

Standards Assessment Sub-Committee 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Exempt / confidential / not for publication	No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 a complaint about an elected councillor of Milton Keynes Council regarding an alleged breach of the Code of Conduct.

The purpose of the Sub-Committee's initial assessment decision is to decide whether any action should be taken on the complaint, 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 complaint, decides whether:

- (a) to reject the complaint, 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 - Completed Complaint Form with initial complaint dated 26 May 2020 (**Annex A 1 and Annex A2 - circulated under separate cover**)
- The named councillor's response (**Annex B - circulated under separate cover**)
- Milton Keynes Council's Code of Conduct for members (**Annex C - 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**).
- Report of the Independent Person received 11 June 2020 (**Annex E - circulated under separate cover**)
- Additional Response by the Independent Person dated 24 June 2020 (**Annex F - circulated under separate cover**)

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

- It is a complaint against a named councillor of Milton Keynes Council.
- The named councillor was in office at the time of the alleged misconduct and the Milton Keynes Council Code of Conduct for Members and Co-opted Members 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 (the Milton Keynes Council Code of Conduct for Members and Co-opted Members).

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 Office has decided to refer the matter to this Sub-Committee because of the public interest in and the political sensitivity of the matter.

5. Additional Information

Timeline

- Complaint received on 26 May 2020.
- Named councillor informed on 27 May 2020.
- Named councillor provided a response on 7 June 2020.

- Independent Persons Report provided on 11 June 2020.
 - Additional statement provided by the Independent Person on 24 June 2020.
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List of Annexes

- Complaint (**Annex A 1 and Annex A2 - circulated under separate cover**)
- The named councillor's response (**Annex B - circulated under separate cover**)
- Milton Keynes Council's Code of Conduct for members (**Annex C - 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:

- Complaint 1 (**Annex A1 and A2 - circulated under separate cover**)
- The named councillor's response (**Annex B - circulated under separate cover**)
- View of the Independent Person (**Annex E - circulated under separate cover**)
- Additional Response by Independent Person (**Annex F - circulated under separate cover**)