

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Monitoring Officer	Report Number: JAC7
To: Joint Audit and Standards Committee	Date of meeting: 1 July 2013

COMPLAINTS MONITORING REPORT

1. Purpose of Report

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

2. Recommendations

2.1 That the content of this report be noted.

The Joint Committee is able to resolve this matter

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	Ensure adopted procedures are applied

5. Consultations

An 'independent person' appointed under the Localism Act 2011 has 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 34929 – Wortham and Burgate Parish Council

- 8.1.1 A complaint was received from a member of the public that a Wortham and Burgate Parish Councillor (Councillor 'X') failed to comply with the Suffolk Local Code of Conduct in relation to issues concerning (i) the grazing of horses on the Common Land at Little Green, Burgate and (ii) the collection and distribution of wood from the Common Land.
- 8.1.2 A detailed investigation of these allegations was conducted by the Deputy Monitoring Officer including enquiries of both Councillor 'X' and of the Clerk to the Wortham and Burgate Parish Council. In the course of those investigations it became apparent that Councillor 'X' was not acting as a Parish Councillor in relation to these matters, but as the 'Common Reeve' of the Common Land at Little Green, Burgate. A 'Common Reeve' carries out the duties to manage and in effect "police" the Common Land in question. It is an ancient role dating back to medieval times.
- 8.1.3 Consequently, the Deputy Monitoring Officer was able to be satisfied that when Councillor 'X' dealt with the issues complained about Councillor 'X' was acting in a private capacity i.e. as a Common Reeve rather than as a Parish Councillor. Therefore anything said or done by Councillor 'X' could not amount to a breach of the Suffolk Local Code of Conduct.
- 8.1.4 The decision has been issued to the complainant and to Councillor 'X' and the matter has now been closed.

8.2 Complaint Ref: 35328 – Mid Suffolk District Councillor

- 8.2.1 The complainant was a member of the public who had objected to a planning application and also written to the local Member of Parliament to set out their concerns over the application. The M.P responded to say that the letter would be passed to their local district councillor (Councillor 'Y') to respond. At the same time Councillor 'Y' was sent a copy of the letter. Several months later a complaint was made under the Suffolk Local Code of Conduct alleging that Councillor 'Y':-
- (i) had failed to contact the complainant as indicated by the M.P
 - (ii) had referred to the complainant in a rude, dismissive and derogatory manner at the Parish Council meeting at which the application was discussed by saying that a letter had been received from the complainant but they had "not bothered to read half of it"
 - (iii) had spoken in favour of the application at the Planning Committee rather than raising, what the complainant considered to be, various errors of fact and procedure in the application.
- 8.2.2 Details of the complaint and response from Councillor 'Y' were reviewed by an 'independent person' from the County wide pool of persons appointed to consider standards related complaints following which it was concluded that:-
- (i) whilst the complainant may have had an expectation out of courtesy in light of the M.P's response that contact would be made, this would not amount to disrespectful behaviour for the purposes of the Code of Conduct

- (ii) even if the allegations were capable of amounting to a breach of the Code of Conduct, which was not proven, the complaint was not sufficiently serious to warrant any action being taken
- (iii) it was not the role of the local ward councillor to present the arguments of any one individual to the Planning Committee and the complaint could not give rise to a breach of the Code of Conduct

8.2.3 The decision has been issued to the complainant and to Councillor 'Y' and the matter has now been closed.

8.3 Complaint Ref 35906 – Babergh District Councillor

8.3.1 A member of the public complained that Councillor 'Z' had spoken on a planning application at a Development Committee and:-

- (i) allowed those in attendance to (incorrectly) believe that Councillor 'Z' was representing the Parish Council and proceeded to express views contrary to those of the Parish Council
- (ii) promoted the Developer in their speech

8.3.2 Having secured a copy of the Committee attendance log and secured information from officers present, it was clear that Councillor Z had been introduced and spoken as the local ward member for the parish in question and not as a Parish Council representative. Further, the comments of Councillor 'Z' concerned the quality of homes built by the developer which was a view the Councillor was entitled to express.

8.3.3 Consequently, there was no breach of the Code. The complaint has been closed.

9. **APPENDICES**

None

10. **Background Papers**

- Complaint files

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