

STANDARDS SUB -COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 10.00 am on 28 NOVEMBER 2011

Present:- S Brady – Chairman (Independent Person - Chairman).
Councillor M Lemon (Uttlesford Member)
Councillor M Sullivan (Town and Parish Council).

Officers in attendance:- M Cox (Democratic Services Officer).
C Oliva (Solicitor and Deputy Monitoring Officer) and M Perry
(Assistant Chief Executive – Legal and Monitoring Officer).

SC19 APOLOGIES AND DECLARATIONS OF INTEREST

Councillor Lemon declared a personal interest as he was a fellow councillor with Councillor Dean.

SC20 EXCLUSION OF THE PUBLIC

RESOLVED that under section 100 I of the Local Government Act 1972 the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 and 2 of part 1 of schedule 12A of the Local Government Act 1972.

SC21 HEARING INTO ALLEGATIONS OF A BREACH OF THE CODE OF CONDUCT

The meeting had been called to determine allegations of a breach of the code of conduct of Uttlesford District Council by Councillor Alan Dean.

The report before members was to present the findings following an investigation into allegations that Councillors Dean had breached the code of conduct of the Uttlesford District Council by bringing the Council into disrepute.

The Monitoring Officer gave a summary of the allegations made against Councillor Dean. The facts set out in the report were not disputed and therefore accepted by the Sub-Committee.

The Sub-Committee, after considering the report of the Monitoring Officer and a statement made by Councillor Dean and his supporter, concluded that he had breached the Code of Conduct by bringing the Council into disrepute.

At 4.00pm the Sub-Committee returned to public session and announced the following decision.

The Sub-Committee considered evidence from 2 witnesses whose identities were not disclosed for reasons of confidentiality.

1. Uttlesford District Council adopted its Code of Conduct at its meeting on 17 April 2007 to be effective from 8 May 2007.
2. Uttlesford District Council is responsible for administering housing benefits ("HB") and council tax benefits ("CTB") in the district of Uttlesford.
3. HB and CTB are means tested benefits. Entitlement is based upon income and assets. However some claims are passported, that is to say that when some other means tested benefits are in payment by the state entitlement to HB/CTB is automatic.
4. From time to time overpayments in benefits occur. This could be due to an error on the part of the claimant, a change of circumstances, fraud, a technical error or an administrative error on the part of the council. Most overpayments of benefit are recoverable from the claimant.
5. When someone applies for HB/CTB for the first time, unless their claim is passported through, they are required to provide details of their income, their assets and the income and assets of persons living with them. They are also required to provide evidence of such matters to support their claim.
6. During the period a claim is in payment claimants are required to notify the council if they have a change in their circumstances which may affect their entitlement to benefit. Where there has been a change in circumstances evidence in support of this is required. If this accompanies the notification then the benefit entitlement is recalculated within a few working days. However where the evidence has not been supplied the benefits team will write to the claimant requesting the necessary documents/explanations. If there is a possibility of an overpayment being caused by the claim for benefit then payment of benefits will be suspended until the evidence has been received and the benefits entitlement recalculated. This is permitted by the regulations and the reason that the council adopt this course of action is that it may cause greater hardship and distress to be faced with an overpayment than it would for benefit to be suspended for a short period.
7. When evidence in respect of a change in circumstances is requested the benefits team ask for this to be supplied within 28 days. In the event it is not received within that period a reminder is sent giving a further short period (7 or 14 days depending on what is required) and the claimant is informed that if the information is not forthcoming at that stage the claim will be cancelled. Only in exceptional circumstances would the benefits team agree any further extension of time to provide evidence.
8. The benefits team are able to produce reports from their computer systems showing the time it takes to process applications (both new claims and changes of circumstances). As at 31/7/11 there were 4447 claims for HB and/or CBT in payment. For the 6 month period 1/4/11 –

30/9/11 the team processed 7537 changes of circumstances, an average of 1256 per month. The benefits team have a performance indicator to process changes of circumstances within 14 days of receiving all relevant information. For the period 1/4/11 – 22/9/11 the average time to process changes of circumstances from the date the necessary information was received from the claimant was 8.28 days.

9. In May 2011 Cllr Dean was contacted by constituents who were experiencing difficulties with their benefits claims. On 12 July 2011 Cllr Dean sent an email to Mr S Martin and requested a meeting to discuss the issues.
10. On 13/7/11 Mr Martin responded asking if the claimants were aware of the council's complaints procedure, pointing out that he could not investigate specific allegations without knowing the identity of the claimant and agreeing to meet Cllr Dean although he could not so on the date suggested by Cllr Dean due to prior commitments. Cllr Dean responded the same day that he will ask the complainants if they wished to make a formal complaint but that he had been told that they were reluctant to do so as they feared victimisation. Later that day Cllr Dean e-mailed Mr Martin again to say that no formal complaint would be made.
11. The same day a posting appeared on Cllr Dean's weblog in the following terms "August 2nd, 2011 by Alan Dean
My contribution to September's "Link" magazine follows:
Housing and benefits are two services from Uttlesford that are important to many people in Stansted. I have received complaints about the standard of customer care. It would be helpful to hear from anyone who has similar concerns. ... Recipients of council tax and housing (rent) benefits have to tell the council if their financial circumstances change. This is to allow the council to reassess their entitlement. However, what happens is that the benefit payments are suspended whilst council officers re-calculate the payments. This can take up to two months and has been causing major financial stress to some people. Have you experienced this difficulty or do you know someone whose benefits have ceased and then resumed after a long break? Please let me know."
12. The closing date for contributions to the Stansted Link for the September edition was noon on 11/8/11 and the last day upon which a contributor could have requested that a contribution be withdrawn was 13/8/11. Cllr Dean submitted his contribution via the Parish Council which gave him the deadline date 2.8.11. The September edition of the Link was printed on 19/8/11. It is distributed every household in Stansted having a circulation of approximately 3000 and is also published electronically.
13. On 10/8/11 Mr Mitchell (the council's Chief Executive) e-mailed Cllr Dean regarding his blog. Mr Mitchell asked Cllr Dean to provide him with any material evidence that he had to support the contents of his blog to enable an investigation to take place. If there was no such

evidence Mr Mitchell asked that Cllr Dean should publish an apology and retraction and if the article was published in a local magazine to publish a retraction in the next edition.

14. Cllr Dean's weblog entry was published without amendment in the September edition of the Stansted Link.
15. The decision of the Sub-Committee is that the Code of Conduct has been breached in that the impression has been given that council officers take up to 2 months to recalculate payments and that this has been causing major financial stress to some people. While the Sub-Committee found that there may be deficiencies in the system it found no evidence that the cause of these is as alleged by Cllr. Dean in his blog dated 2 August 2011 and repeated in the September edition of the Stansted Link.
16. The Sub-Committee regarded any breach of the Code of Conduct which brings the authority into disrepute as serious but accepted that Councillor Dean realised that the language in his blog was inappropriate and trusted that any future comment concerning the Council or its officials will be based on fact.
17. The Sub-Committee therefore decided that no further action would be taken.
18. Cllr Dean has a right to apply to the President of the First Tier Tribunal for permission to appeal against this decision. Such application must be made within 28 days of the date upon which he is notified of the decision. Guidance as to how to apply for permission to appeal may be found on line at:-

<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/local-government-standards/appeals.htm>

Pursuant to regulation 20 Standards Committee (England) Regulations 2008 notification of this decision will be published in a local newspaper circulating in the district and on the Council's website.

The meeting ended at 4.30pm.