

**CONDUCT COMMITTEE**

2 April 2019

**ALLEGATION OF BREACH OF CODE OF CONDUCT BY  
COUNCILLOR ALDERMAN - REPORT OF INDEPENDENT  
INVESTIGATOR****Report of the Monitoring Officer**

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	N/A	
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Ward Councillors	N/A	

**DECISION RECOMMENDATIONS**

That the Committee:

1. Notes the Final Report of the Independent Investigator in relation to complaint 25/18 attached at Appendix A.

**1 PURPOSE OF THE REPORT**

- 1.1 To note the report of the independent investigator in relation to complaint reference 25/18.

**2 BACKGROUND**

- 2.1 The Council has adopted the Standards Process as attached at Appendix B.
- 2.2 The Council received at least 6 complaints that relate to the posts that Mr Alderman made and his subsequent conviction. The allegations focus largely on bringing the Council into disrepute both through the act, subsequent interviews, the conviction and potentially other aspects of the Code of Conduct such as the section relating to the Equalities Act 2010.

2.3 The Committee subsequently decided on 1<sup>st</sup> November 2018 that an investigation into these complaints should be commissioned and this was done.

2.4 Mr Alderman resigned from his role as Rutland County Councillor on 21 February 2019. In light of his resignation the Council does not have powers to take any further action.

### **3 CONSULTATION**

3.1 Details of the interviews conducted by the investigator have been summarised in the report.

3.2 The subject will be asked if they wish the outcome of the matter to be published through a press statement made by the Council.

### **4 ALTERNATIVE OPTIONS**

4.1 The Committee has a choice as to whether or not to accept the findings of the Independent Investigator and may comment on the outcome of the investigation.

### **5 FINANCIAL IMPLICATIONS**

5.1 The Council has a small budget set aside for Standards matters, should the cost of any investigation exceed this then the funds will be vired from the legal budget and this will be reported through the budget process.

### **6 LEGAL AND GOVERNANCE CONSIDERATIONS**

6.1 The Council has a duty under Section 27 of the Localism Act to promote and maintain high standards of conduct by members.

### **7 DATA PROTECTION IMPLICATIONS**

7.1 A Data Protection Impact Assessments (DPIA) has not been completed as the case law is clear that where such matters are heard then there is a presumption that they will generally be heard in public and this is reinforced by the public interest in the matter following the criminal proceedings.

### **8 EQUALITY IMPACT ASSESSMENT**

8.1 An Equality Impact Assessment (EqIA) has not been completed as these matters relate only to the individual councillor. We have not been notified of any protected characteristics that would have a bearing on the decision before the Committee.

### **9 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 9.1 The Committee is asked to note the Report of the Independent Investigator and the finding that Mr Alderman was not acting in an official capacity as a member of the Council at the time of the alleged incidents and therefore there is no power under the Code of Conduct for the Council to take action.

## **10 BACKGROUND PAPERS**

- 10.1 There are no background papers to the report.

## **11 APPENDICES**

- 11.1 Appendix A - Investigation Final Report - Mr R Alderman  
11.2 Appendix B - RCC Arrangements for Dealing with Conduct Allegations

**A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.**