

**REPORT TO THE MEETING OF THE ETHICAL GOVERNANCE
COMMITTEE ON 6 FEBRUARY 2019**

Status: Decision
Title: Report of the Monitoring Officer – Complaint SC/44
Originator: Verina Wenham - Head of Legal and Democratic Services and
Monitoring Officer
Where from:
**Where to
next:** Implementation

1 Purpose of Report

1.1 To enable the Committee to consider a complaint received regarding the conduct of a District Councillor and to consider what action should be taken.

2 Recommendations:

2.1 **The Committee to consider the complaint attached at Appendix A, in the context of Appendices C-E and consider what action they wish to take from the following :-**

- **No Action**
- **Other Action such as training, support, mediation**
- **Refer for Investigation**

3 Summary of Reasons for the Recommendations

3.1 The Committee is required to consider the complaint and decide what action is appropriate. The options available to the Committee are set out in 2.1 above and the body of this report.

4 Impact on Communities

4.1 None as far as this report is concerned.

5 Key Facts

- 5.1 The complaint at Appendix A has been received by the Monitoring Officer and is being considered in accordance with the Council's Complaints Process and the Council's Code of Conduct adopted in 2015.
- 5.2 The detail of the complaint is set out in Appendix A and relates to a social media comment. The Complainant also forwarded a copy of the social media post which is included in Appendix A.
- 5.3 In accordance with the Council's adopted procedure for dealing with complaints, the Monitoring Officer has conducted a fact finding exercise. The Monitoring Officer contacted the Subject Member regarding the allegations and a copy of the transcript of the conversation dated 18 January 2019 is attached as Appendix C. The Monitoring Officer also spoke with the Complainant and an email detailing the discussions is attached as Appendix D.
- 5.4 The Monitoring Officer appointed one of the Independent Persons to consider the complaint. The Independent Person's view is attached as Appendix E.
- 5.5 The next stage of the process indicates that the Committee consider the complaint, the Independent Persons initial view and the other appendices in order to decide whether :-
 - No action be action
 - The complaint be referred for other action such as training, support, mediation
 - The complaint be referred for investigation

6 Legal Issues

- 6.1 Of particular note in the new Localism Act is the change making the non-registration of a disclosable pecuniary interest within 28 days a criminal offence. (*This is not an issue in this case.*)

7 Resource Issues

- 7.1 To date the complaint has been managed within existing resources. However should the complaint be referred for external investigation, there would be a financial impact.

8 Equality Implications

- 8.1 None as far as this report is concerned.

9 Impact on the Organisation

- 9.1 None as far as this report is concerned.

- 10 Community Safety Implications
- 10.1 None as far as this report is concerned
11. Carbon Management Implications
- 11.1 None as far as this report is concerned.
12. Risk Management Implications
- 12.1 The impact of the changes and implementation to meet the requirements of the Localism Act will need to be managed to minimise any risk to the Council's reputation or otherwise.
- 13 Consultation
- 13.1 The Independent Person has been consulted.
- 14 Options Considered
- 14.1 The options available to the Committee are as set out in the report and specifically paragraph 5.5 of this report.
- 15 Background Papers
- 15.1 Localism Act 2011
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Previous report(s): None

Information Issued Under Sensitive Issue Procedure: Y/N

Ward Members Notified: Y/N

Appendices:

- A. Complaint – SC/44 - Exempt**
- B. Harborough District Council Code of Conduct**
- C. Detail of conversation with Subject Member Exempt**
- D. Detail of conversation with Complainant - Exempt**
- E. Opinion of Independent Person – Exempt**