

Report to Standards Committee

Subject: Code of Conduct Complaints

Date: 25 February 2016

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1. Purpose of the Report

To inform members of the Standards Committee of complaints received between 1 August 2015 and 31 January 2016.

2. Background

2.1 Members of the Standards Committee will recall that at the time of the last committee meeting, no complaints were pending.

2.2 Since 1 August 2015, the Monitoring Officer has not received three complaints alleging a breach of the Code of Conduct by Parish Councillors. A brief summary of the details of two of the complaints are attached at Appendix 1. There is one complaint pending.

3. Proposal

It is proposed that the Committee notes the report.

4. Resource Implications

None.

5. Recommendation

It is recommended that the Committee notes the report.

6. Appendices

Appendix 1 – Summary of the Code of Conduct complaints.

Reference: S589/15/02

Complaint

The complaint was made about a Parish Councillor by a member of the public. The complainant complains that:

At a parish meeting Councillor X:

(1) took it upon himself to start a debate on removing a standing item from the council agenda. The complainant believes that it is the chairman's role to start issues for conversation, then invite members to speak.

(2) abused his role by deciding to discuss something that was not on the agenda.

(3) showed lack of selflessness and objectivity by saying the following "I find it offensive to give a short silence to people I don't know". Thus the complainant finds him abusing his role as a councillor, being that a councillor represents the views of all parishoners, not just those who voted for him, and the complainant notes from doing research that a Councillor "should be informed of diverse views".

(4) showed a disregard to having accountability by calling for a vote on the above issue and went a step further by forcing the issue by starting to raise his hand as he called for the vote. The complainant believes it's the Clerk's role to call for a vote on any issues that require a vote.

Councillor X confirms that prior to the meeting he spoke to the Chairman and some of the other Parish Councillors and made it clear he intended to make a proposal for the removal of this item. He also spoke to the Clerk about removal of the item from future agendas. A recording of the meeting confirms that Councillor X did not make the statement as alleged and did not personally call for a vote.

After consultation with the Independent Person, the Monitoring Officer has decided to take no further action in relation to the complaint on the basis that:

- It is not a breach of the Code of Conduct for Councillor X to introduce the debate.
- Whilst it would have been more appropriate to deal with this matter under a specific item on the agenda, the matter was raised under a related agenda item. Councillor X therefore did not start a debate on a matter unrelated to the item on the agenda.
- Councillor X did not say what was alleged. The words he used do not meet the threshold to demonstrate a lack of selflessness and objectivity.

- The proposal was formally seconded and voted upon. Councillor X did not call for a vote on the matter personally. The Chairman put the matter to a formal vote. The proposal was carried by the Council.
- There was no financial benefit to Councillor X, his family or friends in making this proposal.

Reference: S589/15/04

The complaint was made about a Parish Councillor by the Clerk to the Parish Council. The complainant complains that Councillor Y:

(1) is only interested in the needs of his neighbourhood in the parish and not the whole community. Items raised by residents are not treated appropriately and impartially as in the stopping of the traditional one minute's silence. Noticeboard repairs have been ignored as he is only interested in purchasing 3 new boards for his area.

(2) changed the complainant's contract into salary payment in arrears without discussing this at a council meeting and the complainant was not told at any point.

(3) provided the complainant with a new contract of employment on behalf of the Parish Council but this had not been discussed and agreed by the full Parish Council.

(4) pretended to be concerned when the complainant was off sick but kept asking for her personal log in details.

Councillor Y has provided various documentation in response to the complaint.

Councillor Y confirms that prior to the meeting he spoke to the Chairman and some of the other Parish Councillors and made it clear he intended to make a proposal for the removal of the one minute's silence item from the agenda. He also spoke to the Clerk about removal of the item from future agendas.

The documentation show that three other councillors were leading on the noticeboards review. The minutes of the Parish Council meetings show that noticeboards are discussed regularly and at the meeting on 1 September 2015 the clerk reported some needed repair.

Councillor Y explains that in relation to pay, he was not aware that previous payments had been made in advance; this did not become apparent until the salary cheque was produced at the Council meeting on 1 September.

The minutes of the meeting of the Parish Council held on 2 June 2015 confirm that the Council agreed that certain councillors should go through the details and agree the contract with the Clerk. The documentation provided shows Councillor Y consulted all the Parish Councillors on the content of the draft contract and job description.

Cllr Y does not accept he kept asking for the complainant's log in details. He did request log in details when the complainant was signed off work in order to allow Parish Council business to continue. He made it clear that as her employer, the Parish Council could not allow her to continue to work whilst she was covered by a medical certificate.

After consultation with the Independent Person, the Monitoring Officer has decided to take no further action in relation to the complaint on the basis that:

- It is not a breach of the Code of Conduct for Councillor Y to introduce the debate on not automatically including the short silent item on future agendas. The proposal was formally seconded and agreed by the Parish Council.
- The minutes show that Cllr Y said “the village represents a minority within the parish two wards and that he finds it disrespectful that there are no enquiries made into the remainder of the parish”, which demonstrates that he is considering the whole of the parish.
- Noticeboard provision and repairs are a matter for the Parish Council as a collective and not Cllr Y individually. There are no comments attributed to Cllr Y which support the allegation that repairs have been ignored as he is only interested in purchasing 3 new boards for his area.
- The element of the complaint relating to pay is essentially a personnel matter between the complainant and the Parish Council as a whole and does not meet the threshold for bringing his office into disrepute.
- If a Councillor acts outside of his authority, there is a potential that this could bring them or their office into disrepute. However, Cllr Y was not acting outside his authority when he provided the complainant with a new contract of employment, it was reasonable for him to conclude that he had delegated authority to progress this matter. This does not meet the threshold for bringing his office into disrepute.
- Nothing in the tone of his correspondence to the complainant indicates that Cllr Y was pretending to be concerned about the complainant. Cllr Y's behaviour towards the complainant does not meet the threshold of being unfair, unreasonable or demeaning.