**ASSESSMENT DECISION NOTICE**

**REFERRAL FOR LOCAL RESOLUTION**

|  |  |
| --- | --- |
| **Reference:**  | **2017/N001** |
| **Complainant:** | **Councillors Janet Farebrother, Billy Miskelly, Christine Smith and Joan Ellis** |
| **Subject Member:** | **Councillor Tony Annison** |
| **Person conducting****the Assessment:** | **Sharon Sewell, Head of Governance and Monitoring Officer in consultation with Paul Burns, Independent Person and Councillor Janice Wood, Chair of Standards Committee** |
| **Date of Assessment:** | **14 March 2017** |

**Complaint**

On 14 March 2017 the Head of Governance and Monitoring Officer met with Paul Burns, Independent Person and Councillor Janice Wood, Chair of Allerdale Borough Council’ Standards Committee and considered a complaint from Councillors Janet Farebrother, Billy Miskelly, Christine Smith and Joan Ellis concerning the alleged conduct of Councillor Annison, a Member of Allerdale Borough Council. A general summary of the complaint is set out below:

The Complainants have alleged that immediately following a meeting of Allerdale Borough Council’s Community Overview and Scrutiny Committee, Councillor Annison used inappropriate and offensive language to Councillor Farebrother which caused Councillor Farebrother distress and concerned others in attendance.

**Decision**

The finding of the Monitoring Officer at assessment following consultation with the Independent Person and the Chair of the Standards Committee is that the complaint does not merit formal investigation as the Monitoring Officer considers that Councillor Annison has made a reasonable offer of local resolution, which includes accepting that his conduct was unacceptable, apologising to Councillor Farebrother and offering an apology to the Community Overview and Scrutiny Committee. The Monitoring Officer’s finding at assessment is that subject to Councillor Annison sending a hand written letter of apology to the Members of the Community Overview and Scrutiny Committee within the next 14 days, the complaints do not merit formal investigation and no further action is required.

**Reasons for the Decision**

In assessing this complaint the Monitoring Officer had regard to;

* the complaints as submitted by the complainants;
* the discussions and meetings with Councillor Farebrother and Councillor Annison;
* the correspondence between Councillor Annison and Councillor Farebrother
* the views of the Independent Person and Chair of the Standards Committee

On receipt of the complaint the Monitoring Officer contacted Councillor Farebrother and Councillor Annison on a number of occasions to consider the complaint and explore whether there was a potential for a local resolution.

The Monitoring Officer contacted Councillor Farebrother on three separate occasions by person and email to discuss the complaint, the process (Allerdale Borough Council’s Arrangement for dealing with standards complaints was previously provided to Councillor Farebrother) and the potential for a local resolution. Councillor Farebrother confirmed that she would consider a local resolution if Councillor Annison accepted that his behaviour was unacceptable and that it wouldn’t happen again.

The Monitoring Officer contacted Councillor Annison on a number of occasions to advise him of the complaint, the process (Allerdale Borough Council’s Arrangement for dealing with standards complaints was previously provided to Councillor Annison) and to arrange a meeting. The Monitoring Officer discussed the alleged conduct at the meeting on 20th January and Councillor Annison accepted that his conduct was unacceptable, that he had reacted inappropriately in the circumstances due to some difference of opinions and friction, and his personal circumstances, that it wouldn’t happen again and that he wanted to apologise to Councillor Farebrother for any distress caused.

The Monitoring Officer met with Councillor’ Farebrother and Annison separately on the 22nd February 2017 to discuss the local resolution which both Councillors found acceptable. Councillor Annison sent an email apologising for his behaviour to Councillor Farebrother who accepted and both parties agreed to put the matter behind them.

Councillor Farebrother raised concerns that other Members of the Committee were in attendance and were offended by Councillor Annison’s behaviour. The Monitoring Officer’s intention was to contact the three complainants and advise them of the apology as their concern appeared to be in relation to the conduct towards Councillor Farebrother and the effect that it had on Councillor Farebrother, however, on receiving the concerns the Monitoring Officer contacted Councillor Annison and he confirmed that he would apologise to the Committee. The Monitoring Officer contacted Councillor Farebrother to advise her of this course of action and she confirmed that this seemed appropriate and acceptable in the circumstances.

On 28th February, Councillor Farebrother raised further concerns which were taken into account as part of the assessment.

On 28th February, the Monitoring Officer emailed the complainants to update them and advise them of the next steps. The Monitoring Officer requested views on the offer of apology and the preferred form of receipt, either verbal or written; no responses were received.

The Monitoring Officer carefully considered all of the above and considers that the local resolution as detailed above is reasonable and proportionate in the circumstances and that the complaints do not merit formal investigation subject to Councillor Annison sending a hand written letter of apology to the Members of the Community Overview and Scrutiny Committee within the next 14 days.

**What happens now?**

This decision notice is sent to the Complainants and the member against whom the allegation was made. There is no right of appeal for the complainant or for the member against a decision of the Monitoring Officer. If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

**Terms of reference**

In line with the legislative requirements of the Localism Act 2011 the constitution of Allerdale Borough Council charges the Standards Committee of Allerdale Borough Council with promoting and implementing the local assessment process for Code of Conduct complaints against members of Allerdale Borough Council as well as members of the Parish and Town Councils within the Council’s area.The Monitoring Officer has delegated powers to make this decision in accordance with the Council’s Arrangements for dealing with standards allegations under the Localism Act 2011.

**Additional help**

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Sharon Sewell

Head of Governance and Monitoring Officer

Date: 20 03 2017