

**MODEL CODE OF CONDUCT: STANDARDS BOARD NOTIFICATIONS
(Report by the Director of Central Services and Monitoring Officer)**

1. INTRODUCTION

1.1 In accordance with the procedure adopted by the Standards Board for England for the investigation of allegations, the Monitoring Officer has been notified of the Board's decisions in respect of:-

- ◆ an allegation made by a District Councillor against a colleague District Councillor (Case 1); and
- ◆ allegations made by a resident of St. Ives against five Councillors serving on St. Ives Town Council (Case 2).

2. DETAILS OF CASE 1

2.1 It had been alleged that a District Councillor had breached Clause 3 (a) of the Code of Conduct by disclosing information given to him in confidence, or information which was of a confidential nature without the consent of the person authorised to give it. The information was allegedly used in a letter distributed on the eve of the local elections in June. In the complainant's view this action represented a clear breach of the Code of Conduct and was an attempt to gain short-term political and electoral advantage.

2.2 On 12th August 2004, the Standards Board for England considered the allegation and decided that it should not be investigated.

2.3 In reaching this decision, the Standards Board advised that they had noted that the complainant had raised his concerns at the actions of his colleague District Councillor directly with the Chief Executive and the Audit Commission. The Audit Commission has intimated that they would raise the issue separately with the District Council in future reports.

2.4 The Standards Board also noted that, whilst it was made clear to the Councillor that the information was in draft form, there was no evidence to suggest that the report had been given to him in confidence nor was it made clear that it was confidential information. In the circumstances, the Board considered that the alleged conduct (even if it were found to have occurred) was not of such significance to justify investigation by an Ethical Standards Officer and any consequent action.

3. DETAILS OF CASE 2

- 3.1 It had been alleged that five Members of St. Ives Town Council had breached the Code of Conduct in that they had unlawfully discriminated against the complainant, failed to treat her with respect, brought their office and that of the authority into disrepute, used their position to disadvantage the complainant, misused the resources of the authority and failed to report the misconduct of other Councillors.
- 3.2 The allegation concerned the Town Council's support for opening up a passageway adjacent to where the complainant lived as a full public right of way. In the complainant's view this step would lead to an increase in vandalism and anti-social behaviour along the route. It was suggested that Members of the Local Civic Society had been "rail-roaded" into support for the proposals and that there had been no consultation with local residents. It was also alleged that the Councillors had lied about various issues associated with establishing the right of way at a meeting of the Town Council on 14th July 2004.
- 3.3 On 27th August 2004, the Standards Board for England considered the allegations and decided that the case should not be investigated.
- 3.4 In drawing this conclusion, the Board noted that the Town Council had no decision-making power in respect of public rights of way and was only a consultee in a process managed by Cambridgeshire County Council. Any perceived deficiencies in this process was the responsibility of the County Council and the Town Council had a right as a statutory consultee to express an opinion on the proposal. It was considered that the complaint was based on an objection to a policy decision taken by the Town Council and that residents ultimately had re-dress via the electoral process for any perceived error of policy and direction by Town Councillors.
- 3.5 Given the circumstances, it was considered that the alleged conduct (even if it were found to have occurred) would not have involved any failure to comply with the Town Council's code of conduct.

4. COMPLAINANTS TO BE INFORMED OF RIGHT TO REVIEW

- 4.1 The Committee might be interested to note that following an amendment by the Government to primary legislation (Section 112) of the Local Government Act 2003, complainants and other interested parties are now entitled to contest a decision made by the Standards Board for England. Previously the Board had no powers in this respect and its decisions could not be reviewed other than by judicial review. Now complainants are informed both of their right to request a review of a referrals decision and when a decision is taken not to refer a matter for investigation. The time limit for requesting a review is four weeks from the date of the original decision letter. An independent person from within the Standards Board will undertake that review within two weeks of a written request to that effect.

5. CONCLUSION

- 5.1 The Committee is invited to note that the Standards Board for England has agreed not to take any further action in relation to allegations against one District Councillor and five Members of St. Ives Town Council.

BACKGROUND PAPERS

Letters received from the Standards Board for England dated 16th and 31st August 2004.

**Contact Officer: Christine Deller, Democratic Services Manager -
Tel: (01480) 388007.**