

SUBJECT	Complaints Monitoring Report 2018/19
RELEVANT MEMBERS	Councillor David Anthony, Chairman of Audit and Standards Committee
RESPONSIBLE OFFICER	Joanna Swift, Monitoring Officer
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WARD/S AFFECTED	None

1. Purpose of Report

This report informs the Committee about complaints received by the monitoring officer during financial year 2018/19 that members have breached the code of conduct.

RECOMMENDATIONS

- 1. That the complaints information for 2018/19 is noted**
- 2. That the Committee consider amending paragraph 8 of the Code of Conduct to remove the reference to Policy Advisory Groups.**

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. Part 8 of the code could be ambiguous in that it refers to decisions and actions taken by PAGs. However PAGs are not decision making bodies, rather they give advice and/or views to Portfolio Holders in order to inform the Portfolio Holders recommendations to Cabinet. In view of this ambiguity it is recommended that reference to PAGs in paragraph 8 is removed.

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 Person 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 overall number of formal complaints about councillors in South Bucks District has been low. However, over the last 2 financial years there have been an increasing number of complaints about SBDC councillors. The complaints about town/parish councillors (which in 2017/18 related to a particular planning application) have reduced slightly in the last year. The following Table shows the number complaints received in 2018/19, together with the comparison for 2017/18.

Authority	2018/19	2017/18
SBDC	6	4
Town/Parishes	4	5
Total	10	9

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	3	1
b) Bringing the Council into disrepute		2
c) Using position for personal advantage		
d) Failure to register a pecuniary interest		
e) Failure to disclose a pecuniary/prejudicial interest and withdraw from meeting		1
f) Failure to register a non-pecuniary interest		
g) Other*	1	4

*Details of the other allegations are as follows:

- Failure to act in accordance with council rules on the use of the resources of the council for private or political purposes
- Failure to exercise independent judgement, taking decisions for good and substantial reasons
- Failed to show leadership to the council and local communities
- Failure to account for actions and support the Council's scrutiny functions
- Failure to ensure the Council acted within the law

3.6 It should be noted that 5 of the complaints about SBDC councillors in 2018/19 related in some way to the Council's proposed development of the car park in Station Road, Gerrards Cross. Four of the complaints were assessed at Stage 1 as disclosing no potential breach of the Code and one was determined as requiring no further action at Stage 2. With regard to complaints against town/parish councillors, 3 related to one parish council and are being assessment at Stage 2. One complaint was dealt with at Stage 1.

3.7 In determining that no further action be taken on one complaint the deputy monitoring officer identified a need to consider clarifying the circumstances when a district councillor has a prejudicial interest under paragraph 8 of the code. Part 8 of the code could be ambiguous in that it refers to decisions and actions taken by PAGs. However PAGs are not decision making bodies, rather they give advice and/or views to Portfolio Holders in order to inform the Portfolio Holders recommendations to Cabinet. As such no decisions or actions are taken by PAGs. When looking at the Local Authorities (Model Code of Conduct) England) Order 2001 (2001 No. 3575) the Model Code of Conduct does not refer to PAG's only to Committees, Sub-Committees, Joint Committees or Joint Sub-Committees which are decision making bodies. Therefore in view of this ambiguity it is recommended that reference to PAGs in paragraph 8 is removed.

3.8 Whilst the number of complaints has increased slightly this remains at a relatively low level (6%) of the number of councillors in the district at 169.

4. Consultation

The Committee may wish to consider wider consultation with members on the proposal to change paragraph 8 of the code of conduct.

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. The Committee can decide not make changes to the code of conduct, suggest alternative wording or recommend that further guidance on paragraph 8 of the code is included in the Council's Code of Conduct Guide for Members.

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.

8. Next Steps

Any change to the code of conduct will need to be approved by Full Council.

Background Papers:	None except those referred to in the report
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