

Allerdale Borough Council

Standards Committee – 12 August 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 update the Committee on progress following the assessment of a number of code of conduct complaints in June 2021, and seek decisions on any further actions to be taken.

2.0 Recommendation

- 2.1 That members note the progress of code of conduct complaints and agree actions to be taken where local resolution has not been achieved.

3.0 Background and Introduction

- 3.1 Standards Committee met on 3 June and 7 June 2021 to assess a number of code of conduct complaints. The Monitoring Officer had taken the decision to refer a number of complaints to the Standards Committee for assessment because of the nature of the complaints and the sensitivity around them.
- 3.2 Decision Lists from both meetings are attached to this report as an exempt appendix. Members will note that a number of complaints were referred for local resolution. In all cases this has not been achieved, either because the subject member, the complainant or both failed to agree the terms of the resolution.
- 3.3 Where local resolution cannot be achieved, it is for the Standards Committee to apply the Public Interest Test, set out from page 18 of the “Arrangements for dealing with Standards Allegations” attached as Appendix A to this report, and agree what the appropriate course of action should be.

4.0 The Public Interest Test

4.1 For each complaint where local resolution has failed to be achieved the Committee will be asked to consider each of the following questions before deciding whether to refer for investigation:

1. How serious is the breach of the Code?
2. What is the level of culpability of the elected Member?
3. What are the circumstances of and the harm caused to the complainant?
4. What is the impact on the community?
5. Is an investigation or formal hearing a proportionate response?

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 an internal or an 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
Appendix B (exempt)	Decision Notices – Standards Committee 3 June 2021 and 7 June 2021

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