

Report of	Meeting	Date
Monitoring Officer	Governance Committee	22 March 2017

## MEMBERS CODE OF CONDUCT: PROCEDURAL AMENDMENTS

### PURPOSE OF REPORT

- To inform members of proposed changes to the Council's Arrangements for Dealing with Complaints about the Conduct of Elected Members and to get approval to the changes.

### RECOMMENDATION(S)

- That the Arrangements for Dealing with Complaints about the Conduct of Elected Members be amended to include a specific provision for addressing the withdrawal of a complaint as detailed in paragraph 10 of this report.

### EXECUTIVE SUMMARY OF REPORT

- Recently, a complainant sought to withdraw a complaint concerning the conduct of an elected member after an Investigating Officers Report had been completed. The report found that there had been a breach of the code. However, the complainant decided not to pursue the matter further.
- The Monitoring Officer reviewed this matter in consultation with the Independent Person and concluded without the engagement of the complainant it would be difficult to evidence the complaint and it was jointly advised that the matter should be discontinued.
- The Arrangements, whilst there is provision for departure from the procedure do not specifically address this situation. It is felt that additional guidance should be included to support Members and Officers in making a decision where the complainant seeks to withdraw.

Confidential report Please bold as appropriate	Yes	No

### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	X

### BACKGROUND

- A complaint was received in relation to the conduct of an elected member. The complaint was considered in accordance with the Arrangements for Dealing with Complaints about the Conduct of Elected Members.

8. It was found that the conduct alleged was a breach of the Code of Conduct and a local settlement was proposed. Performance of the local settlement failed to address the complaint and the matter was referred for Investigation. The Investigation Report did conclude that there had been a Breach of the Code and the matter was ready for hearing.
9. At that time the complainant having discussed this matter with the Monitoring Officer decided to withdraw their complaint. There is no specific procedure to allow for this and the Monitoring Officer considered that without the complainant, whilst the breach could still be evidenced the consequences of any finding and sanction imposed would be at the lower end of the scale. The procedure was discontinued.
10. It is proposed to introduce a new paragraph 18 to the Arrangements with the numbering of the remaining paragraphs amended accordingly. It is proposed that the new paragraph should read:-

**Discontinuance of Complaint**

Where a complainant indicates that they wish to withdraw their complaint the Monitoring Officer will consider the request against the following criteria

- a. Seriousness of the alleged misconduct. Where the allegation is serious in nature the Monitoring Officer should be reluctant to discontinue the process even when the complainant indicates they will not engage going forward.
- b. The importance of the evidence of the Complainant. The Monitoring Officer will consider whether the conduct complained of can be evidenced without the involvement of the Complainant.

The Monitoring Officer will then make a recommendation to the Independent Person who will consider and provide a view on the recommendation. The likely sanction to be imposed is a relevant consideration.

Where the recommendation is to discontinue the Investigation and this is accepted by the Independent Person then no further action will be taken other than to notify the complainant and the subject of the complaint.

**IMPLICATIONS OF REPORT**

11. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

12. There are no financial implications of these changes.

**COMMENTS OF THE MONITORING OFFICER**

13. None save those in the body of the report.

CHRIS MOISTER  
MONITORING OFFICER

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Moister	5160	16 March	