

CODE OF CONDUCT: STANDARDS BOARD NOTIFICATIONS**(Report by the Head of Legal and Estates and Interim Monitoring Officer)****1. INTRODUCTION**

- 1.1 In accordance with the procedure adopted by the Standards Board for England for the investigation of allegations, the Interim Monitoring Officer has been notified of the Board's decision in respect of an allegation made against two Councillors serving on St Ives Town Council.

2. DETAILS OF CASE 1

- 2.1 The complainant made two separate allegations against a Town Councillor. The first related to the Town Council's selection of its mayor and deputy mayor in February 2006. Allegedly, the Town Councillor put forward a candidate for the deputy mayor position who subsequently was not elected. The complainant alleged that he recently found out that the Town Councillor had written to three female Councillors in connection with this matter in a most disparaging way. The complainant considered that the Town Councillor breached the Code of Conduct by using a bullying tactic on a relatively new female Councillor. A copy of the letter referred to was sent to the Standards Board for information.
- 2.2 The second allegation referred to the Town Council's decision in September 2006 to sell "the Corn Exchange". In October 2006 it was agreed that a community group be given the option to refurbish the building subject to certain criteria. It was reported that a group called Action Corn Exchange (ACE) was set up to present the proposal. The complainant further reported that the Town Councillor's wife was the spokesperson and member of the group. The project brought forward by ACE was not proceeded with by the Town Council and a judicial review of this decision was instigated by ACE. This is still ongoing. Therefore it was alleged that the Town Councillor failed to declare a personal and prejudicial interest at Council meetings.
- 2.3 The Board concluded in relation to the first complaint that the Town Councillor was expressing his opinion over the outcome of the election albeit in a robust and frank manner. While the complainant's views on the content of the letter were noted, it was not considered that the alleged conduct was potentially disrespectful. Furthermore, given the passage of time since the alleged incident and based on the information provided it was not considered that the matter should be investigated.
- 2.4 In relation to the second complaint, the Standards Board noted that the Town Councillor declared a personal interest at an extraordinary Council meeting of 2nd May 2007 as the husband of an ACE spokesperson and an acquaintance of the majority of the other

representatives and as a member of the Civic Society. It was further noted that on 23rd January 2008 the Town Councillor declared a personal interest in all matters relating to ACE and a prejudicial interest in all relating to the judicial review unless the meeting imparts. Based on the information provided it was not considered that the alleged conduct disclosed a potential breach of the Code of Conduct. It should also be noted that having a personal interest in a matter would not preclude a Member from participating in discussions or voting on the matter.

- 2.5 In the circumstances, the Board decided that the allegations should not be referred to an Ethical Standards Officer for investigation and in the light of the available information the Board do not believe that a potential breach of the Code of Conduct was disclosed and there was no finding of fact.

3. DETAILS OF CASE 2

- 3.1 It had been alleged that a Town Councillor had frequently subjected the complainant to harassment over the past four years. The complainant alleged that the Town Councillor addressed him in a sneering and provocative manner and had mimicked what he had said shouting words that he had used in a parrot fashion. Additionally, it was alleged that the Town Councillor made a “nasty personal attack” on the complainant at a Council meeting.

- 3.2 The Board noted that the alleged conduct, in context, could be seen as potentially harassing and disrespectful. However, the Board added that in the course of their duties, Members were likely to encounter occasional ill considered or rude commentary and during the course of a heated debate they can sometimes get carried away and resort to name calling, abusive heckling and other disruptive or disrespectful behaviour. The Board has agreed that this is inappropriate and unprofessional and a potential breach of the Code of Conduct which requires Members to treat others with respect. However, the Board has noted that fellow politicians have a public platform from which to defend themselves and have the opportunity to respond to such commentary in appropriate forums.

- 3.3 Therefore, the Board has decided that the allegations should not be referred to an Ethical Standards Officer for investigation as they did not believe that the alleged conduct was serious enough to justify an investigation. There was no finding of fact and the Board has made clear that no judgment was made about whether the alleged events actually occurred in the way the complainant said in the absence of any investigation.

4. CONCLUSION

- 4.1 The Committee is invited to note that the Standards Board for England has agreed not to take any further action in relation to allegations made against two Councillors serving on St Ives Town Council.

BACKGROUND PAPERS:

Letters received from the Standards Board for England dated 17th and 18th March 2008.

CONTACT OFFICER:

Christine Deller, Democratic Services Manager
Tel: (01480) 388007