

# 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Exempt / confidential / not for publication	No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. The procedure is as set out in Annex G : Milton Keynes Council's Arrangements for dealing with Standards Allegations under the Localism Act 2011

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

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

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; and
- 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 she considers that there is a high level of public interest in the case and the matter is politically sensitive (**Annex A, B, C, I and J**).

## 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 - circulated under separate cover**)
- Complaint 2 (**Annex B - circulated under separate cover**)
- Complaint 3 (**Annex C - circulated under separate cover**)
- The named councillor's response (**Annex D and E - circulated under separate cover**)
- Milton Keynes Council's Code of Conduct for members (**Annex F - circulated under separate cover**)
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### Exempt Papers:

- Self-Referral (**Annex A - circulated under separate cover**)
- Complaint 2 (**Annex B - circulated under separate cover**)

- Complaint 3 (**Annex C - circulated under separate cover**)
- The named councillor's response (**Annex D and E - circulated under separate cover**)
- View of the Independent Person (**Annex H - circulated under separate cover**)