

## BABERGH AND MID SUFFOLK DISTRICT COUNCILS

<b>TO:</b>	<b>Joint Audit and Standards Committee</b>	<b>REPORT NUMBER: JAC/23/20</b>
<b>FROM:</b>	<b>Interim Monitoring Officer</b>	<b>DATE OF MEETING: 29 January 2024</b>
<b>OFFICER:</b>	<b>Janice Robinson</b>	<b>KEY DECISION REF NO. N/A</b>

### CODE OF CONDUCT COMPLAINTS BI-ANNUAL MONITORING REPORT

#### 1. PURPOSE OF REPORT

- 1.1 The report provides the Committee with an update on the Councillor Code of Conduct complaints that have been received or determined between 1<sup>st</sup> May 2023 and 1<sup>st</sup> December 2023.

#### 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 Interim Monitoring Officer receives and investigates code of conduct complaints made about Councillors. These complaints are allocated to either the Interim 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 Interim Monitoring Officer will write to the Councillor who is the subject of the complaint to ask for their response. The Interim 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 is not granted.
- 4.2 The Councils have appointed a number of Independent Persons, with whom the Interim Monitoring Officer is required to consult before making a determination on the complaint. In best 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 1<sup>st</sup> May 2023 to 1<sup>st</sup> December 2023.

#### 4.4 Information relating to Babergh District Council

<b>Babergh</b> (01.05.2023 - 01.12.2023)	
No. of complaints received	13
No. of ongoing complaints still pending decision on 1 <sup>st</sup> May 2023	6
No. of complaints against District Councillors	7
No. of complaints against Parish Councillors	12
No. of complaints upheld	2
No. of findings of no breach	12
No. of instances of the code not engaged	3
No. of complaints still pending decision	2

- 4.4.1 Of the 19 complaints received and investigated, 11 were submitted by members of the public, 6 by other Councillors at both District and Parish level, and 2 by officers at the Council.
- 4.4.2 In regard to the 12 complaints where no breaches in the code were identified, 1 complaint was dismissed upon receipt, 1 was dismissed after an initial assessment into the complaint, and 10 dismissed at the conclusion of an informal investigation.
- 4.4.3 All 3 complaints where it was determined that the code was not engaged were dismissed upon receipt due to the contents of the complaint failing to meet the threshold test that is applied to all complaints before the official process begins.
- 4.4.4 For the 2 complaints that were upheld, 1 complaint subject was instructed to undergo further training in relation to equality, diversity, and inclusion (ED&I) and 1 complaint subject was instructed to appear before the Suffolk Joint Standards Board Sub-Committee. The meeting of this Sub-Committee is still yet to take place at the time of this report being presented to the Joint Audit and Standards Committee.

#### 4.5 Information relating to Mid Suffolk District Council

<b>Mid Suffolk</b> (01.05.2023 – 01.12.2023)	
No. of complaints received	5
No. of ongoing complaints still pending decision on 1 <sup>st</sup> May 2023	0
No. of complaints against District Councillors	2
No. of complaints against Parish Councillors	3
No. of complaints upheld	2
No. of findings of no breach	2
No. of instances of the code not engaged	1
No. of complaints pending decision	0

- 4.5.1 Of the 5 complaints received and investigated, 3 were submitted by members of the public, 1 by other Councillors at District level, and 1 by the Clerk of the Parish Council relating to the complaint.
- 4.5.2 In regard to the 2 complaints where no breaches in the code were identified, 1 complaint was dismissed upon receipt, and 1 was dismissed at the conclusion of an informal investigation.
- 4.5.3 For the 1 complaint where it was determined that the code was not engaged, this was dismissed upon receipt due to the contents of the complaint failing to meet the threshold test that is applied to all complaints before the official process begins.
- 4.5.4 For the 2 complaints that were upheld, 1 complaint subject was instructed to apologise at the next appropriate meeting, and 1 complaint subject was advised to apologise to the complainant via email.

#### 4.6 Informal advice and assistance

- 4.6.1 The Interim Monitoring Officer and their team have received a moderate 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.

### 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 Councils 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:

<b>Risk Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation</b>
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

11.1 There are no environmental implications associated with this report.

## 12. APPENDICES

<b>Title</b>	<b>Location</b>
None	None

## 13. BACKGROUND DOCUMENTS

13.1 None.

## 14. REPORT AUTHORS

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