

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**REPORT COVER SHEET**

Title of Report:	Monitoring Officer's Report regarding a complaint
Meeting of:	Standards Committee
Date:	27 <sup>th</sup> June 2016
Is this an Executive Decision:	No
Is this a Key Decision:	No
Is the report Confidential:	No
If so, please state relevant paragraph from Schedule 12A LGA 1972:	N/a

**Essential Signatories:**

**ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE**

Monitoring Officer: Angela Wakefield

Date ..... Signature .....

Chief Finance Officer: Sal Khan

Date ..... Signature .....

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

Report to Standards Committee

Date: 27<sup>th</sup> June 2016

<b>TITLE:</b>	Monitoring Officer's Report regarding a complaint	
<b>PORTFOLIO:</b>	Monitoring Officer	
<b>HEAD OF SERVICE:</b>	Monitoring Officer	
<b>CONTACT OFFICER:</b>	Angela Wakefield	ext. No. X1267
<b>WARD(S) AFFECTED:</b>	None	

**1. Purpose of the Report**

- 1.1 To advise members of the Committee of the findings of an investigation report regarding a complaint about the conduct of Councillor Colin Wileman (a Member of East Staffordshire Borough Council).

**2. Background**

- 2.1 The Standards Committee is required to consider all complaints where a member of a Council in the Borough is alleged to have breached their respective Code of Conduct for Members. Such a complaint has been received about Councillor Wileman.
- 2.2 The Complaint was considered by the Monitoring Officer (in consultation with the Independent Person) and she decided to refer the complaint for investigation.
- 2.3 The Monitoring Officer appointed an independent investigator to carry out the investigation.

**3. Contribution to Corporate Priorities**

- 3.1 Maintaining appropriate standards of member conduct contributes indirectly to all Corporate Priorities.

#### **4. Report**

- 4.1 A complaint was received about the conduct of Councillor Colin Wileman, a Member of East Staffordshire Borough Council, from Mr Andy O'Brien, the Council's Chief Executive. The complaint is detailed at pages 1 and 2 of the Investigator's report at Appendix 1, but in essence the complaint is that Cllr Wileman leaked confidential information following a meeting of the Leader's Advisory Group on 3<sup>rd</sup> February 2016.
- 4.2 The complaint is within the jurisdiction of the Standards Committee.
- 4.3 The independent investigator appointed by the Monitoring Officer concluded that Cllr Wileman passed on information in breach of a duty of confidentiality and that by doing so Cllr Wileman acted in breach of the Council's Code of Conduct for Councillors ("the Code"). Specifically, the Investigator found that Cllr Wileman breached rule 3.7 (which states that Councillors must not disclose information given to them in confidence by anyone ... which they believe, or ought reasonably to be aware, is of a confidential nature) and rule 3.9 of the Code in that the release of the information could reasonably be regarded as bringing the Council into disrepute). As it says in his report, the Investigator is of the opinion that if confidential information cannot be provided by officers or Members in confidence that the Council cannot properly function.
- 4.4 The Committee is required to determine the complaint. They must firstly consider whether they consider that there has been a breach of the Code of Conduct. If so, they should then consider what, if any, sanction to impose on the Councillor.
- 4.5 The sanctions open to the Committee are:
  - 4.5.1 Publish its findings in respect of the Councillor's conduct;
  - 4.5.2 Report its findings to the Council for information;
  - 4.5.3 Recommend to the Councillor's political group leader that they be removed from any or all Committees or Sub-Committees of the Council;
  - 4.5.4 Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular portfolio responsibilities;
  - 4.5.5 Recommend to the Council that the Leader of the Council should be removed as Leader;
  - 4.5.6 Instruct the Monitoring Officer to arrange training for the Councillor &/or other councillors;
  - 4.5.7 Remove from all outside appointments to which they have been appointed or nominated by the Council;
  - 4.5.8 Withdraw facilities provided to the Councillor by the Council, such as a computer, website and/or email and internet access; or
  - 4.5.9 Exclude the Councillor from the Council's offices or other premises, with the exception of meeting rooms which are necessary for attending Council, Committee and Sub-Committee meetings.

- 4.6 The Council has no power to suspend or disqualify the Councillor nor to withdraw councillors' ordinary or special responsibility allowances.

## **5. Financial Considerations**

*This section has been approved by the following member of Financial Management Unit: Lisa Turner.*

- 5.1 There are no financial issues arising from this Report.

## **6. Risk Assessment and Management**

- 6.1 The main risks to this Report and the Council achieving its objectives are as follows.

- 6.2 Positive (Opportunities/Benefits):

6.2.1 Being seen to enforce the Code of Conduct appropriately will have a positive effect on future conduct of members and will improve the confidence of the public in the Council.

- 6.3 Negative (Threats)

6.3.1 Failure to enforce the Code of Conduct appropriately will have an adverse effect on future conduct of members and will adversely affect the confidence of the public in the Council.

- 6.4 The risk of members breaching the Code of Conduct is referred to in the Risk Register. Any financial implications to mitigate against these risks are considered above.

## **7. Legal Considerations**

*This section has been approved by the following member of the Legal Team: Angela Wakefield*

The main legal issues arising from this Report are as follows.

- 7.1 The Committee is required to determine all complaints referred to them where a member of a Council in the Borough is alleged to have breached their respective Code of Conduct for Members under the provisions of the Localism Act 2011.

## **8. Equality and Health**

- 8.1 **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

- 8.2 **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

## **9. Human Rights**

- 9.1 The main Human Rights issues arising from this Report are as follows.

9.2 The Member about whom the complaint has been made has the right to a fair hearing. The Standards Committee Hearings Procedures fulfil this requirement.

**10. Sustainability** (including climate change & change adaptation measures)

10.1 Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

10.2 Please detail any positive/negative aspects:

Positive (Opportunities/Benefits)

10.2.1 None

Negative (threats)

10.2.2 None

**11. Recommendations**

11.1 That the Committee should consider the investigation report and representations made to them at the hearing and decide:

11.1.1 whether they consider that there has been a breach of the Code of Conduct; and if so,

11.1.2 what, if any, sanction/s to impose on Councillor Wileman.

**12. Background papers**

12.1 None.

**13. Appendix**

13.1 Investigator's report.