

## **AUDIT & GOVERNANCE COMMITTEE**

**30 MARCH 2017**

### **Report of Solicitor to the Council and Monitoring Officer**

#### **STANDARDS ALLEGATION COMPLAINT**

##### **Purpose**

To advise Members on a recent complaint received in relation to an alleged breach of the Code of Conduct which 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**

The current complaint was lodged by a member of the public on 28 February 2017.

In terms of the Policy for dealing with complaints of this nature the Monitoring Officer reviewed the complaint and applied the preliminary tests required. Informal contact was made with the Councillor against whom the complaint had been lodged. A resolution was proposed which was accepted thus it invoked the procedure to resolve the issue without resorting to the investigation process. The action taken was in accordance with the Arrangements for Dealing with Standards Allegations under the Localism Act 2011 that were adopted at Council on 19 June 2012

Thus the complaint was dealt with as follows:

On 15 March 2017 the Councillor posted an explanation in relation to what he had said and an apology on Facebook and Twitter. The complainant was advised in writing of the matter on the same day.

##### **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 corporate budgets.

## **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 Councillors 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 Councillor is limited and must be directed to securing the continuing ability of the Authority to systematically discharge its functions effectively, rather than “punishing” the Councillor 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 for dealing or making complaints against a Councillor for an  
Alleged Breach of the Code of Conduct.