

REPORT TO: STANDARDS COMMITTEE 9 MARCH 2009

**REPORT BY: MICHAEL LAWTHORP, STRATEGIC DIRECTOR and
CITY SOLICITOR**

**SUBJECT: QUARTERLY REPORT ON PROGRESS IN RELATION TO
COMPLAINTS MADE RELATING TO ALLEGED BREACHES OF THE CODE OF
CONDUCT BY MEMBERS**

1 Purpose of the Report

The purpose of the report is to advise the Committee on progress, with reference to complaints relating to alleged breaches of the Code of Conduct by Members.

2 Recommendations

It is recommended that Members consider this report and decide whether any further recommendations should be made to the Council as a result of the complaints which are referred to in the attached appendix.

3 Background

The Standards Committee has an obligation to consider complaints which are received in relation to alleged breaches of the Code of Conduct. Whilst this is a very important role, the Committee also needs, from time to time, to review complaints which have been determined, looking at both their number and also their nature and decide whether they consider there are any learning points for the Council arising as a result. It is for this reason that the attached schedule is presented to the Committee.

The Committee will note that there has been a general trend in fewer complaints being made. In the last twelve months only two new complaints have been made. Both of these complaints have been considered under the “new” local filtering arrangements. The first complaint was in accordance with the guidance referred to the Standards Board for England for investigation. At the date of this report, the result of that investigation is awaited, and it may be considered to be premature to consider the matter further until it is finally resolved.

In respect of the second complaint received, this was considered by the Assessment Sub-Committee on 23 February and their formal decision is awaited. Again, it may be considered premature to consider the matter further until it is finally resolved.

The only complaint which was finally resolved in this period was a matter in relation to Councillor Lynda Symes. This was a long outstanding allegation where the Committee dismissed the complaint due to lack of evidence. In this case there was no evidence because the complainant did not wish to provide any, after providing an initial statement to the investigating officer. Under the procedures which were in force, at the time when the complaint was made, the matter had to be brought to a

hearings committee for determination before it could be disposed of, even though there was no evidence. Procedures have now been changed as a result of legislative changes and, in cases such as this, the matter could be disposed of as an administrative decision where there was no evidence forthcoming to support the allegation. It is anticipated that the Committee may feel this case is now somewhat of an historic anomaly, in that as it would not now come before the Committee for its consideration, there is no learning point to be gained from it.

4 Conclusion

The Committee is invited to conclude that due to the above facts, there are no learning points for the Council at this time. However, the Committee may wish to note with some pleasure that the “lack of business” for this Committee is a possible indication of improved standards of conduct, within the Council, since the initial introduction of the Code of Conduct, which was reflected in the Council’s Comprehensive Performance Assessment last year.

5. Equality Impact

This report has not undergone Equality Impact Assessment as it is not believed that one is required

Michael Lawther
Strategic Director and City Solicitor

Background list of Documents

Section 100D of the Local Government Act 1972

The City Solicitor’s Files of papers in relation to alleged breaches of the Code of Conduct.

The recommendations set out above were
approved/approved as amended/deferred/rejected
by the Committee on 9 March 2009

Signed-----