



Group Leaders Panel 3rd September 2014

Title	Delegations Report
Report of	Assurance Director
Wards	None
Status	Public
Enclosures	None
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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.

Recommendations

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 11th March 2014 to the 3rd September 2014.

1. WHY THIS REPORT IS NEEDED

1.1 Since the last Group Leaders Panel on the 11th March 2014, there have been three complaints received in relation to the conduct of a Councillor.

1.2 The stages of the complaints are as follows:

- One complaint received on the 16th July 2014 regarding the conduct of a Councillor. After consultation with the independent person the Monitoring Officer decided that the complaint did not fall within the Code of Conduct and was formally rejected. The complainant and the subject Member were informed of the decision.
- One complaint received on the 16th July 2014 contained 6 complaints regarding the conduct of a Councillor. A further supplemental email was received on the 3rd July containing a further 2 complaints and the complainant requested that they be included with the first set of complaints. After consultation with the Independent Person three of the eight complaints went through to the Group Leaders Panel for consideration. The five that did not go through to the Group Leaders Panel were rejected as they did not fall within the Code of Conduct. The complainant and subject member were informed of the decision. Those complaints going through to the Group Leaders Panel will be considered elsewhere on the agenda on this meeting.
- One complaint received on the 20th July 2014 contained a complaint about the conduct of a Councillor. After consultation with the Independent Person it was decided that this complaint should go through to the Group Leaders Panel for formal consideration. This complaint will be considered by the Group Leaders Panel at a later date once the investigation is complete.

2. REASONS FOR RECOMMENDATIONS

2.1 This report is a requirement of the Constitution; there are no recommendations as the decision has been made by the Monitoring Officer. There is a requirement to report such decisions to the next Group Leaders Panel.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

4.1 Not applicable.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 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.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Legal advice and the views of the independent person were sought and as a result stage one of the complaints process cost approximately £650.

5.3 Legal and Constitutional References

5.3.1 The Members' Code of Conduct provides that 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. On 5 November 2013 Council agreed an amendment to the Code of Conduct that any such rejected complaint will be formally reported to the next appropriate meeting of the Group Leaders Panel.

5.3.2 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.

5.3.3 Section 28 of the Localism Act 2011 subsection (6)(a) and (b) requires that a relevant authority has arrangements under which allegations can be investigated, and has arrangements under which decisions on allegations can be made.

5.3.4 Under section 28 (7)(a) of the Localism Act requires that the authority must put into place arrangements for the appointment by the authority of at least one independent person whose views are to be sought, and taken into account, by the authority before it makes a decision on an allegation that it has decided to investigate.

5.4 Risk Management

5.4.1 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.

5.5 Equalities and Diversity

5.5.1 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.

5.6 Consultation and Engagement

5.6.1 Consultation is required with an Independent Person before the Monitoring Officer takes a decision to reject a complaint.

6. BACKGROUND PAPERS

None.