

REPORT TO THE STANDARDS SUB COMMITTEE OF 14 DECEMBER 2021

PUBLIC REPORT: Y / N

EXEMPT REPORT: N

Appendices A and C exempt by virtue of Paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972

Report Title	Report of the Deputy Chief Executive -SC/65
KEY DECISION	Not Applicable
Report Author	Deputy Chief Executive
Purpose of Report	To enable the Committee to consider a complaint received regarding the alleged conduct of a Parish Councillor ("Subject Member") and to consider what action should be taken.
Reason for Decision	The Sub Committee is required to consider the complaint and decide what action is appropriate. The options are set out in paragraph 1.8 of the report and detailed in the recommendation.
Portfolio (holder)	Not Applicable
Corporate Priorities	
Financial Implications	The initial assessment of the complaint has been carried out by a Monitoring Officer from another local authority which has had to be found from within existing resources. However, should the complaint be referred for external investigation there would be a financial impact.
Risk Management Implications	The impact of the changes and implementation to meet the requirements of the Localism Act 2011 will need to be managed to minimise any risk to the Council's reputation or otherwise.
Environmental Implications	None as far as this report is concerned.
Legal Implications	Of particular note in the regulations issued is the change making the non registration of a disclosable pecuniary interest within 28 days a criminal offence. Such a complaint cannot be dealt with under the Councils arrangements and must be referred to the Police to investigate. This is not an issue with this complaint.
Equality Implications	None as far as this report is concerned
Data Protection Implications	The detail of the complaint and the identity of the Subject Member are referred to in the appendices attached to this report which have been recommended as exempt information. Recent case law has indicated that there is an expectation that the details of the complaint would not be disclosed at the initial stage of the consideration of a complaint.

Consultation	The Subject Member has been sent a copy of the complaint. The external Monitoring Officer has carried out an initial assessment of the complaint which contained comments from the Subject Member. The Subject Member has been given a further opportunity to make comments on the complaint but to date none have been received. The external Monitoring Officer has also engaged and consulted with one of the Council's Independent Persons, which is detailed in the initial assessment contained within Appendix C of this report
Options	The options available to the Sub Committee are set out in paragraph 1.8 and the recommendations.
Appendices	Appendix A – Details of Complaint - Exempt Appendix B – Code of Conduct Appendix C – Initial Assessment of Complaint - Exempt Appendix D– Assessment Criteria
Background Papers	The Localism Act 2011
Recommendation	That the Sub Committee considers the complaint attached as Appendix A, in the context of Appendices B - D and to consider what action they wish to take from the following options: No Action Informal Resolution Refer for investigation

1. Key Facts

- 1.1 The complaint attached at Appendix A has been received by the Monitoring Officer and is being considered in line with the Council's arrangements for dealing with Code of Conduct complaints which was updated and adopted by the Council in March 2019.
- 1.2 The detail of the complaint is set out in Appendix A. The Monitoring Officer has outsourced the handling of the complaint at this stage to an external Monitoring Officer. A copy of the Code of Conduct is attached as Appendix B.
- 1.3 The Arrangements provide for any complaint received regarding a parish councillor, who is also a district councillor to be considered by the Ethical Governance Committee. The Ethical Governance Committee was amalgamated with the Governance and Audit Committee and the consideration of Code of Conduct complaints was delegated to the Standards Sub Committee.

- 1.4 As set out above, the external Monitoring Officer considered the representations of the Subject Member as part of the initial assessment. The Subject Member has been given a further opportunity to provide comments but to date none have been received.
- 1.5 The Monitoring Officer appointed one of the Independent Persons to consider the complaint. The external Monitoring Officer consulted with the Independent Person and his view is referred to in the detail of the initial assessment at Appendix C.
- 1.6 The next stage of the process is for the Sub Committee to consider the Complaint, considering Appendices A-C against the Assessment Criteria set out in the Arrangements, which is attached to this report at Appendix D.
- 1.7 Taking into account the assessment criteria the Sub- Committee must decide whether to, take no action, informal resolution or to refer the complaint for investigation. At this stage in the process, no determination is required as to whether there has or has not been a breach of the Code of Conduct.