

**REPORT NO 2****HARBOROUGH DISTRICT COUNCIL****REPORT TO THE STANDARDS SUB COMMITTEE OF 8<sup>th</sup> September 2021****PUBLIC REPORT: Y / N****EXEMPT REPORT: N**

**Appendices A, C, D, E and F are exempt by virtue of Paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972**

<b>Report Title</b>	Report of the Deputy Monitoring Officer – Complaint SC/60
<b>KEY DECISION</b>	Not Applicable
<b>Report Author</b>	Sunny Patel – Legal & Democratic Services Manager and Deputy Monitoring Officer
<b>Purpose of Report</b>	To enable the Committee to consider a complaint received regarding the alleged conduct of a District Councillor (“Subject Member”) and to consider what action should be taken.
<b>Reason for Decision</b>	The Sub Committee is required to consider the complaint and decide what action is appropriate. The options are set out in paragraph of the report and detailed in the recommendation.
<b>Portfolio (holder)</b>	Not Applicable
<b>Corporate Priorities</b>	
<b>Financial Implications</b>	To date the complaint has been managed within existing resources including independent legal advice. However, should the complaint be referred for external investigation there would be a financial impact.
<b>Risk Management Implications</b>	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.
<b>Environmental Implications</b>	None as far as this report is concerned.
<b>Legal Implications</b>	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.
<b>Equality Implications</b>	None as far as this report is concerned
<b>Data Protection Implications</b>	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.
<b>Consultation</b>	The Subject Member has been sent a copy of the complaint and has had an opportunity to comment on the allegations. The Monitoring Officer has also obtained the initial view of one of the Council's Independent Persons, which are contained within Appendix E of this report and for additional guidance to assist the Sub Committee with the nexus between the Protocol and Member Officer Relations and the Code of conduct an independent legal view is attached at Appendix F.
<b>Options</b>	The options available to the Sub Committee are set out in paragraph 1.8 and the Recommendation section below.
<b>Appendices</b>	Appendix A – Details of Complaint -Exempt Appendix B – Code of Conduct Appendix C – Member Officer Protocol Appendix D – Subject Member comments -Exempt Appendix E – Independent Persons view – Exempt Appendix F – Independent Legal Advice/View Exempt Appendix G – Assessment Criteria
<b>Background Papers</b>	N/A
<b>Recommendation</b>	<b>That the Sub Committee considers the complaint attached as Appendix A, in the context of Appendices B - G and to consider what action they wish to take from the following options:</b> <b>No Action</b> <b>Informal Resolution</b> <b>Refer for investigation</b>

## 1. Key Facts

- 1.1 The complaint attached at Appendix A has been received by the Deputy 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. A copy of the Code of Conduct is attached as Appendix B and a copy of the Protocol on Member and Officer Relations is attached at Appendix C.
- 1.3 In accordance with the Council's adopted arrangements for dealing with complaints which was updated at the same time as the Code of Conduct in March 2019. ("The Arrangements")

- 1.4 The Arrangements provide for any complaint received regarding 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.
- 1.5 In accordance with the Arrangements, the Deputy Monitoring Officer contacted the Subject Member for comments on the complaint which are contained in Appendix D.
- 1.6 The Monitoring Officer appointed one of the Independent Persons to consider the complaint. The Independent Persons initial view is attached as Appendix E. Furthermore to assist the sub-committee due to reference to the Protocol on Member and Officer relations an independent legal view is attached at Appendix F.
- 1.7 The next stage of the process is for the Sub Committee to consider the Complaint, considering Appendices A-F against the Assessment Criteria set out in the Arrangements, which is attached to this report at Appendix G.
- 1.8 Considering 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.