

Member complaints - Overview and Scrutiny Committee January 2024

Update 1 – 23 February 2024

We have received a significant number of complaints about the comments made by three councillors (Hammersley, Morgan and Golby) during the debate at the Children and Young People Overview and Scrutiny Committee on 25 January 2024. Due to the volume of complaints, we regret that we won't be able to update complainants individually.

This page will be the primary way that we will keep complainants and the public informed about the investigation.

However, if you have any specific queries, please send them to monitoringofficer@warwickshire.gov.uk

If you email the above address, you will receive an auto acknowledgement, but please be assured that your email will be considered, and you will receive a response as soon as possible.

What is a Monitoring Officer?

Every council must appoint a Monitoring Officer by law. A Monitoring Officer is the statutory officer with responsibility for legal and governance matters at a local authority. The responsibilities of the Monitoring Officer are more specifically set out in section 5 of the Local Government and Housing Act 1989.

One of their roles is to deal with complaints about councillors' conduct. The Monitoring Officer is an employee of the council and is not a politician. The Monitoring Officer must act with independence and impartiality.

What is the process for dealing with complaints about councillors?

Every council must have a process for dealing with complaints about councillors.

Under the [complaints process](#), the Monitoring Officer undertakes an initial consideration of a complaint in consultation with the Chief Executive and

the political group leader of the member(s) complained about. For the complaints about these three councillors, this is the Conservative Group Leader, Cllr Izzi Seccombe.

If it is decided that an investigation should be carried out (considering the criteria explained within the council's process), the Monitoring Officer can appoint an investigator. In this case, given the number and nature of complaints received, the Monitoring Officer has decided that the matter should be referred for investigation. The Monitoring Officer has appointed an independent external investigator.

Who will undertake the investigation?

The Monitoring Officer has commissioned Anthony Collins, solicitors based in Birmingham, to undertake the investigation on their behalf. The solicitor from Anthony Collins with conduct of the investigation is Ms Claire Ward.

How will the investigation proceed?

Given the large number of complaints received, it would be impractical and cause unnecessary delays if the investigator were to interview every complainant. Instead, whilst we will share all complaints with the investigator, they will directly engage with a representative sample of complainants. This approach allows the council to ensure that complainants' voices are heard whilst ensuring that the investigation is both effective and proportionate.

The three councillors who are the subject of the complaints have a right to respond. The investigator will share with them the complaints that are to be investigated, based on the representative sample, and invite them to respond.

The complaints sampled and the responses from the councillors will be used as the basis for producing three investigation reports (one in respect of each councillor). These reports will set out whether any breaches of the Code of Conduct have occurred, and if so, propose appropriate recommendations, including any sanctions if appropriate.

Before the investigation report is finalised the Monitoring Officer will seek the views of an independent person.

Who is the independent person and what is their role?

Every council must have access to an independent person who can be consulted on complaints about the conduct of councillors.

The role of an independent person is to provide an independent view from the perspective of a member of the public to help the Monitoring Officer determine complaints about councillors. They are appointed by the full council.

[Details of the pool of independent persons - agenda item 5 \(PDF, 2.9MB\)](#)

What is the timescale for producing the investigation report?

Due to the number of complaints received, it will take us longer than it usually does to conclude the complaints process. We estimate that it will take approximately 12 weeks to carry out the investigation and finalise the investigation report.

We understand that this may be frustrating for complainants. However, we need to ensure that the process for dealing with the complaints is thorough and fair to all those involved.

What happens after the investigation report is produced?

If the councillors concerned accept and agree with the report and the recommended sanctions (if any), they can be implemented straight away by the Monitoring Officer. If the councillors concerned don't agree with the report and/or the recommendations, the matter is referred to a hearing sub-committee for consideration.

What is a hearing sub-committee?

A hearing sub-committee is a committee made up of at least three councillors. In cases where the councillor doesn't agree with the investigation report, the hearing sub-committee meets to consider the

investigation report, determines whether there has been a breach of the Code of Conduct and/or what the sanctions (if any) should be.

The hearing sub-committee is drawn from the membership of the Audit and Standards Committee. The membership of the sub-committee is a matter for the Chief Executive to decide.

Will the outcome of the investigation be made public?

We have committed to making the outcome of the investigation public. This will be shared on our website.

What sanctions are available for breaches of the Councillor Code of Conduct?

The sanctions available are governed by legislation. There are some sanctions that the council can impose or recommend and others that can only be imposed by the political party they represent.

Councillors are elected by the public. They are not employed by the council. Therefore, it is not possible for councillors to be dismissed.

Councillors may be suspended from the political party or have the whip removed by their political group. They do not lose their seat on the council in this circumstance. They remain as a councillor but act as an independent councillor, and do not represent any political party.

Councillors may be removed from committees by their political group.

Councillors may be subject to formal censure at a council meeting. Censure is an expression of severe disapproval, usually by means of a statement which is read out at a council meeting, for something a councillor has done. This can be implemented by the council.

Councillors may be subject to publicity in relation to the complaint(s) and conclusion(s) of the investigation, which may impact upon their prospects for re-election. This can be implemented by the council.

Councillors may be recommended to undertake training and development. The councillor needs to agree to this course of action and cannot be forced to do so.

Councillors may be recommended to make an apology. The councillor needs to agree to this course of action and cannot be forced to do so.