



# Basingstoke and Deane

## **BASINGSTOKE AND DEANE BOROUGH COUNCIL** **DECISION NOTICE**

### **DECISION NOTICE: No breach of the Code of Conduct**

**Reference: 044748**

**Complainant: Mr John Grainger**

**Subject Member: Cllr Nick Robinson**

On 4<sup>th</sup> September 2018, the Deputy Monitoring Officer and an Independent Standards Assessor considered a complaint from the Complainant concerning an alleged breach of the code by the Subject Member. An informal settlement was suggested and following correspondence with the complainant to try to resolve the complaint, the Independent Person was consulted in the 24<sup>th</sup> October concerning an informal settlement. On the 31<sup>st</sup> October the Complainant having been consulted on the informal settlement requested the draft decision notice for review. There is no provision in the arrangements for complainants to comment upon a draft decision letter and this decision is the final decision under paragraph 5.6 of the arrangements.

A general summary of the complaint is set out below:

The Complainant states that the Subject Member had not properly completed his register of interest form alleging a serious and deliberate breach of the Code of Conduct. He also states that the form did not include the Subject Members council allowances when it should have done.

### **Decision**

In accordance with the Arrangements for dealing with Complaints against Councillors the Subject Member has not breached the Code of Conduct.

### **Reasons for decision**

The Subject Member did not have his member's allowances upon his declaration of interest form. The Council's Democratic Service has undertaken work to encourage all

councillors add this to their declarations. This said, the minutes on the report "Dispensation for all Elected Members" of March 2018 show that the resolution was to "encourage all members to revise their declaration of interests form as soon as possible". The recommendation was not mandatory but discretionary, and the report itself makes clear that there is conflicting legal opinion as to whether members' allowances are discloseable pecuniary interests. Thus, the omission did not breach the Code of Conduct.

It all other respects the Subject Member had declared his interests in his declaration of the 14<sup>th</sup> May 2015. The declaration was missing from the Subject Members web page due to an administrative error by the Councils Democratic Service but nonetheless had been made and given to the Monitoring Officer. The Subject Member further updated his register of interest form on the 29<sup>th</sup> January 2018 to show changes to his employment status. These two declarations have now been replaced with a single declaration dated the 6<sup>th</sup> September 2018 in accordance with the work being undertaken by the Democratic Services to ensure that all councillors have a single declaration of interest form.

This decision notice is sent to the person making the allegation and the Member against whom the allegation was made

### **Right of Appeal**

There is a right of Appeal to the Monitoring Officer within 10 working days of the date of this notice

### **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.

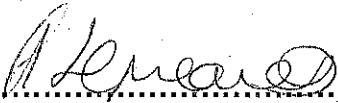
We can also help if English is not your first language.

### **Access to the complaints process**

Certain groups of customers may find it more difficult to make a complaint for example due to English not being their first language, sight impairment etc. It is our duty to assist the complainant in gaining access to the complaints procedure but we must not make the complaint for them or misrepresent their complaint. The Council do not insist that a complaint is made in writing, particularly where this would hinder an individual in making their complaint.

The following services are available to assist customers in making their complaint.

Translation  
Interpreting  
Braille/Large Print  
Minicom  
Text  
Online form

Signed  .....

Date 25<sup>th</sup> January 2019

**Ann Greaves**  
**Monitoring Officer**

