

Committee: STANDARDS

Agenda Item

Date: 4 March 2013

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**Title: OPERATION OF STANDARDS
ARRANGEMENTS**

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Item for decision

Summary

1. This report is to inform members of allegations of a breach of the Code of Conduct since this committee was appointed and how they have been dealt with.

Recommendations

2. That members note this report.

Financial Implications

3. None

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None
Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. The council's procedures for dealing with complaints that the Code of Conduct of the district council or a parish council has been breached are that a complaint is considered by the Monitoring Officer in consultation with one of the independent persons.
7. Where the independent person and Monitoring Officer agree on whether or not a complaint should be investigated then that course of action is taken. If the Monitoring Officer takes a view that a complaint should be investigated and the independent person disagrees the complaint is investigated nevertheless. If the Monitoring Officer takes a view the complaint should not be investigated and the independent person disagrees then the Monitoring Officer will either arrange for the complaint to be investigated or may refer the complaint to the Standards Committee to make a determination.
8. Since 1 July 2012 there have been 3 complaints against district councillors. Two complaints were against separate councillors but in relation to the same incident and were therefore treated as one.
9. In respect of the first complaint, the allegation was that a councillor failed to exhibit integrity and objectivity and did not demonstrate good leadership by example. The allegations surrounded the councillor's representations which were made to a meeting of the Planning Committee. I met with one of the independent persons to consider the complaint and it was our joint view that the complaint was concerned with the general principles of conduct in local government and not in respect of identified aspects of the Code. Whilst a breach of the general principles may in certain circumstances constitute bringing the council or office of councillor into disrepute on the facts, the independent person and I considered that there was nothing in the complaint that could support such an allegation. We therefore decided that the complaint should not be investigated.
10. The second complaint against two district councillors was that they had bullied a member of the public, that they had failed to treat a member of the public with respect and that the councillors' actions had brought the council into disrepute. My initial view, having considered this complaint is that it ought to have been investigated. That view was not shared by the independent person. After some discussion I was persuaded by the independent person's view and the complaint was not investigated.
11. Apart from the formal complaints there have been some informal references.
12. I was contacted by a resident concerning a potential complaint regarding a parish councillor. The resident wished to know whether I thought she should make a formal complaint. She ultimately decided not to do so because of difficulties within the parish council which she did not wish to exacerbate.
13. I have also been contacted by a district councillor and parish councillor on separate issues seeking a view as to whether a fellow councillor of theirs had breached the Code of Conduct.

14. Potential breaches of the Code of Conduct have also been drawn to my attention by other officers.
15. With regard to enquiries from members of the public and councillors regarding the conduct of their colleagues, I avoid expressing a view for two reasons. Firstly, in the event a complaint is made I will need to formally consider whether or not it merits an investigation and if so be responsible for carrying out the investigation or advising the Standards Committee with regard to the outcome thereof. It is therefore important that I cannot be seen to have prejudged this situation. There is also the consideration that at that particular stage I am only being given one side of the story. I bear in mind a case where an allegation that a parish councillor within the district had failed to disclose a prejudicial interest was passed for investigation only for it to be discovered that the councillor concerned had not attended the meeting where the matter relating to the interest was discussed! I do suggest to councillors that if they have concerns about future conduct of their colleagues they may wish to tactfully suggest to that colleague that they seek my advice.
16. With regard to breaches identified by officers, if I consider such a breach to be serious I will consider instigating a complaint but generally I give advice to the councillors concerned as to their future conduct.
17. At the time of preparation of this report I have been put on notice that I can expect another complaint regarding a parish councillor shortly.

Risk Analysis

18. There are no risks attached to this report.