to make a determination on a code of conduct complaint. This duration includes the day that the complaint is received and the day that the decision notice is communicated to the subject member and the complainant. This falls within our allocated investigation time of 49 working days as detailed within our code of conduct complaints procedure.
- 4.13 10 complaints investigated within this period have taken longer than 49 working days to determine. Over the last year, a change in Monitoring Officer, prolonged staff absence, and the relocation of staff resources to assist with the delivery of the 2023 Local Election has caused unavoidable delays to the handling of some code of conduct complaints. The Monitoring Officer at West Suffolk District Council has assisted with the investigation of longstanding complaints when needed.
- 4.14 Complainants can file a complaint under 4 different identity categories. These are Clerk, Councillor, Officer, and a member of the public. The below table details the distribution of these 36 complaints in relation to the complainant identity type:

Complainant Identity	Number of Complaints
Clerk	1
Councillor	16
Officer	0
Member of the Public	19

- 4.15 Complainants can file a code of conduct complaint under 10 different categories. These categories are informed by the local code of conduct and the main areas in which a Councillor is susceptible to breach the code. Complainants have the ability to identify more than one category in their code of conduct complaint and the Monitoring Officer will investigate the issue detailed against all the potential categories of breach identified.

4.16 The below table details the distribution of these 36 complaints in relation to the complaint category:

Complaint Category	Number of Complaints
Bullying, Harassment and Discrimination	3
Complying with the Code of Conduct	0
Confidentiality / Access to Information	4
Declaration of Interests	2
Disrepute	6
Gifts and Hospitality	0
Impartiality of Officers of the Council	1
Respect	13
Use of Position	7
Use of Local Authority Resources / Facilities	0

BABERGH DISTRICT

4.17 The following section provides details of the complaints submitted to the Monitoring Officer between 1st May 2022 and 30th April 2023 that relate to Babergh District Councillors and Parish Councillors within Babergh District.

4.18 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	30
Number of complaints upheld	8
Number of complaints dismissed	15
Number of complaints where code was not engaged	7
Number of complaints withdrawn	0

	Babergh District	Town and Parish
Number of complaints received	11	19
Number of complaints upheld	6	2

4.19 The complaints received concerning Town and Parish Councillors encompassed 9 different Councils. These were: Claydon and Whitton, East Bergholt, Great Waldingfield, Hadleigh, Hessest, Sproughton, Sudbury, Tattingstone, and Wattisfield.

4.20 The below table details the 6 complaints upheld against Babergh District Councillors:

#	Category	Complainant	Days	Recommendation
1	Not treating others with respect	Councillor	13	Subject advised to apologise at next meeting
2	Bringing the Council into disrepute	Councillor	22	Subject advised to apologise at next meeting
3	Bullying and harassment	Councillor	190	Subject advised to apologise at next meeting
4	Not treating others with respect	Public	46	Subject advised to apologise at next meeting
5	Not treating others with respect	Councillor	47	Subject advised to apologise at next meeting
6	Not treating others with respect	Councillor	45	Subject advised to apologise at next meeting

4.21 Complaint 3 took a significant amount of time to reach a conclusion. This is due to the complaint being taken before the Suffolk Joint Standards Board for investigation which only happens in exceptional circumstances. Issues arose with the scheduling of the meeting and proceedings had to be postponed two times before a final date was settled leading to a lengthy investigation time.

4.22 Complaints 4 to 6 in the above table details multiple complaints made against 1 Councillor regarding 1 single issue.

4.23 The table on the following page details the 2 complaints upheld against Town and Parish Councillors in the Babergh District:

#	Category	Complainant	Days	Recommendation
1	Non-disclosure of interests	Councillor	31	Subject instructed to undergo further training
2	Not treating others with respect	Councillor	34	Subject instructed to undergo further training

MID SUFFOLK DISTRICT

4.24 The following section provides details of the complaints submitted to the Monitoring Officer between 1st May 2022 and 30th April 2023 that relate to Mid Suffolk District Councillors and Parish Councillors within Mid Suffolk District.

4.25 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	6
Number of complaints upheld	0
Number of complaints dismissed	4
Number of complaints where code was not engaged	2
Number of complaints withdrawn	0

	Mid Suffolk District	Town and Parish
Number of complaints received	0	6
Number of complaints upheld	0	0

4.26 The complaints received concerning Town and Parish Councillors encompassed 3 different Councils. These were: Bramford, Great Bricett, and Stonham Aspal.

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 the code.

8. RISK MANAGEMENT

8.1 Key risks are set out below:

Key Risk Description	Likelihood	Impact	Key Mitigation Measures
Complaints are not handled promptly	2	2	Monitoring of complaints, clear complaints procedures, weekly caseload meetings
Decisions are not sound	1	3	Updated code of conduct, strict complaints handling procedure, consultation with the Independent Persons

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 for this report.

10.2 Complainants are required to fill in Equality Monitoring Questions as part of the official code of conduct complaints form to ensure all complaints are being dealt with equally.

11. ENVIRONMENTAL IMPLICATIONS

11.1 There are no environmental implications associated with this report.

12. APPENDICES

Title	Location
(a) Code of Conduct Complaints Procedure	Attached

13. BACKGROUND DOCUMENTS

13.1 N/A.

14. REPORT AUTHORS

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