

NOT FOR PUBLICATION
Likely to contain exempt information under paragraph 1 to Schedule 12A Local Government Act 1972

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

ASSESSMENT SUB-COMMITTEE – 9 DECEMBER 2013

Title of report	ALLEGATIONS OF A FAILURE TO OBSERVE THE CODE OF CONDUCT
Contacts	Head of Legal and Support Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk
Purpose of report	<ol style="list-style-type: none"> 1. To consider the report of the Head of Legal and Support Services and Monitoring Officer. 2. To request that the Assessment Sub-committee determine what action should be taken.
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 (www.opsi.gov.uk).</p> <p>Local Government and Public Involvement in Health Act 2007 (www.opsi.gov.uk).</p> <p>Localism Act 2011 (www.legislation.gov.uk)</p> <p>Arrangements adopted by Council on 26 June 2012.</p> <p>NWLDC Local Assessment of Complaints Guidance.</p>

Recommendations	THAT THE ASSESSMENT SUB-COMMITTEE MAKES A FINDING ON THE COMPLAINT AS SET OUT AT PARAGRAPH 5 OF THE REPORT.
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1. COMPLAINT

- 1.1 On 13 August 2013 the Monitoring Officer received a complaint from Councillor Adams regarding Councillor Saffell, both members of North West Leicestershire District Council. A copy of the complaint is attached at Appendix 1.
- 1.2 The complaint relates to comments made by Councillor Saffell about officers at the Council meeting on 12 August 2013. An extract of the Council minutes is attached at Appendix 2.
- 1.3 In summary the complaint is that Councillor Saffell's comments amounted to a public attack on the credibility of officers.
- 1.4 Under the arrangements for dealing with complaints adopted by Council on 26 June 2012, there is an opportunity, at the beginning of the complaints process, for the Monitoring Officer to work with parties to ascertain whether an informal resolution of the complaint is possible. A copy of NWLDC Arrangements for dealing with complaints is attached at Appendix 3.

2. OUTCOME OF INFORMAL RESOLUTION

- 2.1 In accordance with the adopted arrangements the Monitoring Officer has attempted an informal resolution of the complaint. Unfortunately, this has not been successful.
- 2.2 The Monitoring Officer met with Councillor Adams on 11 September 2013. A summary note of that meeting is attached at Appendix 4.
- 2.3 The Monitoring Officer invited Councillor Saffell to meet and discuss the complaint but Councillor Saffell declined to attend such a meeting.
- 2.4 Councillor Saffell provided his response to the allegation in a series of e-mails between him and the Monitoring Officer. A copy of the e-mails are attached at Appendix 5.
- 2.5 The Monitoring Officer kept Councillor Adams informed during the process. Copies of e-mails are attached at Appendix 6.
- 2.6 Following the meeting with Councillor Adams and the e-mail correspondence with Councillor Saffell, the outcome which Councillor Adams expressed he was seeking from the complaint and the views expressed by Councillor Saffell, the Monitoring Officer concluded that informal resolution would not be possible.
- 2.7 The Monitoring Officer is therefore requesting that the Assessment Sub-committee consider the matter and determine what steps to take.

3. INITIAL TESTS

- 3.1 Councillor Saffell is a current serving member of North West Leicestershire District Council. He was in office at the time of the conduct complained of. The complaint of bringing the office into disrepute, if proven, would be a breach of the Code of Conduct.

4. INFORMATION FROM THE COMPLAINANT AND SUBJECT MEMBER

- 4.1 In accordance with the Council's adopted arrangements the complainant and subject members are not party to the Assessment Sub-committee. The Monitoring Officer has sought their views on the matter and any further information provided by either Councillor Adams or Councillor Saffell will be reported to the Sub-committee.

5. ASSESSMENT OUTCOMES

- 5.1 The following outcomes are available to the Sub-committee under the Arrangements adopted by Council:

5.1.1 Refer the complaint to the Monitoring officer to take other action.

5.1.2 Request further information from the parties.

5.1.3 Refer the complaint to the Monitoring Officer for investigation.

5.1.4 No action to be taken in respect of the complaint.

6. CONSIDERATION AS TO WHETHER THE HEARING SHOULD BE HELD IN PRIVATE

- 6.1 Under the Council's Arrangements there is a presumption in favour of the hearing being held in public unless it is considered appropriate for it to be held in private.

- 6.2 In considering this aspect of the hearing the Committee need to consider what information is being presented before them.

- 6.3 The complaint centres on an accusation that Councillor Saffell made an outspoken public attack on officers at the Council meeting on 12 August 2013.

- 6.4 The minutes of that meeting are in the public domain having been published in accordance with the Council's statutory duty. A copy of the minutes are attached at Appendix 2. As such, it is arguable that the main evidence of the complaint is already within the public domain.

- 6.5 The papers do not contain any further unsubstantiated complaints that may impact upon the reputation of the members concerned, both as the complainant and the subject member.

- 6.6 The Sub-committee may feel that, in light of the public interest in maintaining the public's confidence in the Standards regime, the hearing should be held in public.

7. REVIEW OF THE DECISION OF THE ASSESSMENT SUB COMMITTEE

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

- 7.2 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.
- 7.3 This is to ensure a fair process and to avoid frivolous / vexatious appeals.
- 7.4 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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