

# Public Forum

Value & Ethics Sub- Committee

9 October 2023 at 12pm



## 1. Members of the V&E Sub Committee

### Supplementary Questions arising from 25 Sept responses

Number	Agenda Item	Name
1	6 - Summary of Complaints against Councillors and revised Complaints procedure	Sian Ellis-Thomas
2	6 - Summary of Complaints against Councillors and revised Complaints procedure	Lesley Powell
3	6 - Summary of Complaints against Councillors and revised Complaints procedure	Mike Oldreive
4	6 - Summary of Complaints against Councillors and revised Complaints procedure	Joanna Booth
5	6 - Summary of Complaints against Councillors and revised Complaints procedure	Dan Ackroyd

<b>New Questions</b>		
<b>Number</b>	<b>Agenda Item</b>	<b>Name</b>
<b>6</b>	<b>6 - Summary of Complaints against Councillors and revised Complaints procedure</b>	<b>Keith Farley - not attending</b>
<b>7</b>	<b>6 - Summary of Complaints against Councillors and revised Complaints procedure</b>	<b>Lesley Powell</b>
<b>8</b>	<b>6 - Summary of Complaints against Councillors and revised Complaints procedure</b>	<b>Sian Ellis-Thomas</b>

<b>Statements</b>		
<b>Number</b>	<b>Agenda Item</b>	<b>Name</b>
<b>9</b>	<b>7 - Member Code of Conduct</b>	<b>Clive Stevens</b>
<b>10</b>	<b>6 - Summary of Complaints against Councillors and revised Complaints procedure</b>	<b>Suzanne Audrey</b>
<b>11</b>	<b>6 - Summary of Complaints against Councillors and revised Complaints procedure</b>	<b>Joint Statement – Lesley Powell, Sian Ellis-Thomas, Mike Oldreive, Jen Smith, Dan Ackroyd</b>
<b>12</b>	<b>All substantive items on the agenda</b>	<b>Dan Ackroyd</b>



# 1 - Sian Ellis-Thomas

Chair of the Friends of Redcatch Park

Question for Public Forum at Values & Ethic Committee Meeting – Mon 25<sup>th</sup> September

## Question:

Does the committee agree that the current complaints process and reporting does not appear to be working sufficiently in terms of its service to the public, and that more needs to be done to improve reporting and transparency to give residents and community groups more faith in a robust and fair complaints process and to properly deter offenders?

## Response

**The Council's process for considering complaints against councillors strikes the right balance between the principle of confidentiality and fairness to complainants and councillors who are the subject of complaints.**

**It would not be appropriate to disclose any further details about individual complaints, to ensure fairness to the complainant and the councillor that is the subject of the complaint**

## Supplementary Question 1

I believed that public questions were being addressed to the whole V&E committee. But this reply was sent to me by the **Monitoring Officer** on behalf of the Chairman of the Committee. How can this committee make comments, judgements and suggest changes to the process and procedures of the complaints system if the MO is the person answering all the questions and stating in effect that the system is perfect?

## Response.

**It was agreed with the Chair that answers to public forum questions for the meeting held on 25 September would be provided by officers.**

**The Sub-committee is able to debate this report at its meeting on 9 October.**

## Supplementary Question 2:

After an FOI request, it has been disclosed by BCC, that **not one single complaint** against a member has been upheld in the last **six years**. According to BCC there is no record of the total complaints made during that time. But taking the last 11 months total of 13 (as already reported to this committee as an average), let's estimate there may have been as many as 60 complaints made during that time. **But**

**not one of these were upheld** by the Monitoring officer, which surely indicates a problem.

**Question:** Does this committee agree that further scrutiny of the decision making by the MO needs urgent attention if the public are to trust and believe there is a fair and transparent process in place to protect them?

**Response.**

**The Sub-committee may wish to comment on the robustness of the Council's procedures for handling complaints against councillors.**

## 2 - Lesley Powell, Vice Chair, Friends of Redcatch Park.

**Supplementary Question to the Question submitted for the Sept 2023 V & E Committee:**

**Original Q:**

With only a table summary of complaints and brief description of 'resolutions' available to us members of the public, it is difficult to understand how this committee determines whether complaints are being robustly investigated by the Monitoring Office, such that they are given the appropriate scrutiny to determine whether the complaint is valid, whether there are repetitive behaviours and that the penalty for those found to be in breach is a suitable deterrent?

**Answer (28/09/2023)**

The Monitoring Officer will make an initial assessment of a complaint in consultation with an Independent Person, to ensure that a complaint is considered robustly.

**Supplementary Question to the above:**

- Is there an 'audit' (even a sample per annum) of the complaints process (including the Monitoring Officer / 'Independent Person' actions) in respect of dealing with complaints of Member Code of Conduct breaches? And if not, how can the V and E Committee provide assurance that the process is robust, thoroughly investigated and is fair to all parties and aligns with its Terms of Reference?

**Response**

The Council's Monitoring Officer is responsible for investigating and taking action in respect of alleged breaches of the Member Code of Conduct. The Independent Person will advise the Monitoring Officer on any complaint received.

The role of the V&E Sub-committee is to ensure that adequate procedures are in place for dealing with allegations of a breach of the Member Code of Conduct

### 3 – Mike Oldreive

1. Does the Chair consider that the responses provided to my questions are of an acceptable standard and would he be happy to receive such responses from someone reporting to him in his business role?

#### **Appointment of Independent Person(s)**

##### **(Questions 16/17/18)**

"QI 7. How is Y&E committee involved in appointment of IPs? Is this purely the decision of the MO?

*The appointment of the Independent Persons is carried out by the Monitoring Officer and the Head of Legal Services."*

2. Please can the Monitoring Officer provide a clear statement to confirm that all requirements of S28 of Localism Act 2011 have been met by his team, and by the City Council?

Can he confirm for each subsection and provide details and evidence, that for each of the Independent Persons appointed and involved in the complaints reported to V&E on 25 September:

- The vacancy for an IP has been advertised in such manner as the authority considers is likely to bring it to the attention of the public (*where was it advertised and on what dates?*)
- The person has submitted an application to fill the vacancy to the authority (*please provide date of each application form*)
- The person's appointment has been approved by a majority of the members of the authority. (*please provide dates of relevant Council meetings and minutes of agreements of appointments*).

#### **Conflicts of interest**

3. Is there clear sign-off of conflicts of interest by the MO and HOLS evidenced with clear documentation (including formal declarations of no conflict) on every complaint reported to V&E sub in the HOLS report on 25 September?

#### **Follow up of informal resolutions**

5. The response to Q9 is just a repetition of the answer to Q8. Q9 is an entirely different question. Please answer the original question:

"Q9. Can the MO confirm that Members have complied with and fulfilled all the actions agreed for the informal resolutions noted in his report? If not, what action has been taken by the MO?

*A: A decision notice will set out any action that a member needs to take following a complaint and this will be followed up as appropriate by the Monitoring Officer."*

#### **Responses:**

- 1. The Chair is invited to comment on the responses provided to Public Forum.**

2. The appointment of Independent Persons was done through a formal recruitment and selection process carried out by the Monitoring Officer and the Head of Legal Services.

**Post-Publication clarification dated 20 October 2023 - The recent recruitment process for Independent Persons will require the ratification of those appointments by Full council and it is anticipated that this will be at the next ordinary meeting of Full Council on 14 November.**

3. Conflicts of interest will be considered in respect of all complaints received and will be documented by the Monitoring Officer and Head of Legal Services as necessary.
4. Not accepted.
5. The Monitoring Officer will follow up as appropriate on any actions that a member needs to take. It would not be appropriate to comment on individual cases.

## 4 – Joanna Booth

Hi Allison,

Please find my Supplementary questions: (the numbering may have become a bit warped and I apologise. They are numerically ordered.)

1. What did the previous set of procedures specify because that is what was used to decide one of my complaints and dismiss another? How will an alternate monitoring officer be found? What are the criteria for determining they are impartial? How will the public be informed?

### **Response**

**The current procedure for dealing with complaints is available on the Council's website. The Council will ask for the availability of Monitoring Officers in neighbouring Councils where there is a conflict of interest.**

2. As a law graduate, and a social researcher, there is nothing more basic and foundational than the purpose and pursuit of justice. The dictum *Justice must not only be done, but must also be seen to be done* was laid down by **Lord Hewart**, the then Lord Chief Justice of England in the case of *Rex v. Sussex Justices*, [1924] 1 KB 256. It was spoken one month off 100 years ago (November 9, 1923). *"It is not merely of some importance but is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done"*. Lord Hewart

*"Nothing is to be done which creates even a suspicion that there has been an improper interference with the course of justice."*

I am quite disheartened by the notion that two fellow law graduates are so quick to abandon the very principles we base our understanding of the system that upholds our rights and democracy. Please explain the reasons, which go against *Rex v Sussex Justices* [1924] whereby you are not only prioritising the protection of members' reputations over justice, transparency and accountability but wish to hide the decisions of a local authority from its own residents and the rest of the world.



1. How has the MO followed up the published complaints that were found to be in need of follow up activities? I can confirm that I never received an apology as I was meant to. Does this trigger a follow-up complaint procedure against the member?

**Response - It is not appropriate to comment on individual complaints.**

2. Please provide the actual number of complaints.

**Response - The report to the committee sets out the number of complaints received.**

3. How many times has the MO advised a complainant to go to the police for undeclared registers of interest?

**Response - Complainants will be advised that if they believe that a disclosable pecuniary interest has not been registered, then that is a matter they could report to the Police. This advice will be given on a case-by-case basis.**

4. How many times have members been warned that they need to register their interests?

**Response - All members receive reminders that they need to keep their register of interests up to date.**

5. **Not accepted.**

6. Not accepted

7. What are the consequences of a member and/or a monitoring officer knowing of a non-sensitive interest and not publishing in on the public website as mandated by s29(5)? Who is designated as ensuring this information is provided and that the legislation is complied with?

**Response - The responsibility for declaring interests is for an individual member and advice can be provided on a case-by-case basis by the Monitoring Officer.**

## 5 – Dan Ackroyd

These are my questions for the Values and Ethics sub-committee on the 9th of October.

1. Other councils name the independent persons, why does Bristol City Council feel the need to keep the independent persons identity secret?

**Response - The identity of Independent Persons is confidential to ensure that they are able to maintain their independence.**

2. Do the independent persons see the original complaint, or only a summary provided by the monitoring officer?

**Response - The Independent Person will be provided with full details of the original complaint.**

3. In the document "Appendix 2 Draft Procedure for Member Complaints" there are two additions in the section of whether a complaint will be investigated of "The conduct occurred during political debate or could be regarded as a political expression of views or opinion." and "If the complaint fails one or more of these tests it will not be investigated, and the complainant will be informed that no further action will be taken in respect of the complaint." Who proposed this changes, and what problem are these changes addressing?

**Response - These changes are proposed by the Monitoring Officer to reflect good practice.**

4. In the document "Appendix 2 Draft Procedure for Member Complaints" there is an addition of "The parties to the complaint must not publicise the fact or content or the complaint or the outcome without the agreement of the Monitoring Officer". Who proposed this, and what problem are these changes addressing?

**Response - These changes are proposed by the Monitoring Officer to ensure the fairness and confidentiality of the complaints process.**

cheers  
Dan  
Ackroyd

## 6 – Keith Farley

My opinion, based on my experience and knowledge of the Councils Complaints Process for breaches of the Member Code of Conduct, is that it lacks robustness to respectfully and thoroughly investigate a seemingly serious, member of public complaint against a Councillor and that multiple complaints about one Councillor are not considered a trigger of greater concern by the Monitoring Officer (MO) or, seemingly, the Independent Person (IP). I was shocked to receive a response to an FOI request recently that identified NO complaints about Councillors have been upheld in the last 6 years. Without the transparency of knowing the name and qualifications of the IP and without a more detailed 'summary' of the complaints against members being submitted to the V and E committee, my questions to the V and E Committee are:

- 1) How does this Committee assure itself, the Audit Committee, the wider council and of course the public that the Council Complaints Process is sufficiently robust?

**Response - The Sub-committee may wish to comment on the robustness of the Council's procedures for handling complaints against councillors.**

- 2) Is the V & E Committee aware of the name and background of all the Independent Persons to whom the MO refers Member Code of Conduct Complaints?

**Response - Members of the Sub--committee are invited to comment on this question.**

- 3) Do the Committee consider it appropriate that the names and backgrounds of the Independent Persons are not seemingly made available to the Public?

**Response - The identity of Independent Persons is confidential to ensure that they are able to maintain their independence.**

- 4) If the names and backgrounds of the Independent Persons (appointed to support determination of the member code of conduct complaints process) are not publicly available, how can the complainant determine whether the complaints system is fair to all parties, robust, ethical and conducted without conflict of interests?

**Response - The identity of Independent Persons is confidential to ensure that they are able to maintain their independence.**

- 5) If the Member (the Councillor) may refer to the Independent Person during 'investigation' of a complaint, does the Committee not think it would provide assurance of a more balanced determination if the 'investigation' included the 'Independent Person' also 'investigating' the complainants supporting information and / or witnesses?

**Response**

The role of the Independent Person is an independent advisory one and not an investigative one, therefore it would not be appropriate for the Independent Person to investigate a complaint.

## 7 - Lesley Powell,

Vice Chair, Friends of Redcatch Park.

Questions for the 9<sup>th</sup> October (which I assume will be responded to by the Committee and NOT the MO office):

- 1) if the Committee are not provided with the following information:
  - a) The total number of complaints per Member per term/annum (I am not suggesting names, just numbers) and
  - b) More detail about the complaint (other than a vague description provided in the Summary of Complaints) **and**

There has been no reporting to the Audit Committee in respect of complaints, as required by BCC's own Procedures.....**and**...

**NO** complaints about member breaches of the Code of Conduct have been upheld by BCC in the last **SIX** years....**how can the Committee judge whether the number of complaints not upheld is appropriate? (ie what triggers an alarm if they can't judge the number upheld as a percentage of the total number of complaints)?**

**Response - The Council's Monitoring Officer is responsible for investigating and taking action in respect of alleged breaches of the Member Code of Conduct. The Independent Person will advise the Monitoring Officer on any complaint received.**

**The role of the V&E Sub-committee is to ensure that adequate procedures are in place for dealing with allegations of a breach of the Member Code of Conduct.**

- 2) Does the Committee carry out (request/receive/instruct) benchmarking of Bristol City Council's number of upheld complaints about Councillors versus the same statistic of other Councils?

**Response - No benchmarking of statistical data relating to member complaints with other councils has been carried out.**

- 3) Does the V and E Committee feel it is provided with sufficient assurance that the BCC Member Code of Conduct complaints process provides a balanced, thorough and robust outcome for both members and complainants such that it aligns with its function and purpose?

**Response - The Sub-committee may wish to comment on the robustness of the Council's procedures for handling complaints against councillors.**

- 4) How does the committee, given the scant detail that appears to be provided in the 'summary of complaints' feel it is able to assure that it complies with its Terms of Reference and in particular: 'promotes the highest standards of behaviour by members of the Council, including the Mayor, councillors, independent members and co-optees'?

**Response - The Sub-committee may wish to comment on the robustness of the Council's procedures for handling complaints against councillors.**

## **8 - Sian Ellis-Thomas**

**Chair of the Friends of Redcatch Park**

**Question for Public Forum at Values & Ethic Committee Meeting – Monday 9<sup>th</sup> October**

### **QUESTION 1**

When there is too much concentration of power in one pair of hands this can allow an individual become judge, jury and executioner. Such is the role of the Monitoring Officer in the current BCC complaints process. Without scrutiny of their decisions and actions there is only one person's values and ethics in play.

**Q:** So my question to the committee today is; **Who monitors, the Monitoring Officer?** And how are the public to be reassured that there is a process by which the Monitoring Officer's procedures and decisions can be questioned and evaluated?

**Response - A member of the public can complain to the Local Government Ombudsman if they are not satisfied that the process for dealing with a member complaint.**

**QUESTION 2 Not accepted**



**Public Statement: Value and Ethics Sub-Committee 09/10/23****Re: Member Code of Conduct – Agenda 7 – Clive Stevens**

I understand there has been some public debate about complaints against Councillors and the Councillors' Code of Conduct; holding councillors to account for what they do and say. I hope the Sub Committee respond effectively to all that but I wouldn't want you to throw the baby out with the bath water.

I was on this Value and Ethics Sub-Committee back in 2019. We worked cross party for months to get the clause 2.1 (councillors behaving with integrity) just right. It is a balance between accountability for behaviour but not bringing in a gagging clause. The Monitoring Officer and his team helped. The clause, still current, reads: "a) Ensuring that all my activity in my role as an elected member promotes the integrity of the role of a Member at all times and does not bring that role into disrepute, whilst recognising my legal rights and privileges, for example my right to freedom of speech."

It does not say, councillors must not bring the local authority into disrepute and that clause should not be put in (unfortunately it is in the LGA Model Code). Sometimes a local authority, in all its activities, comes out with an unpopular or even a disreputable plan, decision or policy; at least in some people's eyes. It is the role of the councillor to point this out, they shouldn't be gagged and I fear that any changes to the current wording might allow that to happen.

Academic research was done 15 years ago when the "councillors do not bring the local authority into disrepute" clause was then mandatory. The researchers found: "it was widely perceived that councillors made misconduct allegations about political opponents, which were often viewed dismissively as little more than a playing out of "tit-for-tat" personal or political animosities....According to some interviewees, ethics regulation was perceived as being used by those in power to curtail the political activities of others, not just between local councillors but also practiced by senior officers". The Government made the disrepute clause optional in 2012.

I think the current wording of clause 2.1 still strikes the right balance.

By way of contrast, the LGA Model Code is not so clear. On page 3 (4<sup>th</sup> bullet point) it reads, "I lead by example and act in a way that secures public confidence in the role of councillor." That's fine.

But then at 5.1 (p6 of 16) the LGA write, for councillors; "I do not bring my role or local authority into disrepute. As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute."

The above wording is bad, it could be used as a gagging clause if so desired and the research I quoted shows it has been. Additionally the LGA's example at the end about dishonesty or deceit would bring the role of the councillor into disrepute anyway so it doesn't illustrate the difference.

In summary: Councillors must be able to hold the Council/Local Authority to account. If that means pointing out something that brings the Local Authority into disrepute, so be it; that is a councillor's job. Whereas, if they do or say something that brings the role of councillor into disrepute, then that is an entirely different thing and could rightly trigger an investigation.

Thank you for your time.

**Statement to Values and Ethics Sub-Committee, 9 October 2023**

I am extremely disappointed in the responses I received to questions about breaches in the members' code of conduct. I feel they do nothing to reassure the public that a robust system is in place and operating well.

Firstly, I asked about the Independent Person and suggested, in the interests of transparency, that this person or at least their post should be identified.

I was given the criteria for the post, and told there are three independent persons. But no attempt was made to address the secrecy surrounding who these people are.

In response to a question from another member of the public, it was suggested: "To ensure the integrity of the complaints procedures, the identify [sic] of the Independent Persons is kept confidential."

How does keeping their identity confidential ensure the integrity of the complaints system? It could be argued that it has the opposite effect.

I hope committee members will consider this carefully.

**If it is not a legal requirement to keep the Independent Person's identity confidential, then the public have a right to know who is involved in deciding whether or not complaints should be upheld.**

My second and third questions were about the summary report of complaints.

The table does not give enough information to provide reassurance that the complaints process is fair and followed through to completion.

Both of my suggestions for a little more information received the same response: it would not be appropriate to disclose any further details "to ensure fairness to the complainant and the councillor that is the subject of the complaint".

How does this ensure fairness?

**I urge committee members to require:**

- 1. A reason if/when no further action is taken e.g. complaint withdrawn, insufficient information provided**
- 2. Information confirming if a resolution is adhered to e.g. training completed, apology given**

**Neither of these suggestions is intrusive or onerous, and I believe they would improve the reporting of complaints and resolutions.**

**Suzanne Audrey**

## **Joint Statement: Read by Lesley Powell**

This statement is made on behalf of myself, Sian Ellis-Thomas, Dan Ackroyd, Joanne Booth, Jen Smith and Mike Oldrieve. I am a born and bred Bristolian, I have lived here all my life. We are all members of the public forum that were present at the meeting on 25<sup>th</sup> September and who have come together in solidarity, to make this joint statement to the Values & Ethic Committee today, to voice our shared concerns.

We are here to have our say, not just as individuals, but as representatives of all the people of Bristol. Although we have individual grievances, there is an overarching message which we all share; **that is, the systemic failure of the Member Code of Conduct Complaints Process**. It is not fit for purpose, and we, the people of Bristol are being consistently failed.

**Of the 13 complaints submitted in the last 11 months. None have been upheld.**

**Of all the complaints submitted in the last 6 years. None have been upheld.**

We all know something is badly wrong here.

We think you know this too.

We believe that this committee needs to address the following issues to ensure that each member or officer on the committee, can themselves be sure that **they** are abiding by the Member Code of Conduct in the execution of their duties.

Yet how can we expect you, as part of the 'audit' process, to make informed suggestions or decisions about the Values & Ethics of the organisation, if you are not given sufficient information to facilitate an open debate? How can **you** have faith and trust in the process if the right information is not provided?

So we are asking you to consider the following:

### **1. Who Monitors the Monitoring Officer?**

The role of Monitoring Officer allows too much power to be vested in one individual's judgement, with no informed transparency or opportunity for scrutiny of their decisions. This makes for a closed system, which allows for complaints to be too easily dismissed and in effect facilitates bad behaviour.

### **2. Independent Persons**

Who are these independent persons, how are they recruited, when were they recruited and how is their work scrutinised? Who audits that they meet the

criteria? What part are they playing in the process? Do they get full disclosure of information to inform their decision? Other Councils have no problem in disclosing appointment details about their Independent Persons, why can't BCC do the same?

3. **Confidentiality**

There is nothing in the current complaints procedures regarding a complainant being disallowed from speaking to the press, yet this has now been added to the proposed new procedures along with other clauses which impose further seemingly unlawful NDAs. The confidentiality clauses appear to protect and insulate BCC and the subject of the complaint and effectively act as a gagging order to the complainant. It is the complainant's right and risk with whom they share details of their complaint.

4. **Reporting of complaints data** – The current data list of complaints as presented, does not supply the V&E Committee with sufficient information to make judgements, question process and scrutinise decisions. There appears to be no way of identifying 'red flag' behaviour e.g. multiple complaints about individual members.

5. **Culture of covertness** – We are all extremely concerned about the lack of transparency, stock replies and apparent obfuscation when it comes to complaints. It appears that it is easier to dismiss all complaints and to keep the process as opaque as possible.

6. **General attitude towards complainants** - Not one of us here today are happy with the service we have received. We have all been made to feel like a problem and a pain. There has been little or no empathy shown or credibility given to our complaints. This appears to be the default position of the people in charge of the process.

How can the public have trust in those that govern and run our city, if this is how we are made to feel when we exercise our democratic right to call out bad behaviour? We deserve to feel protected. We do not.

Hi,

Below is my statement for the Values and Ethics Committee on the 9th of October aka V&E part 2 electric boogaloo.

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Some thoughts on what should happen in this meeting.

#### ## Agenda Item 7 Member Code of Conduct

The LGA code looks much better than our current one and it's probably reasonable to discuss this agenda item.

There's probably a useful discussion about how to keep our code of conduct up to date with the recommended LGA one, in case they ever put out a revision to that guide. e.g. keeping our changes as tracked changes, so that it's easy to upgrade to the next version.

#### ## Agenda Item 8 Member-Officer Protocol

I don't think that's related to what people are unhappy about today so don't see why this item can't go ahead. There is a small overlap with the lack of faith people have in the complaints process, but that's probably going to be an ongoing discussion separate to the details of that document.

#### ## Agenda Item 6 - "Summary of Complaints against Councillors and revised Complaints procedure"

For the revised complaints procedure part, there are two abhorrent proposed additions:

1. A condition is added to the cases where a complaint isn't going to be investigated of "The conduct occurred during political debate or could be regarded as a political expression of views or opinion."

That would have the effect of making discussing the merits of eugenics be a topic of discussion that would be allowed.

2. "All complaints will be treated as confidential to enable a fair process to be followed. The parties to the complaint must not publicise the fact or content or the complaint or the outcome without the agreement of the Monitoring Officer"

That's not legal or ethical.

I think what should be done is to ask the monitoring office for a new draft includes the bare minimum changes needed for the switch from a mayoral model to committee model, and to present that in a 'tracked changes' style. If the Monitoring Officer desires any other changes,

there should be a clear reason stated for each change.

I also think, that the constitution should be changed to have a part that says that any future changes in rules need to be presented in a 'tracked changes' style, so that it's easier to review changes, and harder to slip really bad details in.

Hopefully my question 3 and 4 about what caused those changes to be added, will have been answered by Monday.

I would also like to see:

- \* a draft of the complaints process that has much clearer wording about how long complaint investigations will take, and if they take longer than say 20 working days (aka a month), the monitoring officer needs to notify this committee why the complaint is taking so long to process.

- \* clearer language about how complaints can be resolved informally, and whether informal resolutions can be imposed on people.

- \* much less discretion in how the Monitoring Officer avoids bringing complaints to this committee. In particular, the Monitoring Officer seems to be relying on rules that aren't currently in the complaints process.

- \* the length of time each complaint takes to process being listed in the "Summary of Complaints against Councillors".

- \* less stringent rules against complaints being made anonymously, particularly in cases where the behaviour being complained about was done in public, and there are no disputes about the facts of what occurred.

- \* the reasons for complaints being rejected being listed in the "Summary of Complaints against Councillors". If a large number of complaints are being rejected for the same reason, that means something is going wrong with the complaints process, even if each complaint is handled appropriately.

- \* a separate complaints process for complaints made by members of the public separate to complaints made by politicians. Some of the proposed changes (e.g. imposing confidentiality) may be appropriate for people who are going to have to work together while the investigation is in process.

- \* any complaints to the LGO about the BCC complaints process that are upheld should be reported to this committee.

- \* a better plan for continuous improvement. Currently the work of this committee is hobbled by an insistence on complete confidentiality and the draft changes seem to be coming from a non-neutral source. Obviously, people who have not had their complaints upheld, or didn't get an outcome that is completely satisfactory to them, aren't exactly going to be happy, but on the other hand it seems like the monitoring

officer also isn't going to neutrally report problems with the complaints process.

A lot of the answers to questions submitted to this committee are quite evasive. For example:

Q: Is it acceptable for the monitoring officer to attempt to bind complainants into confidentiality in the decisions taken?

A: The principle of confidentiality is to ensure fairness to complainants and councillors who are the subject of complaints.

That's really not an answer to the question. It's currently too difficult for members of the public to pry out information to really engage with this committee and suggest improvements.

For the 'Summary of Complaints against Councillors' part of the agenda, you've got a couple of prickly problems:

\* It is very unseemly for the officer whose work is being looked at, to be guiding the chair quite so closely as to how to run these meetings.

\* You don't currently have enough information to evaluate the complaints handling in the report.

\* Whether complaints have been handled lawfully is 'not entirely obvious'.

\* A separate serious legal concern.

Normally, this committee should be asking the legal department for what course of action should be taken, but there is an obvious inherent conflict of interest here, so it's not obvious they can offer you any advice.

So, I'm interested to see how the committee proposes moving forward.

cheers  
Dan  
Ackroyd