

AD HOC GOVERNANCE COMMITTEE

19 AUGUST 2013

REPORT OF MONITORING OFFICER

CONSIDERATION OF COMPLAINT GOV 09

1.0 PURPOSE OF REPORT

- 1.1 To enable the Committee to consider a complaint received regarding the conduct of a Council Member and to consider what action should be taken.

2.0 RECOMMENDATIONS

- 2.1 **The Committee to consider the complaint, attached in full at Appendix A, in the context of Appendices B-H and consider what action they wish to take from the following :-**

- **No Action**
- **Other Action such as training, support, mediation**
- **Refer for Investigation**

3.0 KEY ISSUES

- 3.1 The complaint at Appendix A has been received by the Monitoring Officer and is being considered in accordance with the Council's Complaints Process as set out at Appendix B and the Code of Conduct for Members at Appendix C.
- 3.2 The background to this complaint surrounds the issue of the potential re-opening of an alleyway by Leicestershire County Council. The complainant believes the alleyway should remain closed while others, including the Subject Member, are in agreement for its re-opening. However, the Monitoring Officer advises that it is not the issues surrounding the alleyway that is for consideration, it is the specific allegations relating to the conduct of the Subject Member whilst undertaking his Councillor duties.
- 3.3 In accordance with the Complaints Process, the Monitoring Officer met with the Subject Member and shared the complaint. As a result, the Subject Member wrote to the complainant responding to the concerns raised and this is attached at Appendix D. However the complainant emailed the Monitoring Officer on 21 June 2013 to advise that they did not accept the response as informal resolution to the matter. Therefore in accordance with the process, the Monitoring Officer initiated some fact finding, the outcome of which forms part of this report.
- 3.4 The Monitoring Officer collated supporting documents relevant to the case including the Councillor's invitation letter to the Craven Ward residents to attend the meeting at the RBL (Appendix E) which sets out the issues facing the ward and that residents may ask the Councillor any questions either at the meeting or contact him direct. With regard to the press coverage of the meeting, the Subject Member had informed the Monitoring Officer that the Melton Times had not printed

that which he had requested about the meeting at the RBL. It was about various ward matters, but they had just printed that it was about the Core Strategy. An email dated 18 March from the Subject Member to the Editor of the Melton Times shows the request made and is attached at Appendix F. The venue chosen for the event appears to be appropriate as it is within the Craven Ward.

- 3.5 Within the complaint, the complainant refers to the Subject Member's chairing of the meeting held at the Royal British Legion on 25 March 2013. The Monitoring Officer held a meeting with a Councillor who had attended the same meeting and the notes of that meeting are attached at Appendix G and they include an account of how the meeting was chaired.
- 3.6 As requested in the complaint, the Monitoring Officer asked the Subject Member whether there were any notes from the meeting held at the Royal British Legion on 25 March and was advised that there were none taken at the meeting.
- 3.7 With regard to the complaint being passed to the Leader of the Council and the Chief Executive, the Full Council agreed a process for dealing with complaints against Members at its meeting on 18 July 2012 and this complaint is being processed in accordance with those procedures.
- 3.8 The Monitoring Officer sought the view of one of the Independent Persons on the case so far and this is attached at Appendix H.
- 3.9 The next stage of the process indicates that the Committee consider the complaint together with the other appendices including the Independent Person's opinion at Appendix I in order to decide whether :-
- No action be action
 - The complaint be referred for other action such as training, support, mediation
 - The complaint be referred for Investigation

4.0 **POLICY AND CORPORATE IMPLICATIONS**

- 4.1 Strong Corporate Governance is important in order to ensure high standards of conduct are maintained.

5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

- 5.1 To date the complaint has been managed within existing resources. However should the complaint be referred for external investigation, there would be a financial impact.

6.0 **LEGAL IMPLICATIONS/POWERS**

- 6.1 Of particular note in the new Localism Act is the change making the non-registration of a disclosable pecuniary interest within 28 days a criminal offense. This is not an issue in this case.
- 6.2 The Code of Conduct for Members adopted in July 2012 sets out the standard of conduct expected by Members and it is within this Committee's delegation to determine whether the code has been breached and if so, the action to be taken.

7.0 **COMMUNITY SAFETY**

7.1 There are no specific community safety implications in this report.

8.0 EQUALITIES

8.1 All equalities implications have been considered.

9.0 RISKS

9.1 The impact of the changes and implementation to meet the requirements of the Localism Act will need to be managed to minimise any risk to the Council's reputation or otherwise.

10.0 CLIMATE CHANGE

10.1 There are no climate change implications in this report.

11.0 CONSULTATION

11.1 There has been consultation with one of the Council's Independent Persons as well as others involved in the issues around the case.

12.0 WARDS AFFECTED

12.1 None.

Contact Officer: Angela Tebbutt, Monitoring Officer

Date: August 2013

Appendices: Appendix A - Complaint GOV 09
Appendix B - Complaints Process
Appendix C - Code of Conduct for Members
Appendix D - Response to the complaint by Subject Member
Appendix E - Invitation Letter to residents to meeting at RBL
Appendix F - Email exchange between Subject Member & Editor of Melton Times
Appendix G - Notes of meeting held with Councillor Simpson
Appendix H - Advice of Independent Person

Background Papers: Localism Act 2011
Minutes of Council Meeting held on 18 July 2012
Previous Minutes of Standards Committee
Previous Minutes of Governance Committee

Reference: Cttees, Council & Sub-Cttees/Exempt/Governance/2013 14/190813/Code of Conduct –
Complaint GOV 09