

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

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| <b>1.</b> | <b>Meeting:</b>     | <b>Standards Committee</b>   |
| <b>2.</b> | <b>Date:</b>        | <b>12<sup>th</sup> June 2014</b>   |
| <b>3.</b> | <b>Title:</b>       | <b>Update by the Monitoring Officer regarding the handling of complaints</b> |
| <b>4.</b> | <b>Directorate:</b> | <b>Resources</b>   |

**5. Summary**

To update the Committee with regard to the handling of complaints of breaches of the Code of Conduct

**6. Recommendations**

That the Committee notes the steps that have been taken to resolve the complaints.

## 7. Proposals and Details

The Monitoring Officer has the responsibility to seek resolution of allegations of breaches of the Code of Conduct, without formal investigation wherever practicable and determining whether a complaint should be referred to a panel of independent members of the Standards Committee for further consideration. This is an update on the exercise of that function.

1. A complaint that a Borough Councillor had failed to declare an interest in a matter of business at a meeting. The complainant had referred his complaint to the Ombudsman. The complainant was asked for details to substantiate his complaint on two occasions, but failed to do so. In the circumstances the Monitoring Officer wrote to the Ombudsman to confirm that, in the absence of any detail to substantiate the allegation, the matter would not proceed further.
2. A complaint that a Town Councillor had deliberately altered the order of an agenda in order to favour relatives. The matter was considered by the Monitoring Officer and advice from David Roper-Newman, Independent Person, was sought.

Upon consideration the Monitoring Officer was satisfied that the individuals who were alleged to be relatives of the Town Councillor were not related to him. In addition the action that the Town Councillor was alleged to have taken would not have constituted a breach of the Code of Conduct in any event.

The view of the Independent Person accorded with that of the Monitoring Officer, that the complaint was relatively minor and it should not be progressed.

Accordingly the matter will not be considered further.

3. A complaint that members of one particular party on a parish council had committed misconduct in public office by entering into a contract that was not lawfully executed.

Upon consideration the Monitoring Officer formed the view that the unlawful actions alleged would have been the responsibility of the officers and advisers of the Parish Council. The alleged transgressions would not be those of the councillors themselves.

The matter was referred to the Independent Person, David Roper-Newman, whose view was that there was no potential breach of the Code of Conduct and that the offence of misconduct in public office would be a matter to be investigated by the police.

In view of the above the matter will not be referred to a Panel of the Standards Committee for further consideration.

4. A complaint that a Parish Council had acted unfairly in relation to one of its members; that certain Parish Councillors had acted inappropriately; that there had been impropriety with regard to a transaction and that “resolute actions” needed to be taken by the Chief Executive and Monitoring Officer to prevent the parish becoming a “caldron of dissent”.

The Monitoring Officer formed the opinion that these were not matters which could be considered under the Code of Conduct and informed the complainant accordingly.

## **8. Finance**

None

## **9. Risks and Uncertainties**

The proper consideration of complaints under the Code of Conduct will enhance the standing of all councils and elected members within the Borough.

## **10. Background Papers and Consultation**

Files held by the Monitoring Officer

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