

**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:-

- ◆ allegations made by Councillors serving on Southoe and Midloe Parish Council against colleague Parish Councillors (Cases 1 and 2);
- ◆ an allegation made by a Ramsey Town Councillor against a colleague Town Councillor who is also a District Councillor (Case 3); and
- ◆ allegations made by a resident of Ramsey against current and former Ramsey Town Councillors (Case 4).

2. DETAILS OF CASES 1 AND 2

2.1 Members may recall that at their meeting on 17th December 2003, the Monitoring Officer reported that the Standards Board for England had referred to an Ethical Standards Officer a complaint made against the (then) Chairman and one other Member of Southoe and Midloe Parish Council. The background to both cases concerned highways issues and the proposed solutions to the problems caused to villagers in Southoe and Midloe by the A1 trunk road and alleged failures by both Councillors to comply with the Code of Conduct in respect of the declaration of personal and prejudicial interests. The Monitoring Officer undertook to advise the Committee of the outcome of the investigation when this became known.

2.2 Under Section 63 of the Local Government Act 2000, the details of the investigation undertaken by the Ethical Standards Officer must not be disclosed. However a summary of the findings and reasoning for the decision will be posted on the Board's website. The Monitoring Officer is, however able to disclose that in both cases the Ethical Standards Officer has decided that no further action need be taken in respect of the matters that were the subject of the investigation.

3. DETAILS OF CASE 3

3.1 It had been alleged by a Ramsey Town Councillor that a colleague Town Councillor had participated in discussions on a planning application of another Town Councillor at meetings of the Council. In commenting but not voting on the application, it was suggested that the Town Councillor had prejudiced the decision-making process on the application in view of his membership of the District Council's Development Control Panel.

- 3.2 On 16th November 2004 the Standards Board for England considered the allegation and decided that it should not be investigated.
- 3.3 In reaching this decision, the Board advised that the Councillor's membership of both the Town Council and the Development Control Panel at District level did not in itself preclude him from taking part in decisions relating to planning at Town Council level. Although it was noted that the Town Councillor had not voted on the application, the information provided to the Board was insufficient to determine whether he had a personal or prejudicial interest in the matter. Unless further information was submitted by the complainant, the Board advised that they could take no further action in the case.
- 3.4 The complainant, in this case, is entitled to request a review of the decision.

4. DETAILS OF CASE 4

- 4.1 A series of allegations has been made by a resident of Ramsey against former and current Councillors serving on Ramsey Town Council. The complainant had suggested that the Councillors had variously been disrespectful, acted in a discriminatory manner, compromised the impartiality of the Town Clerk, used their positions improperly for political advantage, misused Council resources, failed to declare interests, improperly influenced others, failed to register financial and other interests including gifts and hospitality and failed to report alleged breaches of the Code of Conduct by colleague Town Councillors.
- 4.2 On 16th November 2004, the Standards Board for England considered the allegations and decided in all cases not to investigate further.
- 4.3 In all the circumstances referred to, the explanatory information submitted by the complainant was not sufficient to support nor confirm the alleged actions. The insufficiency of the information led the Standards Board to conclude that on the basis of the material provided the alleged conduct would not have involved any failure to comply with the authority's code of conduct. Therefore, none of the allegations made by the complainant against the current and former Councillors are to be pursued.
- 4.4 The complainant is entitled to request a review of these decisions.

5. REFERRAL CRITERIA RE-ASSESSED

- 5.1 The Committee might be interested to note that following concerns expressed at the time being taken by the Standards Board to process cases, a more rigorous referral process has been introduced which will focus on those serious allegations of misconduct with the potential to damage the reputation of local government. In future, in order for an allegation to be considered for investigation, it must comply with four basic rules:-

- ◆ it must be made in writing;
- ◆ it must concern the conduct of an elected, co-opted or Independent Member of a relevant authority;
- ◆ be about something that happened after the Code of Conduct came into effect; and
- ◆ be about something covered by the Code of Conduct.

5.2 If the allegation meets all of these rules, it must then satisfy one of the following criteria to be referred for investigation:-

- ◆ it is serious enough, if proven, to justify the range of sanctions available to The Adjudication Panel for England or local Standards Committee;
- ◆ it is part of the continuing pattern of less serious misconduct which is unreasonably disrupting the business of the authority and there is no other avenue left to deal with it short of investigation.

5.3 An allegation is unlikely to be referred for investigation if:-

- ◆ it is believed to be malicious, relatively minor or “tit for tat”;
- ◆ the same, or a substantially similar complaint has been the subject of an investigation or enquiry and there is nothing further to be gained by seeking the sanctions available to The Adjudication Panel for England or the local Standards Committee;
- ◆ the complaint concerns acts carried out in the Members private life which are unlikely to affect his or her fitness for public office;
- ◆ it appears that the grievance is really about dissatisfaction with a Council decision; or
- ◆ there is insufficient information currently available to justify a decision to refer the matter for investigation.

6. CONCLUSION

6.1 The Committee is invited to note:-

- (a) that the Standards Board for England has agreed not to take any further action in relation to allegations in respect of current and former Councillors serving on Southoe and Midloe Parish and Ramsey Town/Huntingdonshire District Councils; and
- (b) the information on a new referral process introduced by the Standards Board for England.

BACKGROUND PAPERS

Letters received from the Standards Board for England dated November 2004.

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