

PERIODIC REPORT OF THE MONITORING OFFICER TO THE STANDARDS COMMITTEE

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1. Purpose

1.1 This report is to advise members of standards issues, including complaints and investigations over the last 3 months.

2. Recommendations

2.1 That the report be noted.

3. Issues and Choices

3.1 Since 1 March 2016 to 1 June 1 2016 there have been:

- Nine complaints concerning Borough Council Members:
 - As advised at the last meeting of the Committee on the 8 March, 2016 seven of these complaints were linked because they all arose from the conduct of a Borough Councillor at a meeting which was alleged to be 'rude and aggressive' and perceived as racial discrimination. The Monitoring Officer took the advice of an Independent Person and concluded that the complaints had no merit and what was being complained of was appropriate management of an unwieldy meeting.
 - The remaining two matters are in the early stages of consideration and will be reported to the Committee in due course.

- No matters concerning complaints in relation to Parish Councillors:

3.2 There have been no matters referred to the Committee for investigation.

3.3 In arriving at his judgement the Monitoring Officer applied the following criteria.

- Does the allegation reveal a prima facie breach of the code?
- Is there a reasonable prospect that the allegation would be upheld?
- Is the matter complained of trivial?
- Is the allegation merely an attempt to initiate an investigation to 'embarrass' the Member, for e.g. political purposes?

- Is the matter essentially a dispute or difference of opinion between Members?
 - Is the use of the Code of Conduct the appropriate way to resolve concerns?
 - Given the range of sanctions available to a council is an investigation likely to improve the good working of the Council; in particular is any finding and sanction likely to improve public confidence in the democratic process?
 - Consideration of the case law and guidance.
 - Any other substantial consideration particular to the allegation.
- 3.4 The Monitoring officer was also mindful of the words of the Department for Communities and Local Government in the Plain English Guide to the Localism Act:

“Councillors play a crucial role in local life. The people who elect them have the right to expect the highest standards of behaviour. [However], it is too easy for people to put forward ill-founded complaints about councillors’ conduct. Lengthy debates about petty complaints or deliberately harmful accusations can undermine people’s faith in local democracy and put them off standing for public office.

... Councils will not be obliged to spend time and money investigating trivial complaints, while councillors involved in corruption and misconduct will face appropriately serious sanctions. This will provide a more effective safeguard against unacceptable behaviour”.

- 3.5 In all the circumstances the Monitoring Officer concluded in the cases before him, that an investigation was not in the public interest.

4. **Implications**

- 4.1 The Localism Act 2011 continues to have a marked impact nationally on the number of complaints coming forward and this is reflected in the experience in Milton Keynes.
- 4.2 Members, particularly in parishes continue to look to the Standards regime to ‘manage’ difficult relationships and people. In practice the standards regime can do little to improve the behaviour in these cases.
- 4.3 Another round of “Code of Conduct” training will be held this year, both for the Council, and Parish Councils.
- 4.4 On a more general note the evidence is that there is not major public dissatisfaction with the behaviour and conduct of Members generally in Milton Keynes, at least so far as is borne out by the number of complaints received.

Background Papers: None