

# GOVERNANCE SUB COMMITTEE 1

20 JULY 2017

## REPORT OF MONITORING OFFICER

### CONSIDERATION OF COMPLAINT GOV 46

#### 1.0 PURPOSE OF REPORT

- 1.1 To enable the Sub Committee to consider a complaint received from Mr. D. Daly regarding the conduct of a Parish Councillor and to consider what action should be taken.
- 1.2 The complaint relates to five Parish Councillors, each Parish Councillor has been allocated a separate reference for their individual case, these being references GOV 42 to GOV 46. This report concerns Parish Councillor Bob Bayman.

#### 2.0 RECOMMENDATIONS

- 2.1 **The Committee to consider the complaint, attached in full at Appendix A, in the context of the remaining Appendices 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 form 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 Bottesford Parish Council's Code of Conduct for Members attached at Appendix C. (Appendices A, B and C are available with the report relating to GOV 42 – Agenda item 3)
- 3.2 This complaint is set out Appendix A and includes the Appendices numbered 01 to 06 (Appendix 01 is exempt).
- 3.3 In accordance with the Complaints Process, the Monitoring Officer has shared the complaint with the Subject Member. The Monitoring Officer has met with the Subject Member and supplied an explanation of the complaints process. A note of the factfinding from this meeting is attached at Appendix D. Informal resolution has been attempted but not accepted by the complainant (Appendix G) therefore the complaint has been referred to the Sub Committee.
- 3.4 The complainant has advised the Monitoring Officer of his reasons for not resolving this complaint informally. In summary the complainant advises 'that the Councillor's response does not cover the issues raised under the complaint and worryingly does not accept the basic errors that were made together with the responsibility of the Chairman to ensure that this situation does not occur'.
- 3.5 Bottesford Parish Council's Standing Orders are attached at Appendix E to the

report relating to GOV 42 – Agenda item 3.

- 3.6 Although it is noted that the Subject Member was not aware of the contractor names and the Parish Council had taken measures to ensure that this was the case, to ensure total transparency this practice could be reviewed by the Parish Council to inform Councillors in future of such a situation so that the Councillor who has a potential interest is fully aware and may make their own decision as to whether or not to declare an interest.
- 3.7 The lack of awareness of an interest is a defence for a non-disclosure.
- 3.8 The Monitoring Officer sought the views of one of the Independent Persons on the case so far and this is attached at Appendix F to the report relating to GOV 42 – Agenda item 3).
- 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 F 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 Equalities implications have been considered.

## 9.0 RISKS

### 9.1

<b>L I K E L I H O O D</b>	<b>A</b>	<b>Very High</b>				
	<b>B</b>	<b>High</b>				
	<b>C</b>	<b>Significant</b>				
	<b>D</b>	<b>Low</b>		1		
	<b>E</b>	<b>Very Low</b>				
	<b>F</b>	<b>Almost Impossible</b>				
			<b>Negligible 1</b>	<b>Marginal 2</b>	<b>Critical 3</b>	<b>Catastrophic 4</b>

**IMPACT**

<b>Risk No</b>	<b>Risk Description</b>
1	The impact of the requirements of the Localism Act need to be managed to minimise any risk to the Council's reputation

## 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 Roberts  
Date: 10 July 2017

Appendices : Appendix D – Factfinding following meeting with Councillor  
Appendix G – Letter from Subject Member to complainant

The following appendices are available at Agenda item 3 (Report for GOV 42)  
Appendix A - Complaint Form GOV 42 including Appendix 01 (Exempt) and Appendices 02-06  
Appendix B - Complaints Guidance and Flowchart  
Appendix C – Bottesford PC Code of Conduct for Members  
Appendix E – Bottesford Parish Council Standing Orders  
Appendix F - View of Independent Person

Background Papers: Localism Act 2011  
Minutes of Council Meeting held on 18 July 2012

Reference : X : Committees\Governance\2017 18\Sub Cttees\Gov Sub 1\200717