

# Standards Assessment Sub-Committee report



## MONITORING OFFICER'S REPORT

Report sponsor	N/A
Report author	<b>Sharon Bridglalsingh</b> Monitoring Officer Email: <a href="mailto:Sharon.Bridglalsingh@milton-keynes.gov.uk">Sharon.Bridglalsingh@milton-keynes.gov.uk</a> Tel: 01908 252095

Exempt / confidential / not for publication	No
Council Plan reference	N/A
Wards affected	N/A

## Purpose

The Monitoring Officer of Milton Keynes Council has received a self-referral and two complaints about an elected councillor of Milton Keynes Council regarding an alleged breach of the Code of Conduct.

As the self-referral and complaints arise from the same facts, they have been considered together.

The purpose of the Sub-Committee's initial assessment decision is to decide whether any action should be taken on either of the complaints, whether as an investigation or some other actions. The Sub-Committee makes no finding of fact and this is not a hearing.

## 1. Decision/s to be made

1.1. That the Sub-Committee, in considering the complaints, decide whether:

- (a) to reject the complaints, with reasons; or
- (b) to refer the complaints to the Monitoring Officer:
  - (i) for investigation; or
  - (ii) for resolution.

## 2. Issues and Procedure

2.1. This report outlines the process that is followed when making an initial assessment and the options that are open to the Sub-Committee.

2.2. As supporting materials, the Sub-Committee is required to consider:

- Complaint 1 (**Annex A**)
- Complaint 2 (**Annex B**)
- Complaint 3 (**Annex C**)
- The named Councillor's response (**Annexes D and E**)
- Milton Keynes Council's Code of Conduct for Members (**Annex F**)
- Milton Keynes Council's Arrangements for dealing with Standards Allegations under the Localism Act 2011 (**Annex G**)
- View of the Independent Person (**Annex H**)
- Facebook Page (**Annex I**)
- MKFM Article dated 19 May 2020 (**Annex J**)

2.3. Before assessment of a complaint begins, the Sub-Committee should be satisfied that a complaint meets the following tests:

- It is a complaint against a named councillor of the authority.
- The named councillor was in office at the time of the alleged councillor and the Code of Conduct was in force at the time.
- The named councillor was acting in their capacity as a councillor at the time of the alleged misconduct.
- The complaint, if proven, would be a breach of the Code under which the councillor was operating at the time of the alleged misconduct.

- 2.4. If these tests are satisfied, the Sub-Committee must then go on to consider:
- (a) Is the matter complained of very minor or trivial?
  - (b) Is the complaint vexatious or malicious?
  - (c) Is the complaint historical (i.e. more than 6 months old)?
  - (d) Would the investigation of the complaint be in the public interest?
  - (e) Is there any other substantial reason why further action is required?

### 3. Decision Making

- 3.1. Once the questions in paragraphs 2.3 and 2.4 have been considered, the Sub-Committee is required to reach one of the three following decisions:
- to reject the complaints, with reasons;
  - to refer the complaints to the Monitoring Office for investigation; or
  - to refer the complaints to the Monitoring Officer for resolution.
- 3.2. Within five working days of the Sub-Committee making its decision, it will notify the complainant and the named Councillor in writing, with reasons given for the decision.

### 4. Monitoring Officer

- 4.1. Having considered the facts and consulted with the Independent Person the Monitoring Officer:
- (a) is satisfied that the named councillor was acting in his capacity as a Councillor and in office at the time of the alleged misconduct;
  - (b) considers that the Code of Conduct for Councillors of Milton Keynes Council applies and the conduct, if proven, would be a breach of the Code of Conduct; and
  - (c) has decided to refer this to a Sub-Committee because of the public interest in the case (**Annexes A, B and C**), the political sensitivities raised by the named Councillor and, agrees with the Independent person that informal resolution is not appropriate in this matter.

## 5. Additional Information

### Timeline

- Complaint 1 received on 19 May 2020.
  - Complaint 2 received on 6 June 2020 (the complaint form states 6 April 2020 but is incorrect).
  - Complaint 3 received on 10 June 2020.
  - Named councillor provided a response on 27 May 2020.
  - Named councillor provided a response to additional complaints on 17 June 2020.
  - Independent Persons Report provided on 31 May 2020.
  - Independent Person confirms they have no further comments on 17 June 2020.
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### List of Annexes

- Complaint 1 (**Annex A**)
- Complaint 2 (**Annex B**)
- Complaint 3 (**Annex C**)
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