

Minutes of the meeting of the Standards Assessment / Review Sub-Committee  
held on 31 January 2012 commencing at 2.30 pm

Present:	Independent Member:	Mr A Smith (Chairman)
	Parish/Town Council Representative:	Cllr D Taylor
	District Council Representative:	Cllr M Dickins
	Monitoring Officer:	Mrs C Nuttall
	Democratic Services Officer	Mr D Williamson

1. DECLARATIONS OF INTEREST

Councillor Dickins declared that he knew the subject member as a fellow District Councillor.

2. EXCLUSION OF PRESS AND PUBLIC

Resolved: That the meeting of the panel to discuss the allegations of Member misconduct (reference FC46, FC47, FC48 and FC54), be held in confidential session

3. CONSIDERATION OF ANY COMPLAINTS THAT A MEMBER HAS BREACHED THE CODE OF CONDUCT

FC46, FC47, FC48 and FC54

The matter related to a Town Councillor and all complaints were about the same issue.

Resolved: That the subject member be provided with a summary of the details of the complaints.

The potential breaches of the Code of Conduct identified were:

3. (1) You must treat others with respect.
- (2) You must not:
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings
4. You must not:
  - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature,

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute,

6. You:

(a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;

Resolved: Referral of the complaint to the Monitoring Officer for other appropriate action:

That the Monitoring Officer be directed to offer a one-to-one training session to the subject member, with help from a member of the Standards Committee or Deputy Monitoring Officer.

### **Reason**

The Assessment Sub-Committee thoroughly examined the complaint together with the evidence submitted by the complainant. In addition members were provided with a copy of relevant documentation relating to the subject member's original request for information, advice from the Association of Electoral Administrators and correspondence between the Sevenoaks Constituency Labour Party and the Chief Executive of Sevenoaks District Council. The Sub-Committee also had copies of a letter provided independently by the subject member, following notification of the complaint.

The Sub-Committee considered this information in conjunction with Standards for England guidance relating to paragraphs 3(1), 3(2)(b), 3(2)(c), 4, 5 and 6(a) of the Code of Conduct.

The Sub-Committee noted that the key piece of evidence provided by the complainant was the copy of the leaflet involved. The press article relating to the leaflet, whilst giving an indication of the effect of the leaflet in the town, could not be relied on to provide factual evidence.

Members noted that the leaflet was very party political, and felt that there was a very politically charged atmosphere around the Town Council. Members considered that being political would not necessarily lead to a breach of the Code, but felt uncomfortable with the wording on the front of the leaflet, in identifying members of the public.

Members felt that political rhetoric was to be expected between Council Members, but that the leaflet had moved to commenting about the behaviour of individual members of the public. As a result the sub-committee felt that there could be a case to answer in relation to treating others with respect.

Members noted that the leaflet did not indicate where it had originated from, but it was noted that the only reference on it was the subject member's name as "printed by". This reference did not though include any particular reference, such as "Councillor", nor did it refer to the Town Council, but detailed the subject member's own home address. From this alone, it was not possible to come to a view as to whether the subject member was acting in any official capacity as a Councillor.

It was considered that, if this leaflet was based on a wish to reduce costs for the Town Council, this could have been done in a more acceptable way by writing or visiting the individuals concerned. By issuing the leaflet, which led to the consequent press article, the sub-committee felt that there could be a case to answer in relation to bringing his office or authority into disrepute.

Members considered each clause of the Code, suggested as having been breached by the complainant, separately. In all cases Members felt there was not enough evidence from the leaflet, on its own, to show a strong link to the subject member acting in an official capacity.

With regard to treating others with respect, it was considered there could be some evidence of a possible breach, due to the wording on the front of the leaflet.

With regard to bullying, it was considered there could be some evidence of a possible breach, due to the wording on the front of the leaflet.

With regard to intimidating a complainant or witness, it was considered that this did not apply to the circumstances presented.

With regard to disclosing confidential information, it was considered that as the supporting evidence provided by officers had made it clear that the personal information in question was obtained from a document within the public domain the allegation was without merit

With regard to disrepute, it was considered that there could be a case to answer regarding a possible breach, due to the subsequent press article.

With regard to improper use of position, it was considered there was no prima facie evidence of a breach as the subject member had not gained any personal advantage by his actions

Whilst members were minded to refer some of the accusations for investigation it was considered not appropriate due to the time factors involved in light of the current changes being made by the Government to the Standards Regime. In particular that there is a realistic prospect that any investigation may not be concluded under the existing regime, but under the beginnings of a new regime. In addition, the sub committee also considered the likely difficulty of being able to obtain sufficient evidence that the subject member was acting in his official capacity and whether any good would result from an investigation.

On the basis that the subject member's name did appear on the leaflet and the number of complaints the leaflet had generated the Sub-Committee, whilst making no finding of fact, or apportioning blame, felt it could be advantageous for the Monitoring Officer to offer a one-to-one session with the subject member to discuss the workings of the Code of Conduct.

**THE MEETING WAS CONCLUDED AT 4.25 pm**

Chairman