

PERIODIC REPORT OF THE MONITORING OFFICER

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1. Purpose

1.1 This report is to advise members of standards issues, including complaints and investigations from 1 June 2015 to 23 February 2016.

2. Recommendations

2.1 That the report be noted.

3. Issues and Choices

3.1 Since 1 June 2015 there have been:

- One matter concerning a Borough Council Member. The Monitoring Officer dismissed this complaint because he found that the Councillor was not acting in her capacity as a Member at the time of the alleged misconduct.
- Ten matters concerning complaints in relation to Parish Councillors:
 - Three of the complaints came from a single complainant alleging the misuse of authority by three parish councillors all from the same parish council. The Monitoring Officer concluded that an investigation was not warranted and notes that the role of the Standards Committee does not extend to arbitrating disputes arising from the constitutions of town and parish councils.
 - One complaint alleged that a parish councillor abused her power as a Councillor. The Monitoring Officer did not consider that the Councillor was acting in her capacity as an elected member at the time of the alleged misconduct and therefore this was not a breach of the Code of Conduct within his powers to investigate.
 - The remaining six complaints all alleged aggressive behaviour by parish councillors to residents. The Monitoring Officer considered that these matters were trivial and did not warrant the cost of any further investigation. However, noting the increase in complaints about rude and hostile behaviour, he wrote to the parish councillors complained of to point out that 'even where we don't intend it, our behaviour can come across as aggressive and this is not conducive to public engagement which is at the heart of the role of councillors'.

The Monitoring Officer also wrote to the Chair of the affected Parish Councils pointing out the number of complaints and offering training on dealing with difficult situations and customers.

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 DCLG 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.

3.6 There are currently seven complaints going through the early stages of assessment. These are linked because they are all made against one Borough Councillor arising from conduct at a meeting which they allege was 'rude and aggressive'. The Monitoring Officer is in the process of dealing with these complaints. It is too early to say whether or not these will result in an investigation and hearing.

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 has been rolled out in 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.

4.5 Revised advice has gone out to all Councillors in the Council on the issue of pre-determination and bias in the light of recent statutory and case law changes.

Background Papers:

None