

<b>SUBJECT:</b>	Complaints Monitoring Report 2017/18
<b>REPORT OF:</b>	Monitoring Officer
<b>RESPONSIBLE OFFICER</b>	Joanna Swift
<b>REPORT AUTHOR</b>	Joanna Swift
<b>WARD/S AFFECTED</b>	None

### 1. Purpose of Report

This report informs the Committee about complaints received by the monitoring officer during financial year 2017/18 that members have breached the code of conduct.

### RECOMMENDATION

**That the complaints information for 2017/18 is noted**

### 2. Reasons for Recommendations

It is good practise for the Council to review the complaints received about members on a regular basis and consider any action required to address issues raised.

### 3. Content of Report

- 3.1 The Committee monitors complaints on an annual basis due to the historically low number of complaints made against elected and co-opted members of local authorities in South Bucks District.
- 3.2 As the Committee is aware from 1 July 2012 the responsibility for assessing, investigating and hearing complaints about member conduct was passed to principal councils under the Localism Act 2011, together with the discretion to adopt local arrangements. The Council adopted a light touch Complaints Procedure which has been reviewed regularly and was revised by the Committee in 2017. The current procedure is attached at Appendix 1. This sets out a 3 stage approach to handling complaints following an initial assessment to check that the complaint concerns a serving member acting in their official capacity and discloses a potential breach of the code of conduct:-
- Stage 1 - the subject councillor is given the opportunity to respond to the allegation and to make suggestions to resolve to complaint
  - Stage 2 – if the complainant remains dissatisfied, the monitoring officer decides in consultation with the Independent Persona and Chairman of the Committee whether the complaint should be referred for investigation, having regard to the criteria adopted by the Council
  - Stage 3 - if the decision at Stage 2 is to investigate the monitoring officer will appoint an Investigating Officer to conduct the investigation and prepare a report for consideration by the Hearings Sub-Committee

3.3 Although the Localism Act removed the responsibility for South Bucks District Council to ensure high standards of conduct amongst town and parish councils in the district, any complaints that town or parish councillors may have breached their council’s code of conduct are also dealt with under this complaints procedure.

3.4 Historically the number of formal complaints about councillors in South Bucks District has been low. However, there has been an increasing number of complaints about SBDC councillors in the last 2 financial years, together with an increase in complaints about town/parish councillors in the last financial year. The number of complaints received in 2017/18 are shown in the following Table, together with the comparison for 2016/17. It should be noted that 7 of the complainants in 2017/18 (4 against SBDC councillors and 3 against town/parish councillors) were from the same complainant and 4 related to the consideration of the same planning applications

Authority	2017/18	2016/17
SBDC	4	3
Town/Parishes	5	1
Total	9	1

3.5 In addition to the number of complaints received, it is useful to consider the type/nature of the allegations being made and this is shown in the table below. Members should note that complainants often make multiple allegations and therefore individual complaints will be recorded in more than one category.

Nature of Allegation	Number of Allegations	
	Towns/parishes	SBDC
a) Failure to treat others with respect/bullying	4	
b) Bringing the Council into disrepute	4	4
c) Using position for personal advantage	2	4
d) Failure to register a pecuniary interest		
e) Failure to disclose a pecuniary interest/withdraw from meeting		
f) Failure to register a non-pecuniary interest	1	1
g) Other	4*	3*

\* Failure to provide leadership by personal example

\* Failure to exercise independent judgment

\* Failure to account for actions by supporting the Council’s scrutiny function

3.6 In terms of complaint handling 1 complaint about town/parish councillor was rejected at the initial assessment as not disclosing a potential breach of the code. The remaining 8 complaints were considered by the monitoring officer at Stage 2. One of the complaints was

referred for investigation (which is on-going) and no further taken on other 7. The reasons for deciding not to refer the complaints for investigation were based on the following Stage 2 assessment criteria:-

- no breach of the code was identified
- the complaint concerned or was really about dissatisfaction with a Council decision or policy rather than a breach of the Code of Conduct
- the event/s or incident/s took place more than 6 months prior to the date of complaint being received or where those involved were unlikely to remember the event/s or incident/s clearly enough to provide credible evidence.
- the complaint was such that it is unlikely that an investigation would be able to come to a firm conclusion on the matter and where independent evidence was likely to be difficult or impossible to obtain
- the subject Member offered a satisfactory remedy to the complainant (for example by apologising)
- having regard to the nature of the complaint and the level of its potential seriousness, the public interest in conducting an investigation did not justify the cost of such an investigation
- Where the allegation disclosed a potential breach of the Code of Conduct but it was considered that the complaint was not serious enough to warrant any further action and:
  - (i) the Member and Officer resource needed to investigate and determine the complaint was wholly disproportionate to the matter complained about; or
  - (ii) in all the circumstances there was no overriding public benefit or interest in carrying out an investigation

3.7 Whilst the number of complaints has increased this remains at a relatively low level (5%) of the number of councillors in the district at 169. However, the monitoring officer will consider a refresher on standards of behaviour and the principles of conduct in public life in future training for members.

#### **4. Consultation**

Not applicable.

#### **5. Options**

The Committee has the option of requesting more frequent reports or the provision of different statistical information in order to assist with their monitoring role.

#### **6. Corporate Implications**

Financial - None

Legal – As set out in the report

Risks issues – None

Equalities - None

**7. Links to Council Policy Objectives**

Whilst there is no direct link to the Council's main objectives the monitoring of complaints contributes to ensuring good governance.

<b>Background Papers:</b>	None except those referred to in the report
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