

AD HOC GOVERNANCE COMMITTEE

21 MAY 2013

REPORT OF MONITORING OFFICER

CONSIDERATION OF COMPLAINT GOV 05

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 attached at Appendix C.
- 3.2 In accordance with new Complaints Process, the Monitoring Officer has shared the complaint with the Subject Member and at his request the Head of Regulatory Service responded to the complainant regarding the facts of the complaint. This letter was sent as a means of seeking informal resolution. However the complainant did not accept the response as closure of the matter. This exchange of correspondence is attached at Appendices D and E.
- 3.3 The complainant indicated that they wished to pursue the complaint. Therefore the Monitoring Officer initiated some fact finding and sought a statement from the Head of Regulatory Service due to his professional involvement in planning matters and to respond to issues raised by the Parish Council following receipt of his letter dated 14 March 2013. This is attached at Appendix F.
- 3.4 The Monitoring Officer sought the view of one of the Independent Persons on the case so far and this is attached at Appendix G.
- 3.5 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 G 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.

12.0 WARDS AFFECTED

12.1 None.

Contact Officer: Angela Tebbutt, Monitoring Officer

Date: 3 May 2013

Appendices: Appendix A - Complaint GOV 05
Appendix B - Complaints Process

Appendix C – Code of Conduct for Members
Appendix D – 140313 Letter from Head of Regulatory Services to complainant
Appendix E - 080413 Email from Somerby PC to Head of Regulatory Services
Appendix F – Response by Head of Regulatory Services
Appendix G - Development Committee minutes of 18 October 2012
Appendix H - View 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
GOV 05 Complaint File

Reference:

Cttees, Council & Sub-Cttees/Exempt/Governance/2013 14/210513/Code of Conduct –
Complaint