

## **COUNCILLOR CONDUCT COMMITTEE**

**10 OCTOBER 2018**

### **COMPLAINT CCC/2018/001 - UPDATE**

Report from: Perry Holmes, Monitoring Officer

#### **Summary**

This report updates the Committee regarding actions taken in relation to complaint CCC/2018/001.

#### **1. Budget and Policy Framework**

- 1.1 The Councillor Conduct Committee makes decisions about complaints received about the conduct of councillors, including after the investigation of such complaints in accordance with published procedures.

#### **2. Background**

- 2.1 The Committee found at its meeting in August that Councillor Carr had breached the Code of Conduct by failing to remove himself from the Committee room on 17 January 2018 when he was a Member of the Planning Committee considering a planning application in which he had and declared an Other Significant Interest.
- 2.2 The Committee decided four sanctions. One, censure, was completed on the night. Updates about the other sanctions are set out below.

#### **3. Update**

- 3.1 The Committee recommended to the Leader the removal of Councillor Carr from the Planning and Licensing Committees until the end of the municipal year. The Leader wrote the Monitoring Officer confirming that he had removed Councillor Carr from the Planning Committee for 3 months. He explained that he had considered the proportionality of the sanctions against Councillor Carr in coming to his conclusion.
- 3.2 The Committee required that Councillor Carr write letters of apology to the complainant and the Head of Legal Services for his critical comments. The

Monitoring Officer and Councillor Carr have discussed the wording of those letters and a further update is awaited.

- 3.3 The Committee decided that Councillor Carr undergo training on the Code of Conduct. He is due to meet the Monitoring Officer this month for that to be carried out.

#### 4. Risk Management

- 4.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>
Reputational	The absence of a procedural guide for investigations could lead to uncertainty and the possibility of legal challenge or referral to the Local Government Ombudsman.	The Monitoring Officer has developed a procedural guide that is natural justice compliant and based on best practice from other Councils.
Quality of the investigation.	The Committee has called for investigations to be quick but thorough.	The Monitoring Officer has commissioned a report within a short time frame which has had input from both the complainant and the Councillor. Both were given the opportunity to comment on a draft version of the report.

#### 5. Financial and legal implications

- 5.1 There are no legal implications to this report. The costs associated with the investigation will be covered from an approved budget.

#### 6. Recommendation

- 6.1 The Committee are recommended to note the update in relation to CCC/2018/001.

**Lead officer contact**

Perry Holmes

Monitoring Officer

Tel: 01634332133

E-mail: [perry.holmes@medway.gov.uk](mailto:perry.holmes@medway.gov.uk)

**Background papers**

None

**Appendices**

None