

Allerdale Borough Council

Standards Committee – 07 June 2021

Assessment of Code of Conduct Complaints

Portfolio holder	Councillor Marion Fitzgerald, Policy, Governance and People Resources
Report from	Lindsay Tomlinson, Deputy Monitoring Officer
Wards affected	N/A
Is this a key decision	No

1.0 The reason for the decision

- 1.1 To set out the procedure for assessment of code of conduct complaints.

2.0 Recommendation

- 2.1 To note the process for assessment of code of conduct complaints, and the reasons that the committee is being requested to undertake the assessments.

3.0 Background and Introduction

- 3.1 Standards Committee in September 2019 agreed the revised “Arrangements for dealing with allegations under the Localism Act 2011” which sets out the code of conduct complaint process (Appendix A).
- 3.2 Within the process, assessment of a code of conduct complaint would normally be undertaken by the Monitoring Officer in consultation with one of the council’s Independent Persons. However, the Arrangements provide that the Monitoring Officer may in certain cases refer particular complaints to the Standards Committee.
- 3.3 The Monitoring Officer has taken the decision to refer a number of code of conduct complaints to the Standards Committee for assessment because of the nature of the complaints and the sensitivity around them.

4.0 The Assessment Process

- 4.1 The Arrangements state that every complaint received will be reviewed and, after consultation with the Independent Person, a decision be taken as to whether it merits formal investigation.

In making this assessment the following factors will be determined:

1. That the complaint is against one or more named members of the Borough Council or a parish council within the Borough;
2. That the member was in office at the time of the alleged breach
3. That the member was acting in their capacity when the alleged breach occurred.
4. That the complaint, if proven, would constitute a breach of the Code

4.2 Once the initial assessment has been conducted and if the complaint meets all of the tests set out above then the Committee will need to decide whether the complaint will be investigated further. In reaching this decision the following factors will be taken into consideration:

1. Does the alleged breach relate to a Disclosable Pecuniary Interest (DPI)? If so then the matter will be referred to the police for investigation
2. Is there any scope for reaching a local resolution? If the Committee believes that an agreement can be reached between both parties to resolve the matter without the need for a formal investigation, then that should be explored before a decision is taken to investigate. The decision may be taken to explore a local resolution and that if this proves unachievable then an investigation can commence.
3. Is the alleged breach trivial, or the complaint vexatious or politically motivated? If so then the Committee may decide to take no further action.

5.0 Finance/Resource implications

If any of the complaints are referred for investigation then there will be a resource implication, the extent of which will depend on whether and internal or external investigator is appointed.

6.0 Legal and governance implications

The process is in accordance with the adopted procedures for dealing with Standards issues and code of conduct complaints.

Appendices attached to this report

Appendix number	Title of appendix
Appendix A	Arrangements for dealing with Standards allegations (including all appendix)

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