

AUDIT & GOVERNANCE COMMITTEE

01 JUNE 2017

REPORT OF THE SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

STANDARDS ALLEGATION COMPLAINTS

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 2 March 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.

In relation to the complaint the Monitoring Officer consulted with one of the Independent Persons. Additional information was required and the complainant contacted with a request for further information. This would have enabled the matter to be considered. A response was sought by 5 April 2017, the information was not forthcoming. On 20 April 2017 the complainant was written to and advised that the matter was being closed. No further contact has been received.

The action taken in relation to the complaint 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:

The file was closed on 20 April 2017. The complainant was advised in writing.

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 for dealing with the making of complaints against a Councillor for an Alleged Breach of the Code of Conduct.