



REPORT OF:	MONITORING OFFICER
TO:	COUNCIL FORUM
ON:	27th JULY 2017

SUBJECT: STANDARDS COMMITTEE – HEARING FINDINGS

1. PURPOSE OF THE REPORT

To inform the Council of the findings of a Hearing Panel held on 6th July 2017 in respect of Councillor Imtiaz Ali.

2. RECOMMENDATIONS

This report is for information

3. BACKGROUND

The Standards Committee has a role in promoting and maintaining high standards of conduct by councillors/members.

The Council Constitution sets out how matters such as complaints received in respect of alleged breaches of the Code of Conduct for Members should be addressed and handled ('Arrangements for dealing with complaints about the Code of Conduct for Members' – Part 5, Section 1 refers).

A complaint was received following the reporting in the Lancashire Telegraph on 6 September 2016 regarding the conduct of Councillor Ali and the use of his Facebook account.

This matter was investigated in accordance with the above referenced 'Arrangements for dealing with complaints about the Code of Conduct for Members'

On 8th February 2017 the full Standards Committee under Part II received the Investigating Officers report and the Monitoring Officer sought a view from the Committee in respect of the report, following full consideration of the matter. The Committee resolved to recommend the Monitoring Officer report the Investigating Officers findings to a Hearings Panel.

On 15th March 2017 the full Standards Committee received a report from the Monitoring Officer to establish a Standards Hearings Panel for the local hearing of complaints against Members.

The Standards Committee resolved:

1) That a Sub-Committee be established, constituted in accordance with the Council's Arrangements for dealing with complaints where Council Members had failed to comply with the Code ("the Arrangements"), to act as a Hearings Panel for the local hearing of complaints against Members;

2) That the Standards Committee delegates to the Hearings Panel the function to determine complaints, referred to it under the Arrangements; and

3) That the draft procedure for the Hearings Panel be approved, with the final version to be signed off by the Chair.

On the same Agenda the Standards Committee also resolved to:

Nominate the Members of the Standards Committee to form a Hearing Panel to consider the matter of the Complaint into the conduct of the Councillor Ali.

The full Standards Committee nominated Councillors, Vicky McGurk, Julie Gunn and Julie Slater alongside independent member Paul Fletcher who it would be proposed chair the Hearings Panel.

4. STANDARDS COMMITTEE HEARINGS PANEL

The Hearings Panel of the Standards Committee subsequently met on 6th July 2017 and found that Councillor Ali had breached the Code of Conduct by using language which could be interpreted as `abusive` and thereby breaching paragraph 3.1[b] of Part 1 of the Members Code of Conduct, which clearly states that Members must not "*bully or be abusive to any person*". The Panel also found that Councillor A breached Paragraph 5 of the Code, which states that Members must not conduct themselves in such a manner which could reasonably be regarded as bringing their office or the Council into disrepute.

The Panel took the following 4 actions in respect of this, as provided for under Paragraph 13 of the `Arrangements for Dealing with Complaints about the Code of Conduct for members in the Constitution:

- 1 The Panel requested this report be presented to the Council Forum for information.
- 2 The Panel findings to then be published in respect of the conduct.
- 3 A recommendation is made to the Group Leader by the Panel that the Member be removed from committees until the end of the calendar year.
- 4 The Monitoring Officer be instructed by the Panel to arrange appropriate training for the Member.

Since the meeting on 6th July the Panel has approved the attached for publication on the Council's website to fulfil outcome 2 above.

In respect of outcome 3, the Conservative Group Leader, Councillor John Slater has confirmed that Councillor Ali will be removed from committees as set out in the recommendation from the Hearing Panel.

The Monitoring officer is also reviewing appropriate training for the Councillor Ali which he is expected to undertake in the near future to fulfil outcome 4.

The complainant was informed of the outcome of this outcome to their complaint on 7th July 2017.

5. POLICY IMPLICATIONS

The Standards Committee has a role in promoting and maintaining high standards of conduct by councillors. In this case, a Code of Conduct breach was identified and action has been taken in accordance with the Council Constitution.

6. FINANCIAL IMPLICATIONS

None

7. LEGAL IMPLICATIONS

The statutory provisions for the Standards Framework are set out in the Localism Act 2011. The Standards Committee's role, functions and powers are contained in the Council's Constitution.

In accordance with Article 9 of the Constitution, the Standards Committee's function includes adopting such procedures for Hearings Panels and determination of any complaints referred by the Monitoring Officer.

8. RESOURCE IMPLICATIONS

None

9. EQUALITY IMPLICATIONS

None

10. CONSULTATIONS

The Council's arrangements for promoting and maintaining high standards of conduct have been discussed and agreed by the Standards Committee and are set out in the Council's Constitution.

Contact Officer: David Fairclough, Monitoring Officer, Director for HR Legal & Corporate Services (01254 585642)

Date: 14 July 2017

Background Papers: Member Complaint – Councillor A 2016