



Classification : Open

Item No.

Meeting:	Standards Committee
Meeting date:	12 October 2020
Title of report:	Member Complaints – Annual Report 2019/20
Report by:	Interim Monitoring Officer
Decision Type:	Non Key Decision
Ward(s)	All

Executive Summary:

At the meeting of Full Council on 9 September 2020 a written question was asked regarding numbers of complaints against elected members. Based upon available records, this report provides details as to complaints received pursuant to the Code of Conduct for Councillors and Other Voting Representatives, including 'informal' queries regarding compliance with the Code and other matters, during the period 1 January 2019 to 30 September 2020.

It is recommended that this matter become an annual report to the Committee to assist it in carrying out its function of promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives' and Monitoring the operation of the Members' Code of Conduct and Council's arrangements.

Recommendation(s)

That:

1. The contents of the report are noted.

2. That the Constitution be amended to provide for the Standards Committee to receive an annual report on member complaints.
3. The committee thanks the Independent person Valerie Bracken for her work in supporting the Monitoring Officer when dealing with complaints.

Background

1. In 2012, the Council adopted a Code of Conduct for Councillors and Other Voting Representatives ('the Code') and agreed a complaints procedure for dealing with such complaints. The Monitoring Officer as Proper Officer has delegated responsibility to receive and deal with complaints regarding failures to comply with the Code.
2. The role of "independent person" was created by the Localism Act 2011. This Act requires all local authorities to adopt a code of conduct for their elected members and to appoint at least one independent person to assist the Council in dealing with complaints that the code of conduct may have been breached.
3. The current independent Person in Bury is Valerie Bracken. She was appointed in December 2017 and pursuant to the Act and therefore the Council's complaints procedure, she is consulted by the Monitoring officer for her views as to whether complaints merit investigation or other course of action or whether they should be rejected. The criteria for rejection and consideration of investigation or informal resolution are set out within the complaints procedure.
4. The role and function of the Standards Committee includes; 'Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives' and 'Monitoring the operation of the Members' Code of Conduct and Council's arrangements.'
5. The Committee also has delegated authority to ensure compliance throughout the Council with all appropriate Codes of Conduct and procedures from time to time determined by this Committee.
6. At the meeting of Full Council on 9 September 2020 a written question was asked regarding numbers of complaints against elected members. This report provides details as to complaints received during the period 1 January 2019 to 30 September 2020. The details are also based on the available information and is potentially not a complete record of all complaints received. It is proposed to recommend that the Standards Committee receive an annual report on member complaints and the Constitution be amended accordingly.
7. The Monitoring Officer has delegated responsibility to act as Proper Officer to deal with complaints for failure to comply with the Code and receives complaints from members of the public, officers and other elected members. These can range from issues regarding declarations of interest, to conduct in meetings and on social media. Many are also a mixture of issues or concerns.

8. The name of the complainant and the subject member remain confidential unless a Standards Committee hearings panel makes a decision, which can include publication of its findings, a recommendation of censure or it involves the Leader or Group leader.
9. The Table below sets out details of the numbers of complaints received over the period 1 January 2019 and 30 September 2020, based upon the records and information available.

Complainant	2019	2020	Total
Public	6	14	20
Council Officers	0	0	0
Bury Councillors	2	6	8
Total			28
Action Taken			
Formal Investigations			3
informal compliance queries			4
Finding of No Breach or resolved by agreement			18
Referred to Standards Committee			1
Complaint withdrawn			1
Pending			4

Recommendation(s)

That:

1. The committee notes the contents of the report.
2. That the Constitution be amended to provide for the Standards Committee to receive an annual report on member complaints.
3. That the committee thanks the Independent person Valerie Bracken for her work in supporting the Monitoring Officer when dealing with complaints.

Community impact / Contribution to the Bury 2030 Strategy

There is no direct community impact but will assist with correct governance and decision making.

Equality Impact and considerations:

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

Assessment of Risk:

Risk / opportunity	Mitigation
N/a	.

Consultation: N/A

Legal Implications:

Local authority decision making is always open to challenge and scrutiny. It is important that decisions are properly and appropriately made by elected members following the relevant code.

The Council is determined to provide excellent local government for the people of the Borough. It promotes and maintains high standards of conduct by Members and Co-opted Members and has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011. Members and co-opted Members must behave according to the highest standards of personal conduct in everything they do as a Member. In particular they must observe the 7 principles of public life as well as those matters set out in the Council’s Code of Conduct.

This reports builds on those principles and provides the Standards Committee with information to enable it to fulfil its role.

Financial Implications:

There are no financial implications.

Report Author and Contact Details:

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Background papers:

Code of Conduct for Councillors and Other Voting Representatives.