



Reigate & Banstead
BOROUGH COUNCIL
Banstead | Horley | Redhill | Reigate

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TO	Standards Committee
DATE	8 th June 2021
LEAD MEMBER	Chair of Standards

KEY DECISION REQUIRED	No
WARDS AFFECTED	All Wards

SUBJECT	Member Complaints report (September 2020 – June 2021)
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RECOMMENDATIONS
1. That the Committee receives and notes the Member Complaints Report (September 2020 – June 2021)
REASONS FOR RECOMMENDATIONS
To demonstrate the promotion and maintenance of high standards of conduct by Councillors.
EXECUTIVE SUMMARY
This report summarises the discharge of the Standards function during September 2020 – June 2021. (This follows on from the Annual Standards report provided to the Committee on 1st September 2020). This report includes but is not limited to: <ul style="list-style-type: none">• The Member Code of Conduct• Complaints against Members• The role of the Monitoring Officer• Maintenance of the Register of Interests

The Standards Committee may receive and note this report

STATUTORY POWERS

The Localism Act 2011 requires Councils to have in place locally focussed processes for regulating the conduct of Members. The Act also imposes a duty on Councils to promote and maintain high standards of conduct by Members.

REIGATE AND BANSTEAD CODE OF CONDUCT

Code of Conduct

1. All Members were provided with Code of Conduct training after the local elections in May 2021.
2. The Member Code of Conduct was comprehensively reviewed during 2019/20 by the Monitoring Officer and the Governance Task Group, in accordance with the findings of the review conducted by the Committee on Standards in Public Life.
3. The Governance Task Group agreed the revised Code of Conduct in March 2020 and recommended the Code to Council for approval in July 2020 where it was duly approved. A summary of the revisions are set out below for ease of reference and the full amended code is attached.
 - Defining Bullying/harassment and examples of such behaviours
 - Consideration of the application of the Code of Conduct to Social Media
 - Introduction of a requirement to declare gifts and hospitality over £25

Complaints against Members

4. The Council's Standards Committee is responsible for dealing with allegations that a member may have failed to observe the Council's Member Code of Conduct and has introduced procedures to ensure fairness and transparency whilst, at the same time, providing proportionate, cost effective and timely advice.
5. The procedure for dealing with complaints involves the following four stages:
 - initial consideration by the Monitoring Officer (Stage 1)
 - local resolution (Stage 2)
 - referral to an Assessment Panel (Stage 3)
 - determination by a Hearings Sub-Committee (Stage 4)
6. For the complaints received from September 2020 to June 2021, some met the criteria for complaints and concluded at Stage 1 with no further action. The other complaints failed to meet the criteria.
7. In October 2020, a complaint was made that alleged language used within tweets on Twitter were offensive and aggressive and promoting misinformation. Complainant alleged breach of the principles of honesty, integrity and accountability. The complaint was considered, including the tweets and an independent person was consulted. The complaint met the criteria and was resolved at Stage 1, no further

action was taken, it was determined that the principles and the code were not breached.

8. In November 2020, a complaint was made that alleged a member had breached the code in respect of their behaviour. The complaint met the criteria and was resolved at Stage 1. It was determined that the principles and the code were not breached. The member did reflect on the alleged event and offered a written apology for any unintended offence.
9. In January 2021, a complaint was made that alleged comments by a member within a resident WhatsApp group and website caused offence and was also a misuse of personal data. The complaint met the criteria and was resolved at Stage 1. It was determined that the principles and the code were not breached, no further action was required.
10. In April 2021, a complaint regarding a publication/article that is alleged to have caused offence to the complainant and to breach all elements of the code. This is ongoing and is linked to the complaints referred to in paragraphs 9, 11, 12 and 13.
11. In May 2021, a corporate complaint was made against the legal team that relates to an ongoing member complaint. Further information sought from complainant in order to progress, no response received.
12. In May 2021, a data protection complaint relating to a planning matter and linked to an ongoing member complaint was made to the Local Government Ombudsman. The LGO complaint case was closed in May 2021 upon agreeing actions and a remedy, namely a written apology and £100 for time spent and any distress caused.
13. In May 2021, A freedom of information request concerning the complaint history of a member. This was linked to an ongoing member code of conduct complaint. The FOI was resolved satisfactorily, no information was released.
14. Due to the frequency, nature and duration of the complaints cited in paragraphs 9 – 13 above that were all made by a single individual, and have mostly been made against the same member (except the complaint in paragraph 9), there are grounds to consider whether the complaints are vexatious. In particular, the complaints against the member have either not met the criteria or have not gone further than Stage 1 of the procedure. Determining whether the complaints and behaviour of the complainant is vexatious, is being considered and will be determined and actioned in due course.
15. Relevant indicators that support whether behaviour or conduct is vexatious or repeated are:
 - Burden on the authority: The effort required to respond to a person is grossly oppressive in terms of strain on time and resources.

- Unreasonable persistence: A person is attempting to reopen an issue already comprehensively addressed.
- Unfounded accusations: There have been unsubstantiated accusations against specific employees or councillors.
- Intransigence: The continued communications in the context of the full history of this matter demonstrates an unreasonable entrenched position.
- Repeated content: The content of the communication is substantially like ones previously received and is from the same person.

Learning points

16. All but one of the complaints in this time period have related to communications or interactions with the public either online generally or on specific social media platforms.
17. The complaints described in paragraphs 9 – 13, led to the two members having concerns about their personal safety, one member contacted the Police to seek advice and reassurance in this regard with support of the Deputy Monitoring Officer, Monitoring Officer and Group Leader. This concern thankfully abated over time.
18. Online communications and social media use by members with Group Leaders and included guidance for members within the training material of the May 2021 member induction programme. This is to support members with their communications with residents or the general public in an effort to reduce the occurrence of the type of complaints received.

Role of the Monitoring Officer

16. The Role of the Monitoring Officer is held by the Commercial and Investment Director, a qualified lawyer. The Deputy Monitoring Officer is the Head of Legal and Governance.

Maintenance of the Register of Interests

17. The register of interest forms are completed by Members electronically, verified, and published on the Council's website.

LEGAL IMPLICATIONS

18. The Constitution sets out the role of the Standards Committee, and the Monitoring Officer, in promoting high standards of conduct. This committee helps to promote and maintain the highest standards of conduct amongst members of the Council, and ensures that Councillors act in accordance with the Local Government Code of Conduct

BACKGROUND PAPERS

19. Members Code of Conduct - https://www.reigate-banstead.gov.uk/info/20400/your_council_documents/1236/member_code_of_conduct
20. Procedures for dealing with complaints under the member code of conduct process (appendix 1).
21. LGA Guide for Councillors on handling intimidation (includes advice on using social media) - https://www.local.gov.uk/sites/default/files/documents/Councillors%20guide%20to%20handling%20intimidation%20updated%20Apr%202021_0.pdf
22. LGA Councillors workbook on supporting residents with complex issues - https://www.local.gov.uk/sites/default/files/documents/11%2058_LGA%20Cllr%20Workbook_Supporting%20residents%20with%20complex%20issues_July%202017.pdf