

---

Meeting	Group Leaders Panel
Date	4 February 2014
<b>Subject</b>	<b>Report on Use of Delegations</b>
Report of	Assurance Director
Summary	This report summarises for Members the number of Member complaints received since the last Group Leaders Panel and the decisions made by the Monitoring officer.

---

Officer Contributors	Maryellen Salter, Assurance Director
Status (public or exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	Not applicable
Function of	Council
Enclosures	None
Contact for Further Information:	Maryellen Salter 020 8359 3167 <a href="mailto:maryellen.salter@barnet.gov.uk">maryellen.salter@barnet.gov.uk</a>

## **1. RECOMMENDATIONS**

- 1.1 That the Group Leaders Panel notes the delegations used to reject any formal complaints made under the Member Code of Conduct during the period from 5<sup>th</sup> November 2013 to the 4<sup>th</sup> February 2014.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Constitution, Ethics and Probity Committee, Item 8 minute 2(a)(i)- The Monitoring Officer after consulting with the Independent Person will decide whether any complaint should go to a formal process. If the Monitoring Officer believes that the complaint is frivolous or vexatious or does not fall within the scope of the Code or Conduct, the complaint can be rejected following consultation with an appointed Independent Person. Any such rejected complaint will be formally reported to the next appropriate meeting of the Group Leaders Panel.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 The Members Code of Conduct provides the standards of behaviour for those holding a public office and is a necessary requirement of any system of governance. Good governance is essential to delivery of all Council priorities.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 By having the Group Leaders Panel receive reports on a regular basis regarding complaints received under the Members Code of Conduct provides oversight of Member complaints.

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 This report is a factual report based on a requirement as stipulated in the Constitution. As a result of this report there are no differential outcomes expected for those with protected characteristics. An equalities impact assessment has not been considered necessary.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 There is no use of resources implications as a result of this decision.

## **7. LEGAL ISSUES**

- 7.1 The Localism Act 2011 section 27 (1) requires that a local authority must promote and maintain high standards of conduct by members and co-opted members of the authority.

## **8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)**

- 8.1 Council Constitution, Members Code of Conduct, requires if the Monitoring Officer believes that the complaint is frivolous or vexatious or does not fall

within the scope of the Code or Conduct, the complaint can be rejected following consultation with an appointed Independent Person. Any such rejected complaint will be formally reported to the next appropriate meeting of the Group Leaders Panel.

## **9. BACKGROUND INFORMATION**

9.1 Since the date of the new operating procedures approved by Full Council (5<sup>th</sup> November 2013) the Monitoring Officer has received 3 complaints. The stages of the complaints are as follows:

- One complaint received on the 13<sup>th</sup> December 2013, upon consultation with the independent person the Monitoring Officer decided that the complaint does fall within the Code of Conduct and is not either vexatious or frivolous and should therefore go to a formal process. The investigation relating to this complaint appears on the agenda for this Group Leaders Panel.
- One complaint received on the 19<sup>th</sup> December 2013, upon consultation with the Independent Person the Monitoring officer decided that the complaint was vexatious and should not proceed to a formal process. The complainant was informed of the decision.
- One complaint received on the 22<sup>nd</sup> January 2014, upon consultation with the Independent Person the Monitoring Officer decided that complaint does fall within the Code of Conduct and is not either vexatious or frivolous and should therefore go to a formal process. The investigation is in its infancy stages and the subject member has been given right of reply to the complaint. A later date of the Group Leaders Panel is to be convened to consider the complaint in due course.

9.2 The Group Leaders Panel are asked to note the progress of the complaints received since the Group Leaders Panel met last.

## **10. LIST OF BACKGROUND PAPERS**

10.1 None.

<b>Cleared by Finance (Officer's initials)</b>	<b>N/A</b>
<b>Cleared by Legal (Officer's initials)</b>	<b>N/A</b>