
Meeting of the Standards Sub-Committee – 18th March, 2024

Report of the Monitoring Officer

Standards Investigation

Purpose of Report

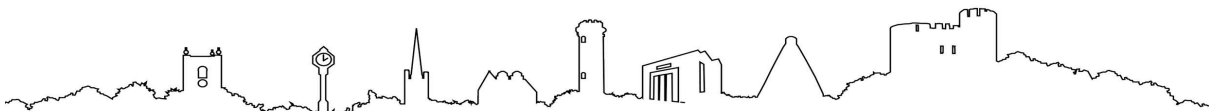
1. To consider and determine the outcome of a standards investigation undertaken in respect of Councillor Dr R Clinton in accordance with the Members' Code of Conduct and the local Standards Arrangements.

Recommendation

2. That the Sub-Committee determine the matter in relation to Councillor Dr R Clinton based on the investigation referred to in this report.

Background

3. On 2nd December, 2022, a formal complaint was received in relation to Councillor Dr R Clinton concerning his alleged behaviour at a meeting of the Dudley Forum on Monday 7th November, 2022. The complaint form (attached as Appendix 1) was received from Councillor C Bayton.
4. The complainant alleged that the behaviour of Councillor Dr R Clinton amounted to a number of breaches of the Members' Code of Conduct. The Council's Standards arrangements, including the Members' Code of Conduct, are set out in Appendix 2.
5. Following the complaint made concerning the alleged breach of the Code of Conduct, the Monitoring Officer consulted the Independent Person appointed under the provisions of the Localism Act 2011. Having discussed the complaint with the Independent Person, it was agreed that the matter merited further formal independent



investigation. The matter was referred for independent investigation. Councillor Dr R Clinton was informed that this investigation would take place.

6. The external investigator's report on the complaint is set out in Appendix 3 together with conclusions and recommendations. It found there had been a potential breach of Paragraph 5.1 of the Council's Members' Code of Conduct, in that Councillor Dr R Clinton did not treat other Councillors and members of the public with respect.
7. The Monitoring Officer forwarded the external investigator's report to Councillor Dr R Clinton and the complainant. Following a consultation, as per the Standards Arrangements, between the Monitoring Officer and the Independent Person, a further discussion took place between the Monitoring Officer and Councillor Dr R Clinton (Appendix 4) subsequent to which it was considered that, as the report finds a potential breach of the Members' Code of Conduct, this would merit a referral for a local hearing by the Standards Sub-Committee.
8. The Sub-Committee is requested to determine the appropriate course of action in this case. It is for the Sub-Committee to decide whether there has been a breach of the Code of Conduct. The Sub-Committee is reminded that any action, in the event of a finding of a breach of the Code of Conduct, must be proportionate taking account of the facts and circumstances of each individual case. The Sub-Committee has no power to suspend or disqualify a Member from office. The Standards Arrangements, as contained in the Constitution state that the Sub-Committee may consider the following (although this is not an exhaustive list):-
 - Reporting the findings to Council.
 - Formal letter from the Council or the Chair of the Audit and Standards Committee to the Member in question.
 - Formal censure through a motion.
 - Withdrawal of facilities (eg: ICT).
 - Arrange training for the Member.

Finance

9. The cost of the investigation has been met from within existing Directorate resources.

Law

10. The Members' Code of Conduct and the Standards Arrangements were adopted by the Council under the provisions of the Localism Act

2011 and associated guidance. These documents are set out in Part 6 of the Council's Constitution.

Risk Management

11. There are no implications for the Council's Risk Management Framework.

Equality Impact

12. The procedure for Standards hearings takes account of and is consistent with the Council's Equality and Diversity Policies.

Human Resources/Organisational Development

13. There are no issues arising from this report.

Commercial/Procurement

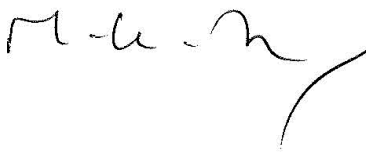
14. There are no issues arising from this report.

Environment/Climate Change

15. This report has no direct implications on the environment of the Council's work in addressing Climate Change and achieving the Net Zero target.

Council Priorities and Projects

16. There are no implications for the key Council priorities.



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Mohammed Farooq
Monitoring Officer

Background Papers

Dudley MBC Constitution - Members' Code of Conduct and Standards Arrangements

Appendices to Investigator's Report (circulated to the Sub-Committee)