



REPORT OF: The Monitoring Officer

TO: Standards Committee

DATE: 6th July 2016

SUBJECT: Complaints Update to the Standards Committee

1. PURPOSE OF THE REPORT

To update Members on complaints received regarding Members conduct under the Arrangements for dealing with complaints about the Code of Conduct for Members.

2. RECOMMENDATIONS

The Committee is asked:

- i) to note the update report.
- ii) to note that there is one complaint in progress at this time.

3. BACKGROUND

The Committee has a role in considering any complaints received relating to the conduct of Members of the Borough Council, co-opted Members and Parish Councils in its area. Members will be aware that not all complaints are proceeded with for various reasons (unsubstantiated complaints, vexatious complaints etc.) however it is important that members are aware of receipt of these and legitimate complaints that are being processed and progressed.

Members of the Committee are to be kept up to date on receipt of all complaints and progress at meetings of the Standards Committee where appropriate subject to any relevant provisions relating to confidentiality.

The summary of alleged complaints since January 2014 is that there have been 10 alleged complaints received by the Monitoring Officer over this period to date. Three of those complaints related to one Councillor over a period of 18 months. Prior to conclusion of the investigation(s) into to final one of these complaints, the Member ceased being a Member on the Council. The 4th Complaint was anonymous and although it was looked into at the time an investigation could not reasonably proceed without more information from an unknown complainant.

The 5th Complaint was received in outline form but when further information and completion of "Complaints Form" was requested, it was not taken further by the potential complainant.

The 6th Complaint was investigated by the Monitoring Officer in accordance with the Procedure and following consultations with the Independent Person the complaint was rejected, as "the complaint, if proven, would not be a Breach of the Code of Conduct under which the Subject Member was operating at the time of the alleged misconduct". The Monitoring Officer and Independent Person also concluded that "the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence or where the lapse of time means there would be little benefit or point in taking action now".

The 7th Complaint was received in outline form but when further information and completion of the “Complaints Form” was requested it was not taken further by the potential complainant.

The 8th potential Complaint was raised by internal audit and was reviewed in consultation with the Independent Person. Following further investigation the matter was concluded with advice and guidance being issued to the Member concerned to avoid future potential issues arising of potential allegations of impropriety.

The 9th Complaint was investigated by the Monitoring Officer in accordance with the Procedure and following consultation with the Independent Person and it was concluded that the complaint did not merit further investigation as, “the complaint, if proven, would not be a breach of the Code of Conduct under which the Subject Member was operating at the time of the alleged misconduct”.

The 10th Complaint was also investigated by the Monitoring Officer in accordance with the Procedures and following consultation with the Independent Person it was concluded the complaint did not merit further investigation given the “considerable time elapsed since the alleged events” and “the resources required to investigate and determine the allegations would be disproportionate to the allegations”.

There is one complaint received in June 2016 which is pending investigation and an update on progress will be made at the next meeting of the Committee.

4. RATIONALE

The Localism Act requires Councils to put in place mechanisms for reporting and investigation of complaints. This report provides information for the Standards Committee in a clear and transparent way to ensure that all members of the committee are aware of complaints received, progress and outcomes.

5. LEGAL IMPLICATIONS

The statutory provisions for the Standards Framework are set out in the Localism Act 2011.

6. POLICY IMPLICATIONS

A governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence.

7. FINANCIAL IMPLICATIONS

None contained in this report.

8. CONSULTATIONS

The Council’s arrangements for promoting and maintaining high standards of conduct have been discussed by the Standards Committee and the arrangements for dealing with complaints about the Code of Conduct for Members are the subject of this report, to ensure openness and transparency to Members of the Committee on complaints received and progress.

Chief Officer/Member

Contact Officer: David Fairclough
Date: 29th June 2016

Background Papers: The Localism Act 2011