



DECISION NOTICE

In respect of an allegation of Misconduct against Councillor Jones of Leeds City Council¹

On 1st January 2009, the Assessment Sub-Committee of the Standards Committee of this authority considered a complaint from Mrs Smith concerning the alleged conduct of Councillor Jones, a Member of Leeds City Council.

The Assessment Sub-Committee resolved that no further action be taken.

1.0 Summary of the Complaint

A summary of Mrs Smith's complaint is set out below:

- 1.1 Mrs Smith alleges that she contacted Councillor Jones in November 2008 to ask for her dustbin and recycling box to be collected, as they were full. Mrs Smith also required some information about the refuse collection service over the Christmas and New Year period. Mrs Smith alleges that Councillor Jones refused to help her and instead told her to contact the Council's Contact Centre for assistance.
- 1.2 Mrs Smith alleges that Councillor Jones failed to treat her with respect through his actions.

2.0 The Assessment Sub-Committee's decision in relation to the complaint

- 2.1 In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee concluded that no action should be taken on the allegations above.

3.0 Reasons for decision

- 3.1 The Assessment Sub-Committee were satisfied that Councillor Jones was a Councillor at the time of the alleged conduct, and that the Code of Conduct 2007 was in force at the time.

¹ Please take care when passing on any information that is in this notice or about this notice. Some details, such as names and addresses may be confidential or private in nature, or may be classed as personal information.

- 3.2 The Assessment Sub-Committee considered whether, if the incidents occurred as alleged, Councillor Jones may have potentially breached the Members' Code of Conduct through his alleged actions.
- 3.3 The Assessment Sub-Committee concluded that the allegation made by Mrs Smith did not amount to a potential breach of the Code of Conduct. In particular the Assessment Sub-Committee considered the advice of the Standards Board for England, that whilst Councillors are elected to represent their ward and the people who live there, there is no obligation on them to respond to each and every request for advice or assistance. There will be times where they either choose not to become involved in a certain issue, or where they are prevented from doing so. However this does not amount to a potential failure to comply with the Code of Conduct.
- 3.4 Therefore the Assessment Sub-Committee decided to take no further action in relation to the complaint. Please note that the purpose of the initial assessment decision is simply to decide whether any action should be taken on the complaint. Therefore the Assessment Sub-Committee has not considered whether the circumstances set out by Mrs Smith in her complaint are true. Rather, they have considered whether Councillor Jones, if the complaint were proven, may have potentially breached the Members' Code of Conduct through his alleged actions.

4.0 Who is notified

- 4.1 This decision notice is sent to the person or persons making the allegation and the Member against whom the allegation was made.

5.0 Right of review

- 5.1 At the written request of the complainant, the Standards Committee can review and change a decision not to refer an allegation for investigation or other action. A different sub-committee to that involved in the original decision would undertake the review.
- 5.2 The complainant's written request must be received within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.
- 5.3 If a request for a review is received, it will be dealt with within a maximum of three months of receipt. All the parties mentioned above, will be advised of the outcome of any such review.

6.0 Additional Help

- 6.1 If you have difficulty reading this decision notice reasonable adjustments can be made to assist you, in line with the requirements of

the Disability Discrimination Act 2000. If you need additional support, please let us know as soon as possible.

6.2 If English is not your first language, help can be provided.

6.3 You can contact us by:

Telephone: 0113 39 50035

Fax: 0113 39 51599

Email: councillorconduct@leeds.gov.uk

Post: Chair of the Assessment Sub-Committee

c/o Governance Services

4th Floor West

Civic Hall

Leeds

LS1 1UR

Signed **Date**

Chair of the Assessment Sub-Committee

SAMPLE