

AUDIT & GOVERNANCE COMMITTEE

28 JANUARY 2016

Report of Solicitor to the Council and Monitoring Officer

STANDARDS ALLEGATION COMPLAINTS

Purpose

To advise Members in relation to recent complaints received which alleged that a breach of the Code of Conduct occurred under the local arrangements that were put in place to deal with Standards allegations, in terms of the Localism Act 2011, by Council on 19 June 2012.

Recommendation

Members are requested to endorse the findings of the contents of the report.

Executive Summary

In the year to 31 December 2015 two complaints were lodged.

The first complaint was received following Cabinet on 10 September 2015.-
Complaint One.

Complaint One, was made by one member against another member. In terms of the Policy for dealing with complaints of this nature the Monitoring Officer invoked the procedure to resolve the issue without resorting to the complaints process. Informal contact was made with the member against whom the complaint had been lodged. A resolution was proposed and invoked accordingly. The action taken is in accordance with the Arrangements for Dealing with Standards Allegations under the Localism Act 2011 that were adopted at Council on 19 June 2012

Complaint One was dealt with as follows:

On 1 October 2015 the member delivered a full apology for his actions at Cabinet which was accepted by the complainant.

The second complaint was received at Council on 15 September 2015.-
Complaint Two.

Complaint Two, was made by a member who moved a motion without notice at the Council meeting on 15 September 2015 which comprised a complaint against another member. In terms of the Policy for dealing with complaints of this nature the Monitoring Officer invoked the procedure to

resolve the issue without resorting to the complaints process. Informal contact was made with the member against whom the complaint had been lodged. A resolution was proposed and invoked accordingly. The action taken is in accordance with the Arrangements for Dealing with Standards Allegations under the Localism Act 2011 that were adopted at Council on 19 June 2012

Complaint Two was dealt with as follows:

On 15 December 2015 the member delivered an apology for his actions at Council which was accepted by the complainant.

Options Considered

The procedure for dealing with complaints against a Councillor for an alleged breach of the Code of Conduct requires the Monitoring Officer to report Informal Resolutions to the Audit and Governance Committee for information.

Resource Implications

As the matter has been resolved using the informal resolution process the resources utilised have been totally contained within the corporate core cost centre.

Legal/Risk Implications

Without a process to deal with complaints of this nature against members the authority would be operating ultra vires and risk legal action and/or damage to reputation. The cost in financial terms could be significant.

Sustainability Implications

The process and policy for dealing with complaints of this nature provides as robust a system as possible in the current legislative climate. The process and policy is kept under review and amended in line with Council protocols.

Background Information

Since the establishment of the new arrangements from June 2012 I can confirm that the system adopted in relation to Standards allegations has operated satisfactorily and high standards of conduct are being maintained in the authority. The legislation does not give the Council any powers to impose sanctions, such as suspension or requirements for training or an apology, on members in relation to a breach of conduct. Accordingly, where a failure to comply with the Code of Conduct is found, the range of sanctions which the authority can take in respect of the member is limited and must be directed to

securing the continuing ability of the authority to systematically discharge its functions effectively, rather than “punishing” the member concerned.

Report Author

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List of Background Papers

Localism Act 2011

Report to Council dated 19 June 2012 – Changes to the Standards Regime Procedure and Process for dealing with and making a complaint against a Councillor for an Alleged Breach of the Code of Conduct.

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