

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Monitoring Officer	Report Number: JAC24
To: Joint Audit and Standards Committee	Date of meeting: 3 March 2014

COMPLAINTS MONITORING REPORT

1. Purpose of Report

1.1 To report on Code of Conduct complaints received or determined in the last quarter.

2. Recommendation

2.1 That the content of this report be noted.

3. Financial Implications

3.1 No direct costs have been incurred in the handling of complaints.

4. Risk Management

4.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Complaints are not handled promptly.	Low	Negligible	Monitoring of complaints
Decisions are not sound	Low	Significant	Apply adopted procedures

5. Consultations

5.1 Usually an 'independent person' appointed under the Localism Act 2011 has been, or will be, consulted on each complaint.

6. Equality Analysis

6.1 Not relevant to this report

7. Shared Service / Partnership Implications

7.1 The same processes are applied across both Councils.

8. Key Information

8.1 Complaint Ref 37211 – Tostock Parish Council

8.1.1 Two complaints were made that Councillor “A” of the Tostock Parish Council had been involved in a serious road traffic accident which resulted in charges of dangerous driving being brought by the Police. Both complaints arose from the same incident.

8.1.2 The Deputy Monitoring Officer investigated these complaints and came to the conclusion that at all material times Councillor “A” was acting in their private capacity when the road traffic accident occurred. Accordingly Councillor “A” could not be in breach of the Tostock Parish Council’s Code of Conduct in relation to this accident. On 6 December 2013 the complainants were advised as to the Deputy Monitoring Officer’s decision. This complaint has now been closed.

8.2 Complaint Ref: 38203 – Bentley Parish Council

8.2.1 A complaint was made that Councillors “B”, “C”, “D” and “E” of Bentley Parish Council had prevented access to information to which parishioners are entitled by law. The information requested and allegedly not provided relates to allotments proposed in the parish. A complaint was also made arising from the same incidents against the clerk of Bentley Parish Council.

8.2.2 The Monitoring Officer is arranging consultation with the independent person in accordance with the standards complaints procedure regarding the complaints against Councillors “B”, “C”, “D” and “E”. The complaint against the parish clerk was referred back to the complainant as the Code of Conduct applies to members of the council. The Monitoring Officer will provide an update at the next meeting of the committee.

8.3 Complaint Ref: 38204 – Mid Suffolk District Council

8.3.1 A complaint was made that Councillor “F” of Mid Suffolk District Council has acted in breach of the Code of Conduct. The complaint concerns alleged conduct at a meeting of the council. The Monitoring Officer, in accordance with the standards procedure rules, requested Councillor “F” to provide a response to the complaint. An update will be provided to members at the next committee meeting.

8.4 Complaint Ref: 38205 – Babergh District Council

8.4.1 A complaint was made about Councillors “G” and “H” of Babergh District Council in respect of their role in the consideration of a planning application. The Monitoring Officer is arranging consultation with the independent person in accordance with the standards complaints procedure regarding the complaints against Councillors “G”, and “H”.

9. Appendices

None.

10. Background Papers

Complaint files.

Authorship:

Esther Thornton
Corporate Manager Legal & Monitoring Officer

Esther.thornton@babbergh.gov.uk
01449 724679/ 01473 825729

Jonathan Reed
Senior Solicitor and Deputy Monitoring Officer

Jonathan.reed@midsuffolk.gov.uk
01449 724677

h:\docs\committee\reports\joint audit & standards\2013\030314-complaints - 03 14.doc