

Appendix 1

Complaints previously reported to this Committee (at its November 2022 meeting)

Case No	Date	Status of complaint	Comments (incl basis on which complaint has been determined if applicable)	Detail re complaint topic
A/2022	January 2022	Ongoing	<p>A decision was made to refer this complaint for formal investigation. A written report was prepared and circulated. It included a finding of one or more indicative breaches by the investigative officer.</p> <p>The Monitoring Officer decided to refer the complaint for a Standards Panel for determination in December 2022 and a date for that panel is being sought.</p> <p>The relevant subject member has not responded to any communications regarding the complaint.</p>	Complaint regarding conduct on social media and language used when debating with a constituent.
E/2022	February 2022	Ongoing	<p>A decision was made to refer this complaint for formal investigation. A written report was prepared and circulated. It included a finding of one or more indicative breaches by the investigative officer.</p> <p>The Monitoring Officer decided to refer the complaint for a Standards Panel for determination in December 2022 and a date for that panel is being sought.</p> <p>The relevant subject member has not responded to any communications regarding the complaint</p>	Complaint regarding the member's conduct when discussing a key topic on social media.
J/2022	February 2022	Ongoing	<p>A decision was made to refer this complaint for formal investigation. A written report was prepared and circulated. It included a finding of one or more indicative breaches by the investigative officer.</p>	Complaint regarding the member's conduct when discussing a key topic on social media.

			<p>The Monitoring Officer decided to refer the complaint for a Standards Panel for determination in December 2022 and a date for that panel is being sought.</p> <p>The relevant subject member has not responded to any communications regarding the complaint.</p>	
W/2022	October 2022	Ongoing	Monitoring Officer decided that complaint was capable of amounting to a breach of the Code. Informal resolution mooted however lack of response from member has resulted in delay in process.	Complaint alleging that the member's responses on a ward matter had breached the Code.
X/2022	October 2022	Ongoing	Monitoring Officer decided that complaint was capable of amounting to a breach of the Code. Informal resolution mooted however lack of response from member has resulted in delay in process.	Complaint alleging that the member's responses on a ward matter (on same topic as in W/2022) had breached the Code.
Y/2022	October 2022	Determined at preliminary assessment stage	Insufficient evidence was considered to be available to support the complaint that there had been a conflict of interest.	Complaint concerned representations made by a ward Councillor about a resident's planning application. This made substantively the same allegation as in U/2022, purporting to provide additional evidence in support, and was determined on same basis.
Z/2022	October 2022	Ongoing	Remains at preliminary assessment stage and will be referred to in a future report.	Complex complaint regarding a member's activities in relation to a key project in their ward. Remains the subject of preliminary enquiries at the current time.

Appendix 2

Overview of complaints received in between 1st Jan 2022 & 31st Dec 2022 alleging that members have breached the code of conduct

Section one – Volume & Status of Complaints

Table 1 - Number of complaints

Complaints against members made in 2019	Complaints against members made in 2020	Complaints against members made in 2021	Complaints against members made in 2022
13	33	36	26

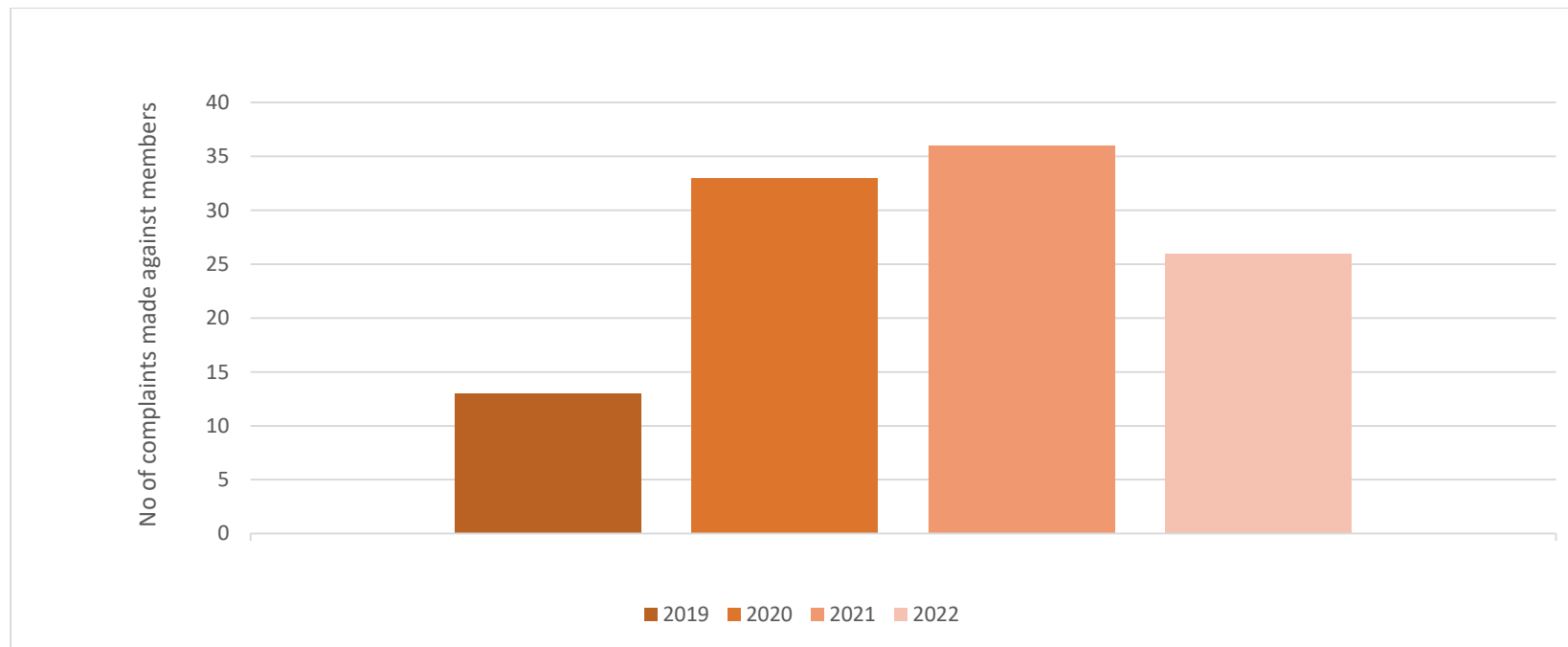
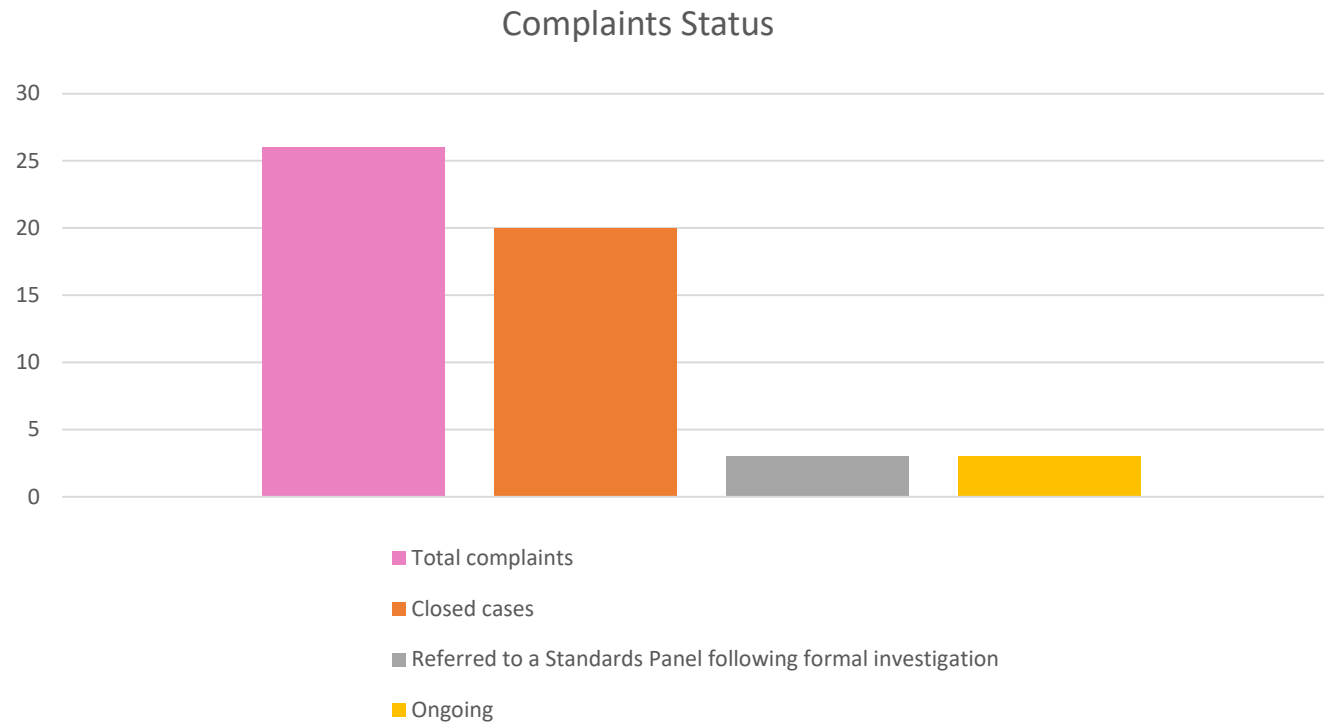


Table 1.1 – Status of complaints received in during 2022 as at 1/1/23



Comments:

- 20 complaints have been determined (NB this is in addition to the 11 complaints which were outstanding at end of 2021)
- 3 complaints have been formally investigated and referred to a Panel for it to determine
- 3 complaints are ongoing (ie are awaiting further progression at preliminary assessment stage)

Table 1.2 – number of complaints which remained outstanding at the end of year of receipt

2022	6 (3 of which have been referred to a Standards Panel)
2021	11

Section two – Data re subject members (ie the members who were the subject of complaints)

Table 2.1 – Number of members complained about

	Total complaints	Total number of councillors complained about	Number of councillors who received more than 1 complaint during 2022
2022	26	11	7

Table 2.2 – Complaints received in 2022 organised according to party Group

Complaints against Green Group members	10
Complaints against Labour Group members	1
Complaints against Conservative Group members	14
Complaints against Independent Group members	1

Complaints made against members - organised according to party Group

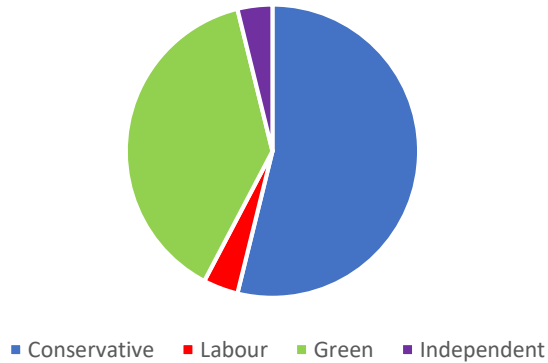


Table 2.3 - Complainant data¹

	Complaints made by members about other members	Complaints made by residents or other stakeholders*
2022	3	23
2021	5	31

¹ NB complaints made about members by officers are normally dealt with under the Officer/ Member Protocol

Section three – Complaint processing and outcomes

Table 3.1 - Complaints determined at preliminary assessment stage

	Total number of complaints determined within relevant year	Number of complaints determined at preliminary assessment stage because alleged conduct did not meet the tests at paras 5.5 a) or b) of the Procedure ²	Number of complaints deemed capable of indicating a breach, but nonetheless resolved informally, pursuant to paras 5.6 to 5.8 of the Procedure .
2022	20	18	2

Table 3.2 - Complaints referred for formal investigation during 2022

	Total complaints referred for formal investigation	Outcome
2022	3	All three complaints have been referred to a Standards Panel for determination by the Monitoring Officer. At time of writing a date for a Panel is being sought
2021	2	Both complaints were resolved in the public interest by the Monitoring Officer, without a Standards Panel being convened.

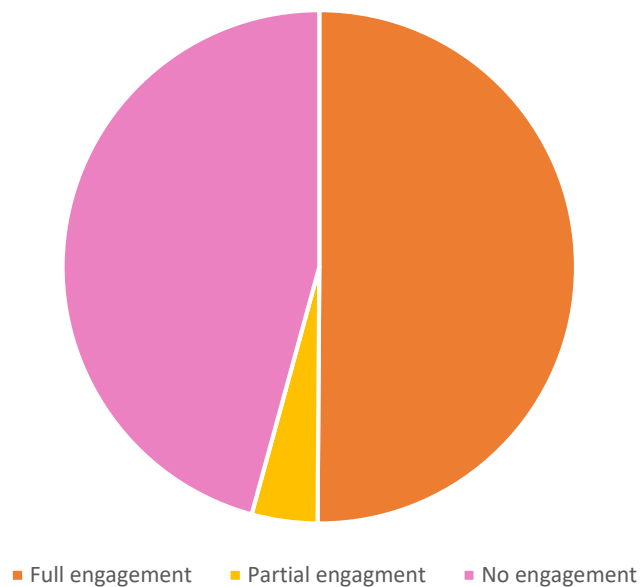
² NB: The tests for deciding not to progress complaints to formal assessment were updated in July 2021, making it difficult to generate comparative data

Table 3.3 – Councillor failures to engage in relation to complaints made in 2022

Number of complaints in which the subject member refused to engage at any point in the process prior to either the complaint's determination, or its referral to a Panel for determination (whichever is appropriate)	11
Number of complaints where members refused to engage at some point in process	1

Note: this data does not take into account two complaints involving an elected member who (while otherwise engaging with the process) has yet to respond to proposals for informal resolution of their complaint.

Overall engagement from councillors who were the subject of a complaint



Section 4 - Complaint topics/ content

Table 4.1 – Complaint topics

Code	Description of type of conduct complained about	2022	2021
A	Complaints about members' discharge of their ward responsibilities (including by constituents)	6	14
B	Complaints about comments or conduct either at council meetings, or at meetings at which members are representing BHCC	8	3
C	Complaints about conduct relating to council business or other members made outside council meetings, including on social media	9	16
D	Complaints about a member's conduct or position on an issue which is not council business or a ward matter, including conduct or a statement reported in the press or made on social media	3	3

Section 5: comparator data showing outsourced costs to the Council

	Formal investigations outsourced	Cost
2021	2	2560.04 (incl VAT) plus 2337.50 (incl VAT)
2022	none	none

Note: The three formal investigations carried out during 2022 were not outsourced, but were carried out internally. For the internally conducted matters, this work is carried out by a number of different internal staff such as the Monitoring Officer, Deputy Monitoring Officer, Senior Lawyer and Legal Support Officer – who carry out other duties alongside this work. Therefore the costs of the internal officer resource spent on investigations is not quantified.

The figures provided for outsourced investigations provide only a very rough ballpark of possible costs where internal investigation is carried out. This is because the issues vary in terms of complexity.

In the two cases where the investigation was outsourced, the above figure does not represent the actual resource involved in progressing the complaints through the process, instructing and supporting the investigation, considering informal resolution and convening and supporting a Panel meeting and its decision-making.

Section 6: Benchmarking against other Councils

Note: Few authorities publish member complaints data in a detailed way. Those which do provide public data appear to attract considerably fewer complaints – and referrals for formal investigation - than BHCC over similar periods.

Council		Published documents
Bristol	The annual report indicated that a total of five complaints was received in during the year, none of which was formally investigated. (One was not about a current member and three were determined by a decision to take no further action, while the fifth was resolved informally).	(Public Pack)Agenda Document for Values and Ethics Sub-Committee, 27/06/2022 14:00 (bristol.gov.uk)
Southampton	No substantive Member complaints requiring investigation by the Monitoring Officer over the preceding year. One preliminary investigation, which was determined not to require a full investigation under the Code.	(Public Pack)Agenda Document for Governance Committee, 14/11/2022 17:00 (southampton.gov.uk) (item 13)
East Sussex	Between 1 April 2021 and 31 March 2022, three complaints were received against Members of East Sussex County Council. Note: They received no complaints at all in either of the two preceding years.	Agenda: Standards Committee, 19/04/2022
West Sussex	Between 1 April 2021 and 31 March 2022, four complaints were received against Members of West County Council. None were progressed beyond initial assessment stage, the main reason being that the behaviour complained of was ‘clearly not connected with the member acting or appearing to act on Council business’.	(Public Pack)Agenda Document for Standards Committee, 27/06/2022 14:15 (moderngov.co.uk)
Surrey	While Surrey’s Audit and Governance Committee has delegated authority for the members’ code of conduct (and receives annual reports on the related topic of Council complaints), no published member complaints data has been identified.	(Public Pack)Agenda Document for Audit and Governance Committee, 13/06/2022 10:00 (surreycc.gov.uk)