

Standards report



MONITORING OFFICER'S REPORT

Report sponsor	N/A
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Exempt / confidential / not for publication	No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 two complaints about an elected councillor of Milton Keynes Council regarding an alleged breach of the Code of Conduct.

As both complaints arise were submitted on the same day and are against the same councillor, they have been brought forward for the Sub-Committee's consideration together but, as the facts underpinning each are different, the Sub-Committee will consider each separately within the meeting.

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**)
- The named councillor's response statement and evidence (**Annex C and C(i)**)
- Milton Keynes Council's Arrangements for dealing with Standards Allegations under the Localism Act 2011 (**Annex D**)
- Milton Keynes Council's Code of Conduct for members (**Annex E**)
- View of the Independent Person on Complaint 1 (**Annex F**)
- View of the Independent Person on Complaint 2 (**Annex G**)
- Named Councillor CMIS Profile (**Annex H**)
- Register of Members Interests dated 15.06.2020 (**Annex I**)
- Register of Members Interests dated 11.05.2018 (**Annex J**)
- Email from Subject Member dated 23.06.2020 (**Annex K**)

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 Milton Keynes Council (MKC).
- The named councillor was in office at the time of the alleged misconduct.

- The named councillor was acting in their capacity as a MKC councillor at the time of the alleged misconduct.
- That the Code of Conduct for Members of MKC applies.
- The complaint, if proven, would be a breach of the MKC 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 has decided to refer this to a Sub-Committee because of the public interest in the case (Annex A, B and C) and because the matter is politically sensitive.

5. Additional Information

Timeline

- Complaint 1 officially received on 22 May 2020.
- Complaint 2 officially received on 22 May 2020.

- Named councillor provided a response on 6 June 2020.
- Named councillor provided additional evidence on 6 June 2020.
- Independent Persons Views to Complaint 1 and 2 provided on 20 June 2020

List of Annexes

- Complaint 1 (**Annex A - circulated under separate cover**)
- Complaint 2 (**Annex B - circulated under separate cover**)
- The named councillor's response statement and evidence (**Annex C and C(i) - circulated under separate cover**)
- Milton Keynes Council's Arrangements for dealing with Standards Allegations under the Localism Act 2011 (**Annex D - circulated under separate cover**).
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Exempt Papers:

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- Complaint 2 (**Annex B - circulated under separate cover**)
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- View of the Independent Person on Complaint 1 (**Annex F - circulated under separate cover**)

- View of the Independent Person on Complaint 2 (**Annex G - circulated under separate cover**)