

REPORT TO AUDIT AND STANDARDS COMMITTEE



DATE	6 th July 2023
PORTFOLIO	None
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Member Complaints Report 2022/23 Municipal Year

PURPOSE

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| 1. | To provide an update to the Council's Audit and Standards Committee regarding complaints made about the conduct of Members of the Borough Council, Parish Councils and the Town Council during the 2022/23 Municipal Year. |
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RECOMMENDATION

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| 2. | It is recommended that the Audit and Standards Committee note the report. |
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REASONS FOR RECOMMENDATION

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| 3. | It is important that the Committee is regularly appraised of the complaints made against elected Members of Burnley Borough Council as it has the responsibility to promote and maintain high standards of conduct of elected Members. It is also important for the Committee to be appraised of the conduct of Parish and Town Council Members as the Monitoring Officer of the Borough Council is also responsible for overseeing their conduct. |
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SUMMARY OF KEY POINTS

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| 4. | Complaints regarding the conduct of Members of Burnley Borough Council as well as the Parish and Town Councils in the Borough of Burnley are submitted to and considered by the Borough Council's Monitoring Officer. The Monitoring Officer decides whether the complaint should be investigated, dealt with informally or rejected. |
| 5. | During the preceding municipal year, the council's Monitoring Officer received a total of eighteen complaints regarding the conduct of Members of the Borough Council (10) and Briercliffe Parish Council (8). No complaints were received regarding Members of the Town Council or other Parish Councils during this Municipal Year. |
| 6. | <p>A summary of the actions taken by the Monitoring Officer in relation to those complaints is set out below:</p> <ul style="list-style-type: none"> • 5 complaints were received regarding Parish Councillors of Briercliffe Parish Council that were resolved informally by the Monitoring Officer following consultation with the Independent Person. 1 of the complaints was referred to mediation as this was considered the most appropriate response by the Monitoring Officer following consultation with the Independent Person. |

	<ul style="list-style-type: none"> • 1 complaint was received regarding a Borough Councillor that was resolved informally. • 1 complaint was received regarding a Borough Councillor which proceeded to an investigation but was withdrawn by the complainant before the investigation was concluded. • 1 complaint was rejected against an elected Member of the Borough Council by the Monitoring Officer following consultation with the Independent Person in relation to the conduct of an elected Member as it was clear that the elected Member was not acting in an official capacity when the alleged conduct occurred. • 1 complaint was rejected against an elected Member of the Borough Council by the Monitoring Officer following consultation with the Independent Person as there wasn't a reasonable belief that an investigation was necessary following the Complaint Initial Assessment. • 1 complaint against a Borough councillor proceeded to an investigation which found that there had been no breach of the Borough Council's Code of Conduct. • A complaint was made regarding a Borough Councillor, but the resident has failed to provide further information to allow the Monitoring Officer with further information to meaningfully consider the complaint despite being reminded to do so. • A complaint was received regarding pre-determination by a Borough Councillor that was rejected at the complaint initial assessment stage as no decision to determine or reject the planning application had been made by the committee. • 2 complaints were received regarding Borough Councillors that were withdrawn as the resident and the Borough councillors had managed to resolve their disagreement. • A complaint was received regarding four Briercliffe Parish councillors. The matter proceeded to an investigation that concluded that there had been no breach of the code of conduct. • A complaint was received regarding a Briercliffe Parish Councillor that was resolved informally as mediation/conciliation was considered the most appropriate response by the Monitoring Officer following consultation with the Council's Independent Person. • A complaint was received regarding a Briercliffe Parish Councillor. Following consultation with the Independent Person it was determined that an investigation would be disproportionate to the allegations and there appeared to be no overriding public benefit to undertake an investigation. It was agreed to (inter alia) remind the Member of the requirements placed on members of the Parish Council in relation to alleged breach. • A complaint was received regarding the conduct of Cllr Sue Graham (social media post) from Cllr McGowan that was resolved informally by virtue of an apology and agreement for the matter to be reported to this committee (see appendix 1).
7.	By contrast 6 complaints were received regarding the conduct of Borough Councillors in 2021/22. No complaints were received regarding Parish and Town Councillors.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION	
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8.	None arising directly from this report.
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POLICY IMPLICATIONS	
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9.	Not applicable.
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DETAILS OF CONSULTATION	
10.	Not applicable.

Appendices: -

Letter to Cllr Graham

Letter to Cllr McGowan