



STANDARDS COMMITTEE
3 July 2009

MEMBERS' CORRESPONDENCE

PURPOSE OF REPORT: to discuss

To consider a consistent approach to complaints about the alleged failure to respond to correspondence from constituents and to identify any learning from these complaints.

Introduction:

1. Initial Assessment Sub-Committee has identified an apparent trend in recent complaints about Councillor conduct and requested further discussion at Standards Committee.

The Issue:

2. In recent months, Initial Assessment Sub-Committee B has received three complaints that refer to alleged failures to respond to correspondence from constituents. Due to this apparent trend, the Sub-Committee felt it important to raise the matter at Standards Committee; to consider a consistent approach to such complaints and to identify any learning from these complaints.
3. Complainant 1 alleged that a Councillor had refused to accept correspondence and denied receipt of complaints. This complaint was withdrawn as the Sub-Committee decided to refuse the complainant's request for confidentiality.
4. Complainant 2 included an allegation that a Councillor had failed to respond to a constituent. The Sub-Committee considered whether the alleged behaviour would have breached the following paragraphs of the Code of Conduct:
 - You must treat others with respect (paragraph 3(1))
 - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute (paragraph 5)

The Sub-Committee decided not to take action on the complaint. It agreed that there may have been a breach of the Code of Conduct if

the allegation was proven but that the conduct alleged would not amount to a sufficiently serious breach of the Code to warrant further investigation.

5. Complainant 3 alleged that a Councillor had failed to respond to a constituent. The Sub-Committee considered whether the alleged behaviour would have breached the following paragraphs of the Code of Conduct:
 - You must treat others with respect (paragraph 3(1))
 - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute (paragraph 5)

The Sub-Committee decided not to take action on the complaint. It agreed that there may have been a breach of the Code of Conduct if the allegation was proven. However, there was insufficient evidence that the letters from the constituent had reached the Councillor.

6. In its deliberations, the Sub-Committee acknowledged that Councillors were not legally obliged to respond to correspondence but agreed that not responding may breach the Code of Conduct.
7. The Standards Committee is invited to consider this issue and determine:
 - i. whether it agrees that not responding to correspondence may be a breach of the Code of Conduct; and
 - ii. what sort of alleged behaviour with regard to responding to correspondence might lead to a referral to the monitoring officer for investigation or other action.

Conclusions:

8. Initial Assessment Sub-Committee has identified an apparent trend arising from the complaints outlined above, which requires further discussion at Standards Committee.

Financial and value for money implications

9. None

Equalities Implications

10. None

Risk Management Implications

11. Members should be aware of their obligations under the Code of Conduct with regard to answering correspondence.

Implications for the Council's Priorities or Community Strategy/Local Area Agreement Targets

12. None

Recommendations:

Standards Committee to consider a consistent approach to complaints about the alleged failure to respond to correspondence from constituents and to identify any learning from these complaints.

Next steps:

To apply any agreed approach to complaints about the alleged failure to respond to correspondence from constituents.

To review agreed approach after an agreed period of time.

To action any resolutions about learning from the complaints.

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Sources/background papers:

Written summaries of the consideration of allegations of misconduct by Initial Assessment Sub-Committee B