

Complaints Received by the Monitoring Officer - Update

Monitoring Officer: Angela Watson, Lead Specialist (Legal)
Lead Officer: As above
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Purpose of Report

The Committee is asked to note the following report of complaints received by the Monitoring Officer during the period 1st August 2017 to 30th November 2018.

Public Interest

Any complaints under any code of conduct applying to elected members in South Somerset (at District, Town or Parish level) are considered by the District Council's Monitoring Officer in consultation with the Independent Persons. It is important that the Committee consider what cases have been dealt with and, where action has been requested, that it be followed up. This report summarises the complaints that have been received by the Council's Monitoring Officer since the last update. Although there are now very limited sanctions that can be applied should any breach of the code of conduct be established, it is still important that there remains a route through which such concerns can be considered.

Recommendation

That the Committee:

- 1) Approves the revision to the complaints process document as set out at Appendix B; and
- 2) Notes the remainder of the report.

Background

Under the current standards regime, all complaints are now considered in the first instance by the Monitoring Officer who, in consultation with the Independent Persons as necessary, decides what action (if any) should be taken.

The whole focus of the complaints process is on reaching a local settlement wherever possible and that any action taken and time spent on complaints is proportionate. The process actively engages with the councillor complained about at the outset, as they are given details of the complaint and invited to make comments and respond to any allegations. All this is then taken into consideration before making a decision on the appropriate outcome.

Whilst the decision on what action should be taken rests with the Monitoring Officer, she meets where appropriate with the Independent Persons first to discuss the case.

Latest Position

From 1st August 2017 to 30th November 2018, the Monitoring Officer received 18 complaints, the overwhelming majority of which relate to town or parish councillors. There have also been numerous other "matters" raised by the public about the behavior of local councils and their members, but these have been dealt with outside of the Code of Conduct process as they have been classed as "Not Code" at the outset.

The table attached as Confidential Appendix A is a summary of the complaints received and the stage they have reached.

The Monitoring Officer will verbally update the Committee on individual cases, if required.

Proposed revision to Complaints Process

The majority of the complaints received during this update period were made in relation to town and parish councils, and half of these were made either by one councillor against another or by the clerk against a councillor. However, in most cases there was little or no evidence provided to demonstrate that the town or parish council had attempted to resolve matters before the complaint was submitted to the Monitoring Officer.

Assessing and investigating a complaint involves spending public money, as well as costing officer and member time. It is therefore proposed that no complaint of the type described above will go beyond the 'Preliminary Stage' unless the complaint is accompanied by evidence that the Council has itself taken steps to attempt to resolve the dispute. If such evidence is not provided or forthcoming, the complaint may be held in abeyance whilst such steps are taken or may be rejected.

Financial Implications

There are no financial implications of this report.

Council Plan Implications

None

Carbon Emissions and Climate Change Implications

None from this report.

Equality and Diversity Implications

Any printed material relating to the process for complaining about the conduct of councillors is available in large type and other languages as required. The guidance material and complaint form is regularly reviewed, and the Monitoring Officer checks how well the form is completed when used and also records any issues raised about the accessibility of the forms and process.

Other Implications

There are no other implications. The processes referred to in this report have been carried out having regard to the current guidance, relevant regulations, the obligations under the Data Protection Act 1998, The Human Rights Act 1998 and the Regulation of Investigatory Powers Act 2000.

Background Papers: *None other than author's own case papers used to compile the report.*
