

EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Monitoring Officer's Report regarding a complaint
Meeting of:	Standards Committee
Date:	5 th September 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 ...25.August 2016.....	Signature
Chief Finance Officer: Sal Khan	
Date25 August 2016.....	Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Standards Committee

Date: 5th September 2016

TITLE:	Monitoring Officer's Report regarding a complaint	
PORTFOLIO:	Monitoring Officer	
HEAD OF SERVICE:	Monitoring Officer	
CONTACT OFFICER:	Angela Wakefield	ext. No. X1267
WARD(S) AFFECTED:	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 Raymond Faulkner (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. Three such complaints have been received about Councillor Faulkner.
- 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 Complaints were received about the conduct of Councillor Raymond Faulkner, a Member of East Staffordshire Borough Council, from Mr Everton Burke, Mr John Beaty and Dr Deborah Price. The complaints all concern Cllr Faulkner's alleged behaviour during his time as the Council's appointed representative on the shadow board of the Burton and South Derbyshire University Technical College. There are two allegations against Cllr Faulkner, both of which are summarised at page 3 of the Executive Summary to the Investigator's Report at Appendix 1.
- 4.2 The complaint is within the jurisdiction of the Standards Committee.
- 4.3 The independent investigator appointed by the Monitoring Officer investigated the two allegations referred to at 4.1 above and concluded that while the first allegation did not amount to a breach of the Council's Code of Conduct for Councillors ("the Code"), in respect of second allegation, comments made by Cllr Faulkner in an email addressed to Dr Price amounted to a failure to comply with the Code (see paragraphs 60 and 61 at page 16 of the Investigator's report). Specifically, the Investigator has found that Cllr Faulkner has not complied with paragraph 3.1 of the Code.
- 4.4 The Committee is required to determine the complaint. They must first consider whether 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:
Sal Khan*

- 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 role.

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 Faulkner.

12. Background papers

12.1 None.

13. Appendix

13.1 Investigator's Report and appendices SG1 to SG15 .