

**STANDARDS SUB-COMMITTEE****16 APRIL 2018****MONITORING OFFICER'S REPORT:****CONSIDERATION OF A STANDARDS INVESTIGATION REPORT ABOUT AN ELECTED COUNCILLOR**

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**1. Purpose**

- 1.1 The Monitoring Officer of Milton Keynes Council received two complaints about an elected Councillor of Milton Keynes Council regarding an alleged breach of the Code of Conduct.
- 1.2 As both complaints related to the same set of facts they were assessed together by a Standards Sub-Committee on 19 January 2018. The Sub-Committee decided that the complaints should be investigated and following the meeting an external Investigator was appointed. The investigation has been completed and the Investigator has now submitted her report.
- 1.2 The purpose of the Sub-Committee is to consider the Investigation Report into the two complaints and decide on how they should now be progressed.

**2. Action Required**

- 2.1 That the Sub-Committee, in considering the Investigation Report, decide whether:
  - (a) to reject the complaints; or
  - (b) to instruct the Monitoring Officer to seek resolution; or
  - (c) to refer the matter to a hearing.

A decision notice setting out the Assessment sub-Committee's decision will be sent to the named councillor and the complainant's within 5 working days of the decision.

At this stage, no decision about whether the Code has been breached will be made.

If the matter is referred to a hearing, the hearing panel will heed the advice of the Independent Person and may dismiss the complaint because the named councillor did not breach the Code, or if the subcommittee concludes that the

named councillor has failed to comply with the Code, the panel will consider what action, if any, should be taken as a result.

### **3. Issues and Procedure**

3.1 This report outlines the process that is to be followed when considering the Investigation Report and the options that are open to the Sub-Committee.

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

- Complaint 1 (Exempt Paper – Annex A)
- Complaint 2 with attachment (Exempt Paper – Annex B)
- The named Councillor's response (Exempt Paper – Annex C)
- Loughton Council's Code of Conduct for Members (Annex D)
- Milton Keynes Council's Arrangements for dealing with Standards Allegations under the Localism Act 2011 (Annex E)
- Flowchart Resolution of Complaints (Annex F)
- View of the Independent Person (Exempt Paper – Annex G)
- Investigation Report (Exempt Paper – Annex H)

### **4. Additional information**

4.1 Time line:

- Complaint 1 received 21 November 2017
- Complaint 2 received 4 December 2017
- Named Councillor provides a response to the complaint 20 December 2017
- Independent Person provides their view upon the complaint 4 January 2018
- Assessment Sub-Committee 19 January 2018.
- Investigation Report 5 April 2018.

#### **Exempt Papers:**

Copy of two complaint forms with attachment (Annexes A and B)

Named Councillor's response to the complaint (Annex C)

View of the Independent Person (Annex G)

Investigation Report (Annex H)