

EAST HERTS COUNCIL

STANDARDS SUB-COMMITTEE – 25 APRIL 2016

REPORT BY MONITORING OFFICER

COMPLAINT IN RESPECT OF COUNCILLOR J CARTWRIGHT

WARD(S) AFFECTED: NONE

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**Purpose/Summary of Report**

- To consider a complaint in respect of Councillor J Cartwright

**RECOMMENDATIONS FOR STANDARDS SUB-COMMITTEE:**

**That:**

<b>(A)</b>	<b>Members determine whether the complaint should be referred for investigation.</b>
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1 Background

1.1 The Monitoring Officer has received three complaints alleging that District Councillor Cartwright has breached the Council's Code of Conduct. This complaint by Adrian McNeece is the second of those three complaints.

2 Report

2.1 Under the Local Government Act 2000 (as amended) the Council has responsibility for the investigation of complaints against its members. The Council has agreed a procedure for considering complaints. In accordance with that procedure, the Sub-Committee will consider the complaint and decide what action to take.

2.2 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally without the need for a formal investigation. Having consulted the Independent Person, it is not considered that the complaint can be resolved informally.

- 2.3 Complaints are considered in accordance with the Standards Complaints Procedure and assessment criteria set out in Appendix 2 of the Complaints Procedure (**Essential Reference Paper C** earlier in the agenda).
- 2.4 This contains a number of criteria as set out in the attached flow chart to help members to determine whether it is appropriate to refer the complaint for investigation. To assist Members in their deliberations the Monitoring Officer has set out how the information available applies to the criteria.
- 3.0 Analysis
- 3.1 The Member concerned is a member of East Herts District Council.
- 3.2 The complaint concerns the conduct of the Member in relation to his correspondence and Members will need to consider whether he was carrying out his role for the Council at the relevant time.
- 3.3 There are a number of factors which can help to determine the public interest including amongst other things whether investigation will help to resolve the matter; what the likely cost of investigation is and whether the benefit of investigation to the residents of the area warrants the expenditure in this case. Frivolous, vexatious and politically motivated tit-for-tat complaints are unlikely to be in the public interest to investigate.
- 3.4 The complaint is not out of time.
- 3.5 The complaint does include matters which are dealt with in a previous complaint but it also relates to new circumstances. Members will need to consider whether it is substantially the same.
- 3.6 The complaint is not anonymous.
- 3.7 The member has not apologised as far as the Monitoring Officer is aware.
- 3.8 There are paragraphs within the code which are relevant to the matters complained of. The complainant has set these out with reference to the Code in the complaint and they include Accountability to the community and residents and to act fairly, appropriately and impartially. Also dealing with representations and treating people with respect.

3.9 Members are therefore invited to focus consideration on whether the member was acting as a councillor, whether it is in the public interest to investigate this matter; whether the complaint is substantially the same as a previous complaint and whether if proven the circumstances of this particular case are capable of being a breach of the code of conduct.

#### 4.0 The Complaints

4.1 The complaint is set out in the complaint form and accompanying documents that form **Essential Reference Paper 'B'**.

#### 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'** earlier in the agenda.

#### Background Papers

None

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