

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Monitoring Officer	Report Number: JAC51
To: Joint Audit and Standards Committee	Date of meeting: 16 March 2015

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

Usually 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: 39333– Shotley Parish Council and Babergh District Council

- 8.1.1 A complaint was made that Councillor “A” of Shotley Parish Council and Councillor “B” of Babergh District Council failed to declare disclosable pecuniary interests in breach of the Code of Conduct. The Monitoring Officer is awaiting the outcome of the investigation by the Suffolk Constabulary.

8.2 Complaint Ref: 37211 – Tostock Parish Council

- 8.2.1 A total of 4 different complainants made allegations that Councillor “C” of the Tostock Parish Council had breached the Code of Conduct in relation to a criminal conviction Councillor “C” received. The complainants’ main allegation was that this Councillor was acting in an official capacity when what was a serious criminal offence was committed. Councillor “C” vociferously denied that this was the case and presented evidence that the offence was committed by Councillor “C” while acting in a private capacity. Such was the strength of feeling on both sides that the Deputy Monitoring Officer was not able to determine this issue either way.
- 8.2.2 After consultation with the Independent Person it was decided to take no action in relation to this aspect of the complaint as it was not felt that the position was likely to be clarified to any greater or significant extent through a more detailed formal investigation.
- 8.2.3 Additional allegations were made that Councillor “C” had at various times behaved in a rude and bullying manner which had upset other Parish Councillors and members of the public. As with the allegation mentioned in 8.2.1 above, upon enquiry the Deputy Monitoring Officer was unable to establish the veracity of such allegations as there were strong allegations made by all sides and by independent witnesses.
- 8.2.4 Again, after consultation with the Independent Person it was decided to take no action in relation to these complaints as it was not felt that the position was likely to be clarified to any greater or significant extent through a more detailed formal investigation given the complete inconsistency between the recollections of the relevant parties.
- 8.2.5 All parties have been advised of the outcome of these enquiries.

8.3 Complaint Ref: 38808 – Felsham Parish Council

- 8.3.1 A complaint was made that Councillor “D” had upset a fellow Councillor by claiming that the other Councillor had shown disrespect to the Parish Clerk and had closed a Parish Council meeting without allowing that other Councillor a chance of answering the charge. An allegation was also made that the animosity raised caused a member of the public attending the meeting to verbally abuse the complainant.
- 8.3.2 Following enquiries and after consultation with the Independent Person the Deputy Monitoring Officer decided to take no action in relation to this complaint as it was not felt that the actions complained about constituted a breach of the Suffolk Local Code of Conduct.
- 8.3.3 Both parties have been advised of the outcome of these enquiries.

8.4 Complaint Ref: 38480 – Stowupland Parish Council

- 8.4.1 A series of complaints were made in relation to a total of four Stowupland Parish Councillors, Councillors “E”, “F”, “G” and “H”. Councillor “E” resigned shortly after the Deputy Monitoring Officer received the complaints and so enquiries were only made in relation to the activities of Councillors “F”, “G” and “H”. The issue was complicated by the fact that a total of 4 complainants made complaints against the three Councillors but 3 of the complainants were Stowupland Parish Councillors complaining about the actions of fellow Councillors.

- 8.4.2 Although a great number of issues were raised, in essence all the complaints were in connection with the Stowupland Village Green and issues concerning the access to the Green. The complaints also all made allegations concerning the interaction of all the Councillors complained about and how they treated each other.
- 8.4.3 Upon detailed and lengthy enquiry and after consultation with the Independent Person the Deputy Monitoring Officer decided to take no action in relation to any of these complaints as it was extremely doubtful that any of the actions complained about actually constituted a breach of the Suffolk Local Code of Conduct. Also, it was not felt that the position was likely to be clarified to any greater or significant extent through a more detailed formal investigation.

8.4.4 All parties have been advised of the outcome of these enquiries.

8.5 Complaint Ref: 38943 - Tostock Parish Council

- 8.5.1 Two different complainants (a husband and wife) made allegations that Councillor "I" of the Tostock Parish Council had breached the Code of Conduct in relation to the behaviour of Councillor "I" at Parish Council meetings and other meetings in the village of Tostock.
- 8.5.2 Upon detailed and lengthy enquiry and after consultation with the Independent Person the Deputy Monitoring Officer decided to take no action in relation to these two complaints as it was extremely doubtful that any of the actions complained about actually constituted a breach of the Suffolk Local Code of Conduct. Also, it was not felt that the position was likely to be clarified to any greater or significant extent through a more detailed formal investigation given the complete inconsistency between the recollections of the relevant parties.

8.5.3 All parties have been advised of the outcome of these enquiries.

8.6 Complaint Ref: 39107 - Beyton Parish Council

- 8.6.1 Complaints were made by one complainant against all six Beyton Parish Councillors, Councillors "J", "K", "L", "M", "N" and "O". Councillors "J", "K" and "L" resigned shortly after the Deputy Monitoring Officer received the complaints and so enquiries were only made in relation to the activities of Councillors "M", "N" and "O".
- 8.6.2 The complainant alleged that procedural irregularities had occurred at a Parish Council meeting and that all the then Beyton Parish Councillors were responsible for these irregularities.
- 8.6.3 Upon a detailed and lengthy enquiry and after consultation with the Independent Person the Deputy Monitoring Officer decided to take no action in relation to any of these complaints.
- 8.6.4 It became clear that two of the Parish Councillors complained about, Councillors "N" and "O" had only been named in their capacity as Beyton Parish Councillors and for no other reason. No evidence existed that they had in any way either caused or contributed to any procedural irregularities at the Parish Council meeting. As such there was no doubt that they had not breached the Suffolk Local Code of Conduct.

8.6.5 The case against Councillor “M” was on a different footing to the other Councillors complained about as Councillor “M” as at all material times the Chairman of the Parish Council. Having said that there was no evidence that Councillor “M” had done anything other than to carry out the proper conduct of a Parish Council meeting in the normal way. As such it was extremely doubtful that any of the actions complained about actually constituted a breach of the Suffolk Local Code of Conduct and so it was decided to also take no action against Councillor “M”.

8.6.6 All parties have been advised of the outcome of these enquiries.

8.7 Complaint Ref: 39330 - Tostock Parish Council

8.7.1 A complaint was made that Councillor “P” of the Tostock Parish Council refused to undertake Councillor training and acted in a confrontational way towards the Chairman of the Parish Council and the Parish Clerk.

8.7.2 Following enquiries and after consultation with the Independent Person the Deputy Monitoring Officer decided to take no action in relation to this complaint as it was extremely doubtful that the actions complained about constituted a breach of the Suffolk Local Code of Conduct. Also it was not felt that the position was likely to be clarified to any greater or significant extent through a more detailed formal investigation given the complete inconsistency between the recollections of the relevant parties.

8.7.3 All parties have been advised of the outcome of these enquiries.

8.8 Complaint Ref: 39402 - Tostock Parish Council

8.8.1 A further complaint was made that Councillor “P” of the Tostock Parish Council acted in effect in a confrontational and difficult way towards the Chairman of the Parish Council and the Parish Clerk.

8.8.2 Following further enquiries and after consultation with the Independent Person the Deputy Monitoring Officer decided to take no action in relation to this further complaint as it was extremely doubtful that the actions complained about constituted a breach of the Suffolk Local Code of Conduct. Also it was not felt that the position was likely to be clarified to any greater or significant extent through a more detailed formal investigation given the complete inconsistency between the recollections of the relevant parties.

8.8.3 All parties have been advised of the outcome of these enquiries.

8.9 Complaint Ref: 40365 – Mid Suffolk District Council

8.9.1 Three complaints were made that Councillors “R”, “S” and “T” of the Mid Suffolk District Council had failed to declare or to properly declare their interests in particular Limited Companies within Parts 1 and 3 of their respective Register of Members’ Interests.

8.9.2 Upon detailed enquiry and after consultation with the Independent Person the Deputy Monitoring Officer decided to take no action in relation to these complaints.

8.9.3 It was noted that upon receipt of notification of the complaints all three Councillors promptly amended their entries within their Registers in relation to Limited Companies in which they have a disclosable interest.

8.9.4 The Deputy Monitoring Officer was also satisfied that all three Councillors had acted in good faith throughout and that in future they will review and update their respective Register of Members' Interests fully. In the circumstances the Independent Person and the Deputy Monitoring Officer agreed that further action here would be inappropriate.

8.9.5 All parties have been advised of the outcome of this matter.

8.10 Complaint Ref: 40957 – Stoke By Nayland Parish Council

8.10.1 A total of 4 different complainants made allegations that Councillor "U" of the Stoke By Nayland Parish Council had breached the Code of Conduct in relation to issues surrounding an attempt to remove street lighting from the village of Stoke By Nayland. All the complaints relate to this issue and are inter-related.

8.10.2 One of the complainants has withdrawn their complaint as they have received an apology from Councillor "U".

8.10.3 The Deputy Monitoring Officer has made enquiries into the three remaining complaints and is currently awaiting comments from the Independent Person. The outcome of this consultation will be reported to a future meeting of this Committee.

8.11 Complaint Ref: 40649 – Felsham Parish Council

8.11.1 A complaint has been made that Councillor "V" of the Felsham Parish Council had breached the Code of Conduct with regards to the re-arrangement of a Parish Council meeting to suit certain Councillors and to the detriment of the complainant who is also a Felsham Parish Councillor.

8.11.2 The Deputy Monitoring Officer has made enquiries and is currently awaiting comments from the Independent Person. The outcome of this consultation will be reported to a future meeting of this Committee.

8.12 Complaint Ref: 40477 – Beyton Parish Council

8.12.1 A complaint has been made that Councillor "X" of the Beyton Parish Council has intimidated and /bullied the complainant in relation to concerns that the complainant has raised as to the filming of Council meetings. The complainant also states that Councillor "X" has used articles in the Beyton Village News and Beyton Parish magazine to discredit the complainant's character and reputation.

8.12.2 The complainant has also made a subsequent complaint that Councillor "X" of the Beyton Parish Council has prevented the complainant from exercising their lawful right to film the proceedings of the Tostock Parish Council on a further occasion.

8.12.3 The Deputy Monitoring Officer has made enquiries into both complaints and is currently awaiting comments from the Independent Person. The outcome of this consultation will be reported to a future meeting of this Committee.

8.13 Complaint Ref: 41022 – Beyton Parish Council

8.13.1 Complaints (from five complainants) have been made that Councillors "X" and "Y" of the Beyton Parish Council have behaved improperly in relation to the filming of Council meetings and have incorrectly spent Parish Council funds on road signage and on geese and on the equipment for the keeping and rearing of geese. Furthermore a complaint has also been made that Councillor "Y" has lied at Council meetings.

8.13.2 The Deputy Monitoring Officer is currently making enquiries into these complaints and will in due course consult with the Independent Person. The outcome of these enquiries will be reported to a future meeting of this Committee.

8.14 Complaint Ref: 40839 – Elmswell Parish Council

8.14.1 A complaint has been made that Councillor “Z” of the Elmswell Parish Council has failed to declare an interest in a planning matter before the Parish Council’s Planning Committee that Councillor Z had by being a near neighbour and friend/acquaintance of the planning applicant.

8.14.2 The Deputy Monitoring Officer has made enquiries and is currently awaiting comments from the Independent Person. The outcome of this consultation will be reported to a future meeting of this Committee.

8.15 Complaint Ref: 40365 – Mid Suffolk District Council

8.15.1 Four complaints have recently been made that Councillors “A1”, “A2”, “A3” and “A4” of the Mid Suffolk District Council have breached the Members’ Code of Conduct.

8.15.2 The Deputy Monitoring Officer is currently making enquiries into these complaints and will in due course consult with the Independent Person. The outcome of these enquiries will be reported to a future meeting of this Committee.

8.16 Complaint Ref 41040 – Long Melford Parish Council

8.16.1 A complaint was made about Councillor “A5” of Long Melford Parish Council in respect of an alleged breach of the Code of Conduct. The Deputy Monitoring Officer is arranging consultation with the Independent Person in accordance with the standards complaints procedure. An update will be provided to Members in due course.

8.17 Complaint Ref: 39889 – Stradbroke Parish Council

8.17.1 A complaint was made about Councillor “A6” of Stradbroke Parish Council in respect of alleged breaches of the Code of Conduct. The Deputy Monitoring Officer is arranging consultation with a second Independent Person in accordance with the standards complaints procedure and a Joint Standards Board meeting is due to be held later in March. An update will be provided to Members in due course.

9. Appendices

None.

10. Background Papers

Relevant complaint files.

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