

STANDARDS ASSESSMENT SUB-COMMITTEE
20/10/2021 at 4.00 pm



Present: Councillor Byrne (Chair)
Councillors Dean and Williamson

Independent Members: Ghazala Koosar

Also in Attendance:

Colin Brittain

Assistant Borough Solicitor

Kaidy McCann

Constitutional Services

1 **ELECTION OF CHAIR**

RESOLVED that Councillor Byrne be elected Chair for the duration of the meeting.

2 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they contain exempt information under paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

5 **CONSIDERATION OF A STANDARDS COMPLAINT**

Consideration was given to a report which required assessment of a complaint in relation to a former Councillor which said that the Councillor had breached the Council's Members Code of Conduct. The Legal Services Officer set out the complaint, as detailed in the report, and outlined the criteria to be used by the sub-committee for deciding whether a complaint should be accepted for investigation, dealt with informally or rejected.

Members gave thorough consideration to the agenda pack which included the complaint form and the response provided by the former Elected Member.

The criteria considered in relation to the complaint was:

- Whether a substantially similar allegation had previously been made by the complainant to Standards for England or the Standards Committee, or the complaint had been the subject of an investigation by another regulatory authority;

- Whether the complaint was about something that happened so long ago that those involved were unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time meant there would be little benefit or point in taking action now;
- Whether the allegation was anonymous;
- Whether the allegation disclosed a potential breach of the Code of Conduct, but the complaint was not serious enough to merit any action; and
 - The resources needed to investigate and determine the complaint was wholly disproportionate to the allegations; and
 - Whether in all the circumstances there was not overriding public benefit in carrying out an investigation.
- Whether the complaint appeared to be malicious, vexatious, politically motivated or tit-for-tat;
- Whether the complaint suggested that there was a wider problem throughout the Authority; or
- Whether it was apparent that the subject of the allegation was relatively inexperienced as a Member or had admitted to making an error and the matter would not warrant a more serious sanction.

Members applied the facts to the criteria adopted to assess complaints, considered the information provided to them and the options available. Members sought and received clarification related to criteria as defined by the Members' Code of Conduct.

Members considered that the subject of the complaint was no longer a Member of Oldham Council and the Localism Act 2011 did not provide for making a finding and taking action against a former Member.

RESOLVED that no further action be taken in relation to the complaint received about a former Elected Member.

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Members considered that, having regard to the criteria, the complaint warranted further actions in terms of a formal investigation.

RESOLVED that the complaint be referred to the Monitoring Officer or his nominee for investigation.

The meeting started at 4.00 pm and ended at 4.58 pm