

Minutes of a meeting of the
Standards Committee Assessment Sub-Committee held on
15 February 2011 commencing at 15:40 p.m.

Present:	Independent Member:	Mr J Reece (Chairman)
	Parish/Town Council Representative:	Mr T Austin
	District Council Representative:	Cllr G Ryan
	Monitoring Officer:	Mrs C Nuttall
	Democratic Services Officer	Mr D Williamson

1. DECLARATIONS OF INTEREST

There were no declarations of Interest.

2. EXCLUSION OF PRESS AND PUBLIC

Resolved: That the meeting of the panel to discuss the allegations of Member misconduct (reference FC41), be held in confidential session.

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

FC41

This matter related to a Parish Councillor.

Resolved: That the subject member be provided with a summary of the details of the complaint, but that certain evidence must be kept confidential.

The potential breaches of the Code of Conduct identified were:

Paragraph 3 (2) (b) – You must not bully any person

Paragraph 4 (b) – You must not prevent another person from gaining access to information to which that person is entitled by law

Paragraph 5 – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute

Resolved: Other action:

That the Monitoring Officer liaises with the Clerk to the authority concerned to carry out mediation/conciliation for the whole of the Parish Council, but particularly between complainant and the subject member.

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Reason

The Assessment Sub-Committee thoroughly reviewed the complaint together with the relevant evidence provided, in conjunction with Standards for England guidance relating to paragraphs 3(2)(b), 4(b) and 5 of the Code of Conduct.

With regard to Paragraph 3(2)(b) it was noted that there was very little new evidence provided over that considered under complaint FC28 and FC28R, involving the same complainant and subject member, both of which resulted in “No further action”. Having considered guidance included in the Standards for England “Case Review 2007” it was clear that the subsequent complaint, FC31, made by the subject member against the complainant could not be considered bullying on the basis that the behaviour of both contributed to the breakdown in relations.

With regard to Paragraph 4(b) it was clear that the issues relating to the Parish Council’s accounts were a collective responsibility of all members of the Council. It was also noted that the letters from the Audit Commission were addressed to the Parish Clerk, and had been copied to one other member of the Parish Council, in addition to the subject member. Whilst there was evidence of a delay in bringing the issues to the attention of the wider Council, there was no evidence that the subject member actively prevented other members accessing the information. In view of the guidance included in the Standards for England “Case Review 2007” it was concluded that there was not sufficient evidence of a breach of paragraph 4(b).

With regard to Paragraph 5, there clearly was evidence that the Parish Council had been brought into disrepute, by being listed on the Audit Commission website, and in the articles in the local press. There was insufficient evidence however that this was as a result of specific actions, or inactions, of the subject member. It was noted that, given the issues that had built up over a number of years with the Parish Council’s Accounts, such adverse publicity was inevitable at some stage. Following a number of complaints in 2010 between members of the Parish Council, the Sub-Committee felt that there were still issues relating to breakdown of communication and acceptance of collective responsibility within the Council, and between the complainant and subject member particularly. On this basis the Sub-Committee felt that, rather than instigate an investigation into this one complaint, that further mediation/conciliation was required to address these issues.

THE MEETING WAS CONCLUDED AT 16:45 P.M.