

PRIOR NOTIFICATION OF ALLEGATIONS

Lead Officer: Martin Jepson
Report Author: Martin Jepson

Why has this agenda item come before the Committee?

- Members of the Committee are asked to consider whether their protocol on dealing with allegations against Members should be amended.

Recommendations:

- That members of the Committee consider whether the current protocol on dealing with allegations against Members should be amended to allow for the Monitoring Officer to advise Councillors, prior to an Assessment Sub-Committee meeting, that an allegation has been made against them.

1. INTRODUCTION

- 1.1 This Committee's protocol for dealing with complaints against Members says that Councillors against whom allegations have been made should not be advised of the allegations until the Assessment Sub-Committee. Standards for England make clear that whether or not to do so is a choice for each Standards Committee.
- 1.2 On several occasions in the past Councillors have expressed the opinion that they should have been advised of an allegation at an earlier stage. Similar remarks have been made to me recently following some issues being leaked to the local newspaper before Members were advised of them.

2. ARGUMENTS FOR NOT ADVISING COUNCILLORS BEFORE THE ASSESSMENT SUB-COMMITTEE HAS MET

- 2.1 The Standards Committees main reason for not advising Councillors is that this might increase the level of stress of Councillors. As Members will know, nationally approximately 75% of allegations are not the subject of further investigation. In other words ¾ of allegations result in either a decision to take no further action or result in a decision to deal with the matter by some alternative means – for example, that the Councillors should be given training.
- 2.2 Even if the Councillor is told about the allegation they can do nothing about it.

- 2.3 It is a specific further offence under the Code of Conduct for a Member to intimidate a witness to a complaint, a complainant or anyone else involved in the administration of a complaint. Prior knowledge may give Members the temptation to contact such persons, thus leaving themselves open to such allegations.
- 2.4 The purpose of the Assessment Sub-Committee is to make an initial assessment as to whether a complaint should be processed further and not hear the complaint itself.

3. ARGUMENTS FOR ADVISING COUNCILLORS BEFORE THE ASSESSMENT SUB-COMMITTEE HAS MET

- 3.1 Councillors are advised of formal hearings taking place. Members may consider there is not sufficient distinction between Standards Committee hearings and Assessment Sub-Committee assessments.
- 3.2 Councillors have expressed the view that they would prefer to know about a complaint beforehand even if there is nothing they can do to influence the decision of the Assessment Sub-Committee.
- 3.3 If not advised of a complaint, Members may unwittingly repeat a breach of Code of Conduct.

4. CONCLUSION

- 4.1 In light of this reasoning Standards Committee is asked to reconsider its policy and either reaffirm it or amend it.

List of Background Papers: NONE