

# **NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

## **ASSESSMENT SUB-COMMITTEE - 6 NOVEMBER 2018**

Title of report	<b>ALLEGATIONS OF A FAILURE TO OBSERVE THE CODE OF CONDUCT</b>
Contacts	Head of Legal and Commercial Services 01530 454762 <a href="mailto:elizabeth.warhurst@nwleicestershire.gov.uk">elizabeth.warhurst@nwleicestershire.gov.uk</a>
Purpose of report	<ol style="list-style-type: none"> <li>1. To consider the report of the Head of Legal and Commercial Services and Monitoring Officer.</li> <li>2. To request that the Assessment Sub-committee determine what action should be taken.</li> </ol>
Implications:	
Financial/Staff	There will be resource implications if the matter proceeds to investigation. The costs of an investigation can be met from existing budgets.
Link to relevant CAT	N/A
Risk Management	N/A
Equalities Impact Assessment	N/A
Human Rights	The Act and Regulations thereunder have taken account of human rights.
Transformational Government	The complainant may request a review of the decision of the Assessment Sub-committee to be heard by the Review Sub-committee.
Consultees	N/A
Background papers	<p>Local Government Act 2000 (<a href="http://www.opsi.gov.uk">www.opsi.gov.uk</a>).</p> <p>Local Government and Public Involvement in Health Act 2007 (<a href="http://www.opsi.gov.uk">www.opsi.gov.uk</a>).</p> <p>Localism Act 2011 (<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>).</p> <p>Arrangements adopted by Council on 26 June 2012.</p> <p>NWLDC Local Assessment of Complaints Guidance.</p> <p><a href="#">Agenda of the Assessment Sub-committee from 2 October 2018.</a></p>

Recommendations	<b>THAT THE ASSESSMENT SUB-COMMITTEE MAKES A FINDING ON THE COMPLAINT AS SET OUT AT PARAGRAPH 3 OF THE REPORT.</b>
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## **1. BACKGROUND**

- 1.1 The Assessment Sub-committee met on 2 October 2018 to consider the complaints made by Mr Redfern and Mr Sharp about Councillor Bridges. The agenda for the meeting is available via the background papers to this report.
- 1.2 The role of the Assessment Sub-committee was to consider the report of the Monitoring Officer and decide, on the papers, whether to:
  - 1.2.1 refer the complaint to the Monitoring Officer to take other action;
  - 1.2.2 request further information from the parties;
  - 1.2.3 refer the complaint to the Monitoring Officer for investigation;
  - 1.2.4 take no further action in respect of the complaint.
- 1.3 The Assessment Sub-committee was not required to make a decision on the alleged breaches of the Code of Conduct.
- 1.4 Following consideration of the report on 2 October 2018, the Assessment Sub-committee decided to request the Monitoring Officer to take other action. They requested that the Monitoring Officer contact the parties to seek to arrange a further round table meeting to see whether it was possible to resolve the complaint informally. The Sub-committee recognised that there was no obligation on the parties to attend the meeting but it was hoped that parties would be prepared to work together on another attempt at informal resolution. Cognisant of the fact that the complaint had been ongoing for some time, the Assessment Sub-committee requested that the Monitoring Officer try to convene the meeting within 4 weeks of the first Sub-committee. The Assessment Sub-committee stated that, if informal resolution was successful, that would be an end to the matter. If the parties declined to take part in a further meeting then a further meeting of the Assessment Sub-committee should be arranged in order to determine what to do with the complaints.
- 1.5 A copy of the minutes of the Assessment Sub-committee on 2 October 2018 is attached at Appendix 1.

## **2. INFORMAL RESOLUTION**

- 2.1 Following telephone and e-mail correspondence with parties after the meeting, the Monitoring Officer has concluded that it will not be possible to arrange a further informal resolution meeting and the complaints are referred back to the Assessment Sub-committee for a decision.
- 2.2 At the first Sub-committee meeting it was decided that the meeting should be held in open session for reasons of transparency. Based on that decision, as this report is by way of short update and does not introduce new detail to the complaints, this agenda for the meeting has been published in the usual way.

- 2.3 Mr Pearson, the Independent Person, has been briefed on the outcome of the first Sub-committee meeting and the referral of the complaints back to the Sub-committee. Any advice or feedback which may be offered by Mr Pearson will be reported to the Sub-committee.

### **3. ASSESSMENT OUTCOMES**

- 3.1 The following outcomes remain available to the Sub-committee under the Arrangements adopted by Council:

3.1.1 refer the complaint to the Monitoring officer to take other action;

3.1.2 request further information from the parties;

3.1.3 refer the complaint to the Monitoring Officer for investigation;

3.1.4 no action to be taken in respect of the complaint.

### **4. REVIEW OF THE DECISION OF THE ASSESSMENT SUB-COMMITTEE**

- 4.1 The Assessment Sub-committee has the authority to allow or not a right of review of their decision to take no further action.

- 4.2 However, the complainant should be advised that no review will be granted unless further / additional evidence is submitted to the Monitoring Officer. It will be the decision of the Monitoring Officer as to whether such additional evidence warrants another assessment.

- 4.3 This is to ensure a fair process and to avoid frivolous / vexatious appeals.

- 4.4 A request for review can be made at the time the Sub-committee makes its determination or within 30 days of the decision.

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