



Data Protection Officer
Freedom of Information
NW Leicestershire District Council
Whitwick Road
Coalville
Leicestershire
LE67 3FJ
Telephone: 01530 454763

Date: 02 March 2021

FREEDOM OF INFORMATION REQUEST 1497

I write further to your email dated 12 February 2021.

Your request has been dealt with under the terms of the Freedom of Information Act 2000 (FOIA), explained on our [freedom of information](#) page.

Your request:

1. In 2020 how many times was your council's Monitoring Officer tasked with investigating the actions of a (i) councillor for your authority or (ii) a parish councillor in relation to an allegation/claim that they had breached any code or guidance into how they should conduct themselves.

One, however this investigation is still ongoing. For the purpose of this FOI request and for clarification of what we are defining as an 'investigation'; when a complaint is made, the process is that the Monitoring Officer will try to resolve the complaint informally with the complainant and subject member. If the Monitoring Officer is unable to resolve the complaint informally it will be referred to the Assessment Sub-committee. The Assessment Sub-committee can decide that no further action should be taken or that the Monitoring Officer take some other steps (for example try and obtain additional information or try and resolve informally again). They can also ask that the Monitoring Officer commissions an investigation into the alleged breaches of the code of conduct. If they ask that the Monitoring Officer commissions an investigation then a Monitoring Officer will be appointed from another local authority. They will investigate the details of the complaints, can interview witnesses and produce an investigation report. That report is then considered by the Determination Sub-committee. There was one instance in 2020 where an investigation was commissioned.

2. For each case where the Monitoring Officer ruled there was a breach please provide details of the case and specifically (i) what council the councillor was a member of and (ii) a brief summary of the conduct and (iii) any sanction that was recommended.

I can confirm that North West Leicestershire District Council holds the information you have requested. However, the information will not be released since it is exempt from disclosure under section 31 of the Freedom of Information Act 2000. Section 31(1) (g) allows a public authority to withhold information if its release would, or would be likely to, prejudice the exercise of any public authority of its functions for (2) (b) the purpose of ascertaining whether any person is responsible for any conduct which is improper.

To apply the exemption under section 31, we are obliged to undertake a public interest test. In this case, it is considered that the public interest in withholding the information

outweighs the public interest in disclosing it since the investigation is ongoing and that therefore the information is exempt from release.

The supply of information in response to a freedom of information request does not confer the right to re-use the information. UK copyright law allows information supplied for the purposes of private study and non-commercial research to be used without permission. Information supplied can also be re-used for the purposes of news reporting except for in the case of photographs.

GOING FORWARD

If you are dissatisfied with the information supplied please feel free to contact me on the number above for any queries in relation to this response. Please note that in responding to further enquiries I can only comment on the information contained within this correspondence and cannot provide any further information that may pertain to an additional FOIA request.

Please remember to quote the Authority's four digit reference number given at the top of this email in any future communications.

If you remain dissatisfied following the conclusion of the above informal review, you have the right to ask for an internal review. A request for a review whether formal or informal should be submitted within two calendar months of the date of receipt of the response to your original letter and should be sent to DPO@NWLeicestershire.gov.uk or the address above.

Further details on our appeals and complaints procedure can be found on our website [here](#).

If you remain dissatisfied following the conclusion of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at accessicoinformation@ico.org.uk.

Yours sincerely

Mackenzie Keatley
Information Governance Officer