

Update on Member Complaints

1. AIM

- 1.1 To provide an update to the committee in relation to complaints against elected members.

2. Summary

- 2.1 At its committee meeting in 11th July 2022 the standards committee requested an updating report in respect of member complaints providing slightly more detail about the complaints, and the time taken to assess said complaints. Bearing in mind the confidentiality of the process there are limits as to the amount of detail that can be included about the details of the complaint.

3. Recommendations

- 3.1 That the committee note the report

4. Report Detail - Know

- 4.1 One of the key things to note from the details of the complaints is that five of the complaints originated from Planning Committee meetings. One of the considerations in relation to such meetings generating complaints is the adversarial nature of such meetings. There will normally be someone who is disappointed if they do not obtain the outcome that they wished. A number of these complaints alleged bias and disrespect in terms of comments made by a committee member. When the complaints have been assessed against the law in relation to bias and predetermination a breach of the code has not been found based upon the evidence and the application of the law. The issue of bias and predetermination are quite technical therefore it is at times unsurprising that complaints are made. This may also indicate that members need to be very sensitive about comments made at such committees due to the level of emotion that such meetings can engender.
- 4.2 The arrangements for dealing with Councillor complaints provides that the Monitoring Officer will review every complaint received, and after consultation with the Independent Person, will take a decision as to whether or not the complaint merits formal investigation. This decision will normally be made within 20 working days of receipt of the complaint. Where the Monitoring Officer has made this decision, he/she will inform you of this and the reasons for the same. There is no appeal against this decision. In reality most complaints are taking longer to assess. The actual assessments undertaken are substantive and take time to produce. Delay at times can be attributable to a number of factors

such as availability of people for meetings; volume of paperwork to consider; viewing of meetings and creating transcripts of the same; balancing existing workloads as this is a demand led process that is difficult to manage in relation to existing workloads. In some cases work has been externalised and those cases have taken over 20 workings. Whilst it is difficult to achieve the 20 working day target it is useful for this to remain as it is aspirational. In two cases there was substantive delay due to the personal circumstances of the Monitoring Officer.

- 4.3 One matter involved allegations of criminal behaviour so in accordance with the arrangements for dealing with complaints this matter was referred to West Midlands Police. "If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and/or other regulatory agencies to investigate the matter. It is then for the Police to determine how to conduct the matter."

5. Financial information

- 5.1 None contained within this report

6. Legal implications

- 6.1 None arising from this report

7. Decide

- 7.1 The committee is asked to note the report.

8. Respond

- 8.1. The committee will continue to monitor complaints made under the standards process on an annual basis.

9. Review

- 9.1 The committee will keep the Arrangements for dealing with complaints under review.

Background papers

Appendix 1 – Details re: Standards Complaints

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