

REVIEW OF CASE SUMMARIES
(Report by the Director of Central Services and Monitoring Officer)

1. INTRODUCTION

- 1.1 As part of their review of the training provided to District and Parish Councillors on ethical standards and the Code of Conduct, the Committee considered that it would be useful to review two example cases per meeting after their determination by the Standards Board for England or local Standards Committee and if appropriate to forward any matters of interest or learning points arising from the cases to town and parish councils.
- 1.2 The two cases selected for this meeting take account of the Committee's previous deliberations on the question of whether to report a breach of the Code of Conduct, appointment of Parish Councillors to trusts and the intention to increase the work of Standards Committees at local level.

2. CASE 1 – PARISH COUNCILLOR X

2.1 Allegation

It had been alleged that Councillor X had failed to treat others with respect, failed to report a suspected breach of the Code of Conduct and failed to withdraw from a meeting when a matter in which he had a prejudicial interest was discussed.

2.2 Details

The complainant had alleged that Councillor X had failed to withdraw from a meeting when the Council had considered a planning application to refurbish the village hall. The complainant claimed that Councillor X was the Project Manager for the development and so had a prejudicial interest in the application. Councillor X said that he relied on advice that he was allowed to take part in the discussion of the application. The Ethical Standards Officer (ESO) considered that Councillor X had an interest in the application that was prejudicial in nature but had a dispensation to take part in the discussion and so did not breach the Code of Conduct. The complainant also alleged that Councillor X brought his office and the Council into disrepute by needlessly questioning the minutes of meetings, interrupting the Clerk taking the minutes and holding up Council business. The ESO noted that the Clerk had not received any complaints about Councillor X and had no concerns about Councillor X's behaviour at Council meetings. The complainant made a further allegation that Councillor X was disrespectful to another member of the Council by threatening to report the Member to the Standards Board for England for being biased in relation to affordable housing projects. Councillor X said he believed that the Councillor had a prejudicial interest and was drawing his attention to possible breaches of the Code of Conduct. The ESO considered that Councillor X tried to draw the Member's

attention to possible misconduct but did not report this possible misconduct to the Standards Board.

The ESO concluded that Councillor X breached the Code of Conduct by failing to report the conduct when he reasonably believed that there had been a breach of the Code of Conduct. The ESO noted that Councillor X genuinely believed that he was acting appropriately by first drawing the matter to the attention of the Member.

2.3 Outcome

The ESO found that no action needed to be taken.

2.4 Relevant paragraphs of the Code of Conduct

The allegation in this case relates to paragraphs 2(b), 6 and 10 of the Code of Conduct. Paragraph 2(b) states that a member must “treat others with respect”. Paragraph 6 states that “a member must, if he becomes aware of any conduct by another member which he reasonably believes involves the failure to comply with the authority’s Code of Conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so”. Paragraph 10 states that a member with a prejudicial interest in any matter must “withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation from the Standards Committee of the responsible authority”.

3. CASE 2 – COUNCILLOR Y

3.1 Allegation

It had been alleged that Councillor Y had failed to disclose a personal interest, failed to withdraw from a meeting in which he had a prejudicial interest, improperly secured an advantage, failed to complete his register of interests and brought his office and authority into disrepute.

3.2 Details

It was alleged that Councillor Y had failed to declare a personal interest and failed to withdraw from a meeting in which he had a prejudicial interest. The Council had discussed a planning application to erect a mobile telephone antennae on a property owned by Councillor Y. It was alleged that Councillor Y brought his office and authority into disrepute by attending the meeting. It was also alleged that Councillor Y failed to declare an interest and withdraw from the room when the minutes of the previous meeting were discussed and that he improperly attempted to have the minutes amended and therefore secure an advantage. In addition, Councillor Y failed to register his membership of a local charity trust on his register of interests. The Ethical Standards Officer (ESO) referred the matter to the Monitoring Officer of the London Borough concerned for determination by that authority’s Standards Committee.

3.3 The Standards Committee decided that Councillor Y failed to comply with the Code of Conduct when he used his position as a member to secure an advantage for himself regarding the minutes of the previous meeting. The Standards Committee also decided that Councillor Y had failed to comply with the Code of Conduct by not declaring a personal and prejudicial interest and also by not withdrawing from the meeting. The Standards Committee found that Councillor Y had breached the Code of Conduct by failing to fully complete his register of interests but had not brought his office or authority into disrepute.

3.4 **Outcome**

The Standards Committee decided that Councillor Y must undertake training in the Code of Conduct as specified by the Committee in consultation with the Monitoring Officer within a prescribed timescale.

3.5 **Relevant paragraphs of the Code of Conduct**

The allegation on this case relates to paragraphs 4, 5(a), 9, 12 and 15 of the Code of Conduct. Paragraph 4 states that “a member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute”. Paragraph 5(a) states that “a member must not in his official capacity, or in any circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage”. Paragraph 9 states that “a member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent”. Paragraph 12 states that a member with a prejudicial interest in any matter must “withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting” and that he must “not seek improperly to influence the decision about that matter”. Paragraph 15 states that “within 28 days of the provisions of the authority’s Code of Conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a member must register his other interests in the authority’s register maintained under Section 81(1) of the Local Government Act 2000 by providing written notification to the authority’s Monitoring Officer of his membership or position of general control or management in a number of listed organisations, including charitable bodies and trade unions.


4. **CONCLUSION**

The Committee are requested to

- (a) note the details of the cases presented; and
- (b) comment on whether the presentation of the cases had been of benefit or otherwise to the Committee.

BACKGROUND PAPERS

Case summaries presented by the Standards Board for England

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