

EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Monitoring Officer's Report regarding a complaint
Meeting of:	Standards Committee
Date:	7 th January 2020
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 ...7 th January 2020.....	Signature
Chief Finance Officer: Sal Khan	
Date	Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Standards Committee

Date: 7th January 2020

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 Syed Hussain (a Member of East Staffordshire Borough Council) to enable them to consider the complaint and determine whether or not Cllr Hussain has acted in breach of the Council's Code of Conduct for Councillors.

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 Hussain.
- 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 ("the 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 Syed Hussain, a Member of East Staffordshire Borough Council, from Community Centre ("QSCC"). A copy of the complaint is at Appendix 1. In his report at Appendix 2, the Investigator has summarised what he considers to be the most serious elements of the complaint as follows:

A. The Councillor was in dereliction of his duties as a Council appointed member of the board, attending only 4 of 16 possible meetings of the board over the period of 2017-2018.

B. The Councillor failed to engage with the complaints process operated by QSCC and conducted himself in such a way as to seek to divert a business opportunity from QSCC to a third party organisation.

C. The Councillor acted inappropriately in the use of QSCC resources and acted inappropriately towards an employee of QSCC

- 4.2 The complaint is within the jurisdiction of the Standards Committee.
- 4.3 The Investigator has investigated the allegations against Cllr Hussain and finds that Cllr Hussain has failed to comply with the Code of Conduct for Councillors. The investigator has concluded that there are various allegations which provide evidence of a breach of the Code inasmuch as they risk bringing the Council into disrepute. In addition, the Investigator has found evidence of a failure to abide by paragraphs 3.4 and 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 relevant 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 Instruct the Monitoring Officer to arrange training for the Councillor &/or other councillors;
 - 4.5.5 Remove the Councillor from all outside appointments to which they have been appointed or nominated by the Council;

4.5.6 Withdraw facilities provided to the Councillor by the Council, such as a computer, website and/or email and internet access; or

4.5.7 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 the Councillor's allowance.

5. Financial Considerations

This section has been approved by 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 sanction/s, if any, to impose on Cllr Hussain.

12. Background papers

12.1 None.

13. Appendices

13.1 The complaint against Cllr Hussain.

13.2 Investigator's report.

13.3 The response by Cllr Hussain's solicitors to the draft investigation report.

13.4 Code of Conduct for Councillors