

Committee: Standards and General Purposes Committee

Date: 9th May 2017

Wards: n/a

Subject: Independent Investigators Report

Lead officer: Paul Evans – Monitoring Officer

Lead member: n/a

Contact officer: Paul Evans – 0208 545 3338

Recommendations:

That the Standards and General Purposes Committee consider the report of Richard Penn, the Independent Investigator, into complaints made against Cllr Stephen Alambritis and agree the recommendations.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. A report to present to the Standards and General Purposes Committee the investigation report of Richard Penn, the Independent Investigator appointed to investigate complaints referred for investigation concerning Cllr Stephen Alambritis.

2 DETAILS

- 2.1. The Council's Constitution sets out the procedure for the consideration of complaints made concerning members conduct further to the Localism Act 2011. A copy of the Council's Code of Conduct is attached at appendix 1 for ease of reference.
- 2.2. The Standards and General Purposes Committee on 5th December 2016 considered complaints made in respect of Cllr Alambritis and decided the issues raised did merit formal investigation. Richard Penn from Solace Enterprise was appointed the Independent Investigator to carry out the investigation. Richard Penn is the ex chief executive of Bradford Council, was the Commissioner for Standards for the Welsh Assembly, and has considerable experience of conducting investigations of this type.
- 2.3. Richard Penn's report is attached at Appendix 2 for consideration. In summary his conclusions and recommendations are set in in paragraphs 2.4-2.9 as follows:
- 2.4. "Having considered all of the available evidence **my conclusion is to confirm that Councillor Alambritis did breach the Council's Protocol on the Use of Resources**, a breach for which he has already apologized. The Council has confirmed that the costs involved have been fully refunded.
- 2.5. **My finding is that Councillor Alambritis has not breached the Council's Code of Conduct in relation to its requirements for 'leadership' or 'objectivity'.**

2.6. **Recommendation 1**

2.7. that Councillor Alambritis should consider making a formal apology to the Standards and General Purposes Committee for his action in initiating the Labour Party consultation, an apology that recognises that not only did the Labour Party letter cause confusion among many of its recipients but that it also damaged trust and confidence in the Council generally and specifically in him as Leader of the Council.

2.8. **Recommendation 2**

2.9. that the requirements of the Protocol on the Use of Council Resources rules are reinforced generally with the political groups and those who support them, and specifically that the rules on the use of the Council's Business Reply service are reinforced to avoid any repetition in the future.

3 CONSIDERATIONS OF THE MONITORING OFFICER AND THE INDEPENDENT PERSON

3.1. Further to the procedure the Monitoring Officer and Derek Prior, the Council's Independent Person consider that the report should be referred to the Standards and General Purposes Committee for consideration with a recommendation that the report does not reveal findings that require a hearing. The report makes recommendations in relation to appropriate action required which the Standards and General Purposes Committee are recommended to accept.

3.2. The meeting of the Standards and General Purposes Committee will be open to the press and public unless confidential or exempt information under Part VA Local Government Act 1972 is likely to be disclosed.

4 ALTERNATIVE OPTIONS

4.1. The Standards and General Purposes Committee may consider that the report does contain findings that merit a hearing of the complaints in the circumstances. This is not recommended by the Monitoring Officer or the Independent Person as set out above. The Committee should set out clearly any reasons for such a decision if members are so minded.

5 CONSULTATION UNDERTAKEN OR PROPOSED

5.1. Consultation in the preparation of the investigation report has been undertaken with complainants, members involved and the Council's Independent Person.

6 TIMETABLE

6.1. N/A

7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 7.1. A formal investigation and hearing before the Standards Committee of a complaint would result in costs of between £5,000 and £10,000 to be paid from the Monitoring Officers budget.

8 LEGAL AND STATUTORY IMPLICATIONS

- 8.1. The Council's complaints process is set out in the Constitution and complies with the provisions of the Localism Act 2011.

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 9.1. The Council's complaints hearing process complies with the requirements of natural justice as required by the Human Rights and equalities legislation.

10 CRIME AND DISORDER IMPLICATIONS

- 10.1. N/A

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 11.1. N/A

12 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1 – Council's code of conduct
- Appendix 2 – report of the independent investigator Richard Penn

13 BACKGROUND PAPERS

- 13.1. Report to the Standards and General Purposes Committee 5th December 2106.

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