

EAST HERTS COUNCIL

STANDARDS SUB COMMITTEE - 18 DECEMBER 2012

REPORT BY THE MONITORING OFFICER

COMPLAINT AGAINST A DISTRICT COUNCILLOR

WARD(S) AFFECTED: NONE

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**Purpose/Summary of Report**

- To consider complaints in respect of Councillor Michael Newman, a Member of East Herts District Council.

1.0 Background

1.1 The Council has received a complaint alleging that a District Councillor has breached the Authority's Code of Conduct. The Standards Sub-Committee will make a decision as to whether the complaint should be investigated.

1.2 Details of the complaint can be found in **Essential Reference Paper B**.

2.0 Further information

2.1 A copy of the Council's Code of Conduct is attached at **Essential Reference Paper C**.

3.0 Report

3.1 Assessment Criteria

3.2 The Council has agreed criteria to assess whether a complaint should be investigated. The criteria are set out below.

3.3 **Complaints which would not normally be referred for investigation**

1. The complaint is not considered sufficiently serious to warrant investigation; or

2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor
6. There is insufficient information available for a referral; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Council; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.
11. Where the Member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction.

#### 4.0 Action

4.1 The Assessment Sub-Committee can reach one of the following decisions in relation to the complaint:

- (1) to refer it to the Council’s Monitoring Officer for investigation
- (2) to take no action.

4.2 The Monitoring Officer has acknowledged receipt of the complaint and has notified the subject Member that a complaint has been

received.

4.3 The Sub-Committee is invited to consider and determine what action should be taken in respect of the complaint.

5.0 Implications/Consultations

5.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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