

**ANNUAL REPORT ON COMPLAINTS RELATING TO COUNCILLORS CONDUCT
IN 2020/21**

Report of the Strategic Head of Service & Monitoring Officer (Legal and Democratic
Governance)

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 To update the council on complaints received about the conduct of members during the 2020/21 municipal year.

2. BACKGROUND

- 2.1 Under the Members' Code of Conduct, complaints received by the Monitoring Officer about the conduct of members are subject to an initial assessment by the Monitoring Officer in consultation with the Statutory Independent Person. Where necessary, complaints will be referred to the Standards Committee Hearing Panel for consideration.
- 2.2 The Council's approved policy for dealing with complaints states that the Standards Committee will be kept informed of the number of complaints received and an annual report of the Monitoring Officer be submitted to the Council Meeting. A summary of the complaints are set out below.
- 2.3 The LGA have now issued a new model code of conduct which is the subject of a separate report to the Standards Committee as to whether it should be adopted or not by the council. New guidance for Monitoring Officers and Councillors on the new model code of conduct is expected in the near future from the LGA.

3. COMPLAINTS

- 3.1 In 2020/21, a total of seven complaints were received. Six complaints were received by the Monitoring Officer about Councillors' conduct from members of the public and one complaint was received by a councillor regarding another councillor's conduct. Further detail in relation to the complaints are set out below.
- 3.2 In all seven cases, one of the two Independent Persons were consulted at an early stage and a view provided to the Monitoring Officer. On each occasion the Independent Person was in agreement with the action proposed and then taken by the Monitoring Officer.
- 3.3 The details below are a brief synopsis of the complaints received. The purpose of this report is purely to provide an overview of the salient points raised and how they were resolved whilst maintaining confidentiality.

3.4 **Complaint 1**

- 3.4.1 A complaint was made by two members of the public (who are related) against a councillor in relation to comments made by the councillor on social media.
- 3.4.2 Following an initial assessment and discussion with the Independent Person it was agreed that the complaint be partially upheld due to the inappropriate language used which could reasonably be seen to bring the office of a councillor into disrepute.
- 3.4.3 The social media posts were removed in response to the complaint. The Monitoring Officer recommended that social media training be provided and that the councillor provide an apology to the complainants.

3.5 **Complaint 2**

- 3.5.1 A complaint was made by a member of the public against a councillor in relation to a number of comments expressed by the councillor on social media which were alleged to breach the Equality Act 2010.
- 3.5.2 Following an initial assessment and discussion with the Independent Person it was agreed that the complaint be partially upheld. The matter was not recommended to a Standards Sub-Committee hearing, due to, amongst other reasons, a significant number of the matters complained of had occurred more than 6 months before a complaint was made, the first dating back to May 2018. The Monitoring Officer recommended that bespoke social media training be provided and that the matter be considered further with the councillor, Group Leader and Party Whip.

3.6 **Complaint 3**

- 3.6.1 A complaint was made by a councillor against another councillor in relation to their conduct at a meeting and the terms in which they wrote to the councillor following the meeting.
- 3.6.2 Following an initial assessment and discussion with the Independent Person it was agreed that the complaint should be upheld. However, the matter was resolved informally between the councillors prior to the Monitoring Officer issuing her report and as such the complainant confirmed that the report was not necessary.

3.7 **Complaint 4**

- 3.7.1 A complaint was made by a member of the public regarding comments made by a councillor at an Area Committee meeting and thereafter on social media regarding a development and its effect on local residents.
- 3.7.2 Following an initial assessment and discussion with the Independent Person it was agreed that the complaint be rejected.

3.8 Complaint 5

- 3.8.1 A complaint was made by an individual who held themselves out as being a member of the public, only. Following an initial review by the Monitoring Officer it became clear that the complainant was a member of a political party and that the complaints arose out of comments made on a closed social media group ran by a local political party.
- 3.8.2 Accordingly, following an initial assessment and discussion with the Independent Person it was agreed that the complaint may have been politically motivated and was therefore not a matter for the Monitoring Officer to investigate (as per the council's Monitoring Officer protocol).
- 3.8.3 The complainant thereafter made a complaint to the Ombudsman regarding how their complaint was dealt with by the Monitoring Officer. The Ombudsman rejected the complaint and found there was no fault in how the Monitoring Officer dealt with the complaint.

3.9 Complaint 6

- 3.9.1 A complaint was made a member of the public regarding comments made by a councillor on social media.
- 3.9.2 Following an initial assessment and discussion with the Independent Person it was agreed that the complaint be partially upheld due to the inappropriate language used which could be seen as acting in a manner that could be seen to be abusive.
- 3.9.3 The Monitoring Officer recommended that social media training be provided and that the councillor provide an apology to the complainant.

3.10 Complaint 7

- 3.10.1 A complaint was made by a member of the public regarding comments made by a councillor on social media.
- 3.10.2 Following an initial assessment by the Deputy Monitoring Officer and discussion with the Independent Person it was agreed that the complaint be rejected.

4. FINANCIAL AND RISK CONSIDERATIONS

- 4.1 None identified.

5. LEGAL CONSIDERATIONS

- 5.1 This annual report is provided as required by the council's constitution.

6. HUMAN RESOURCES IMPACT

- 6.1 None identified.

7. EQUALITIES IMPACT ASSESSMENT

7.1 None identified.

8. ENVIRONMENTAL IMPACT ASSESSMENT

8.1 None identified.

9. CONCLUSIONS

9.1 None of the complaints resolved during this period progressed beyond the initial assessment or investigation stage as outlined in the constitution. No matters were referred to the Standards Committee or the Standards Sub-Committee for hearing.

9.2 The number of complaints received is similar to the five received in 2019/20 and significantly less than the 21 complaints received in 2018/19.

9.3 Six of the seven complaints arose out of comments made on social media by councillors.

9.4 All councillors who have received complaints against them have engaged pro-actively and transparently with the Monitoring Officer and Deputy Monitoring Officer in the course of their initial assessments.

10. RECOMMENDATIONS

10.1 That the report be noted.

BACKGROUND PAPERS

There are none.

Anyone requiring further information should contact Vicki Bates

on Tel: 0161 474 3219 or by email on vicki.bates@stockport.gov.uk