

# STANDARDS COMMITTEE



Report subject	<b>Consideration of Report in Respect of Complaint about a Councillor</b>
Meeting date	12 January 2021
Status	Public Report
Executive summary	<p>This report provides the Standards Committee with the conclusions of the investigation following complaints made about Councillor Peter Hall. The investigator's report is attached at Appendix 1. The conclusion of the investigator is that there was no evidence to support the allegations and that Councillor Hall was not acting in his capacity as a councillor.</p> <p>The Committee is asked to consider the investigator's report and accept the recommendations.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>the findings and recommendations of the independent investigator be accepted.</b></p>
Reason for recommendations	<p>The investigation was conducted by an independent experienced investigator who undertook interviews with the complainant and the councillor concerned before reaching a conclusion. The conclusions are based upon the current legal framework which sets out the parameters within which councillors are subject to a Code of Conduct.</p>

Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	Richard Jones (Head of Democratic Services) Susan Zeiss (Service Director for Law and Governance and Monitoring Officer)
Wards	Not applicable
Classification	For Decision

## Background

1. In September 2020 the Council received a complaint from a member of the public alleging that Councillor Peter Hall had failed to abide by the Code of Conduct during the consideration of a planning application on his property. The complaint was logged and dealt with pursuant to the Council's arrangements for managing complaints about elected councillors.
2. This process involved the initial assessment of the complaint by the Chairman of the Standards Committee in consultation with the other members of the Committee and the three Independent Persons appointed by the Council.
3. The initial assessment by the Chairman was that the complaint was of a nature requiring an investigation.
4. The Monitoring Officer appointed Janet Kealey (Head of Legal Services & Deputy Monitoring Officer) at Milton Keynes Council to undertake the independent investigation.
5. The methodology and evidence considered are set out within the report, attached at Appendix 1. In the interests of openness and transparency, the identity of the complainant has been redacted so that the investigators report can be published.

## Conclusions of the investigator

6. The investigator narrowed their investigation to four core elements which were agreed with the complainant as follows.
  - (a) That Cllr Hall used his position as a councillor to make approaches to, and attempt to influence, the planning officer to enlist support for his application.
  - (b) That Cllr Hall tried to persuade the Planning Committee to go against the officer's recommendation in order to secure his own success and implied that the officer had previously misled him.
  - (c) That Cllr Hall failed to properly withdraw from the meeting and was effectively able to continue to take part by causing a note to be passed to the Committee (via Mr Jones) whilst the debate was still underway.
  - (d) That Cllr Hall attempted to set a precedent by asking the Planning Committee to remove a condition designed to protect privacy and which had previously been

imposed by the predecessor Committee, thereby undermining both the Council's own procedures and the LDP.

7. The report provides full details of the conclusions drawn by the investigator but in summary, it was considered that there was no evidence to support the allegations referred to in (a) and (c) above. In response to the allegations made in (b) and (d) above, the investigator concluded that Councillor Hall was not acting in his capacity as an elected Member of the Council when he submitted his planning application, or whilst addressing the Committee, and was therefore not subject to the Code of Conduct whilst doing so.
8. The Standards Committee is asked to consider the report of Ms Kealey at its meeting and the recommendation of the Monitoring Officer is to accept the findings of the investigator.
9. The Committee may, notwithstanding the findings of the report, wish to consider any general advice and recommendations for councillors arising from the complaint.

#### **Summary of financial implications**

10. There are no financial implications arising from the recommendation that the Committee formally accept the conclusions of the investigator in relation to this complaint.

#### **Summary of legal implications**

11. The detailed legal basis for the investigation and reasons for the findings of the investigator are set out in the report.
12. The Monitoring Officer recommends that the Committee accept the findings of the investigator. Based on the evidence the investigator has obtained; the Monitoring Officer agrees with the investigator's conclusions based upon the current legal framework and caselaw.

#### **Summary of human resources implications**

13. There are no human resources implications arising from the recommended course of action.

#### **Summary of sustainability impact**

14. There are no sustainability impacts arising from the recommendation.

#### **Summary of public health implications**

15. There are no public health impacts arising from the recommendation.

#### **Summary of equality implications**

16. The report provides the Committee with details and recommendations arising from an independent investigation. The independent contractor has to comply with the Council's Equality's Policy when conducting the investigation.

#### **Summary of risk assessment**

17. The Council has to act in accordance with the legal framework that exists, and the powers the Council has through its Standards Committee relate to conduct undertaken by councillors when acting in that capacity. Other regulatory regimes may come into play should they be appropriate where councillors are acting in their private capacity. The risk of not following the recommendation is that the Council will

be acting contrary to a clear recommendation of an independent investigator who has assessed the evidence, and contrary to the legal advice received.

**Background papers**

None

**Appendices**

Appendix 1 – Report of the independent investigator