

STANDARDS COMMITTEE – 13 JUNE 2010

COMPLAINTS AND TRAINING

Report of the: **Monitoring Officer**

Status: For consideration

Executive Summary: The Committee is advised of complaints received from the 31 March 2010 to the 1 July 2010. It is also advised of the training and conciliation initiatives that have taken place and are planned since the last Committee meeting on the 22 April 2010.

This report supports the Key Aim of effective management of Council resources

Portfolio Holder Cllr. Elaine Bracken

Head of Service Head of Legal and Democratic Services – Christine Nuttall

Recommendation: It be RESOLVED that Members consider the report .

Background

- 1 The Monitoring Officer is responsible for receiving all allegations that a Member may have breached the Members' Code of Conduct, which are then processed by the Assessment Sub-Committee of the Standards Committee. Standards for England has been monitoring local standards regime arrangements via an online information return system. However, the online information return system has now been cancelled and reporting to the Standards for England will no longer take place. The Standards Committee is also responsible for Member training and development in relation to the ethical framework.

Complaints

- 2 Since the last report made to this Committee on the 22 April 2010 there has been a lot of activity with five new complaints and a review of seven previous complaints. In addition, following an investigation, a determination has taken place.
- 3 The seven reports reviewed were in respect of complaints numbered FC23, 24, 25, 26, 27, 28, and 29. and were all complaints against Members of one Parish Council from a fellow Member of that Parish Council. The allegations centred around bullying, respect, bringing your office into disrepute and using your position to improperly confer or secure an advantage or a disadvantage.

- 4 The outcome of the reviews were “no further action” based on the following reasoning:

- *Bullying*

The complaints were not sufficiently substantiated by the evidence provided. “It is only possible to investigate such complaints if there is clear evidence that bullying may have occurred” (Standards Board for England, Case Review Number 4, page 41). The Council’s adopted Criteria for Local Assessment also states that “relatively minor”, or tit for tat complaints” will not be referred for investigation. Further to this, “allegations of simple name calling, political point-scoring or mild rude and inappropriate language would not be serious enough to refer for investigation” (Standards Board for England, Case Review Number 2, page 19).

- *Improper use of position for advantage or disadvantage*

Councillors do not misuse their position by stating their views in public and there is no prima facie evidence of an attempt by the Member to secure an advantage or disadvantage – “as fellow politicians they have a public platform on which to defend themselves and their ideas and have the opportunity to respond in the appropriate forums” (Standards Board for England, Case Review Number 2, page 19).

- *Respect*

The complaints were not sufficiently substantiated by the evidence. The Council’s adopted Criteria for Local Assessment states that “relatively minor, or tit for tat complaints” will not be referred for investigation.

- *Bringing your office into disrepute*

The complaint was not sufficiently substantiated by the evidence. It is the clerk’s responsibility to draft minutes and the Committee/Council’s responsibility to approve them as a correct record. The Chairman is not personally responsible for the content of the minutes.

- 5 Some of the five new complaints received were heard by the Assessment Sub Committee on the 4 May 2010 these being FC 32, 33 and 34. Two complaints FC33 and 34 followed on from the seven complaints that had been reviewed as set out above with further allegations of bullying and failing to treat others with respect. In both these cases the decision was “no further action”. The reasons for the decision were the same as previously set out above.

FC32 was in respect of a District Council Member and alleged a possible breach of paragraph 13 of the Code relating to failing to register some personal interests in the register of member’s interests. The decision was for no further action as the complaint was not substantiated by the evidence provided. The Monitoring Officer has since gone through the register of member’s interest with the District Councillor concerned with no additions having to be made to the Member’s register.

- 6 The Assessment Sub Committee and Review Sub Committee met again on the 1 July 2010 to review FC33 and FC34. FC31 and FC35 were new Parish Council complaints although FC31 was connected to the seven review cases set out above and alleged disrepute and disrespect against the original Member complainant. The complaint FC35 was an allegation of disrespect. This committee will be given an update on the outcomes of these cases at the meeting on the 13 July 2010.

Determination

7. The Standards Committee Determination Hearing Sub-Committee sat on the 10 June 2010 with the minutes of the meeting set out at pages 15-19 of this agenda.

Training and Development

- 8 Since the last report to this Committee on the 22 April two members of this Committee have attended a training session at Weightmans Offices in London on the work of the Assessment Sub-Committee.
- 9 Strenuous efforts are being make to arrange training and conciliation for Brasted Parish Council but as yet no date has been set.
- 10 On the 12 May 2010 the Monitoring Officer attended a meeting with Clive Powell the training officer at the Kent Association of local councils to look at training initiatives across Kent including training on the Code of Conduct.
- 11 In a letter dated the 1 June 2010 from Dr Robert Chilton Chair of the Standards for England he emphasised that the proposed Decentralisation and Localism Bill will include proposals to 'abolish the Standards Board regime'. He went onto say that beyond this statement, we do not currently have clear details of the scope or implications of this proposal. However, until such time as the relevant legislation is passed, the statutory framework remains operative.
- 12 In the light of the information set out in paragraph 11 it is proposed that training be put on hold for the time being except for essential training and conciliation including training for members of this committee who will be expected to continue with the statutory duties including the assessment of allegations. However, the Monitoring Officer proposes to send a written communication to all Members as well Town and Parish Clerks along the lines set out in Dr. Robert Chilton's letter stressing the need for business as usual and that it is important Members continue to abide by the Code of Conduct and that they will be kept informed of any developments.

Key Implications

Financial

- 13 Training initiatives as well as the assessment of Member complaints processes have been accommodated within the Council's existing budgets

Impact on and Outcomes for the Community

- 14 This report sets out the allegations of Member misconduct received by the Monitoring Officer from the 31 March 2010 to the 1 July 2010. The systems that have been put in place appear to be working well for the community of Sevenoaks District.

Legal, Human Rights etc.

- 15 There are no legal or human rights implications associated with this report.

Resource (non-financial)

- 16 There are no non financial resource implications associated with this report.

Value For Money

- 17 No additional resources have been allotted to the processes currently in place.

Equality

- 18 The processes and procedures that are employed in assessing allegations of member misconduct complies with the Council's equalities framework with no one being disadvantaged either in their ability to pursue an allegation or in defending themselves in the event of an investigation taking place.

Sustainability Checklist

- 19 The public should feel confident that robust systems are in place and that this committee is continuing to uphold the statutory duties and will endeavour to ensure a proper framework of local accountability.

Conclusions

- 20 The number of allegations of Member misconduct will continue to be monitored and reported with lessons learnt despite the quarterly returns no longer needing to be submitted to the Standards for England.

Risk Assessment Statement

- 21 There is a need for a proper framework of local accountability in which the public can have confidence. Without this public confidence could be eroded and politics brought into disrepute.

Sources of Information: Letters received from the Standards for England

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Christine Nuttall - Monitoring Officer