

Standards Committee
LOCAL ASSESSMENT SUB-COMMITTEE
16 MARCH 2016

Present: Councillors: David Coldwell (Vice-Chairman), Brian Donnelly and Mike Morgan

SC/1 **ELECTION OF CHAIRMAN OF THE SUB-COMMITTEE FOR THE MEETING**

RESOLVED

That David Coldwell be appointed Chairman of the Sub-Committee for the purposes of this meeting.

SC/2 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

SC/3 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That under Section 100A of the Local Government Act 1972 as amended the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act 1972 by virtue of the paragraph specified against the items and in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

SC/4 **CASE REFERENCE CES/116**

TO CONDUCT AN ASSESSMENT UNDER THE LOCALISM ACT 2011 CHAPTER 7 AND THE 'ARRANGEMENTS' WHICH THE COUNCIL HAS PUT IN PLACE FOR THE ASSESSMENT OF SUCH COMPLAINTS UNDER S 28(6) OF THE ACT IN RELATION TO THE ALLEGED CONDUCT OF A PARISH COUNCILLOR (CASE REFERENCE CES 116)

The Local Assessment Sub-Committee assessed a complaint that a Parish Councillor had failed to comply with the Council's Code of Members' Conduct ("the Code"). The Parish Councillor was also a Horsham District Councillor.

On 11 December 2015 an allegation against the Councillor had been submitted under section 28 (6) Localism Act 2011. The Complainant did not specify which paragraphs of the Code had been breached, but on the basis of the allegation the sub-committee considered that the Councillor was alleged to have breached:

Paragraph 5: 'You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.'

Paragraph 3(1) 'You must treat others with respect.'

Paragraph 3(2)(b) 'You must not – bully any person'.

Members of the sub-committee considered the view of the Parish Representative and of the Independent Person appointed by the Council under the Localism Act 28(7), and considered the advice of the Monitoring Officer.

Members considered that the subject matter of the allegation was within the jurisdiction of the Local Assessment Sub-Committee, and therefore considered whether the allegation appeared to disclose a failure by the subject Member to comply with the Code.

The sub-committee agreed that no further action should be taken on the allegation because the allegation did not appear to disclose a failure to comply with Paragraph 5 or Paragraph 3(2)(b) of the Code. The sub-committee concluded that the subject Member had 'failed to treat others with respect' (Paragraph 3(1) of the Code) but determined that no further action should be taken because the subject Member had apologised.

RESOLVED

In accordance with Chapter 7 of the Localism Act 2011 and the Arrangements adopted by the District Council to deal with Code of Conduct complaints regarding Councillors, the Local Assessment Sub-Committee decided that no action should be taken on the allegation.

REASON

- (i) The sub-committee considered the information supplied by the Complainant.
- (ii) The sub-committee considered the opinions of the Independent Person and Parish Representative.
- (iii) The sub-committee concluded that the circumstances as described did not amount to bullying and did not bring the subject Member's office or that of the Council into disrepute as there was no personal gain for the subject Member as a result of the incident.
- (iv) The sub-committee considered that the subject Member had not treated others with respect and would have recommended that the

subject Member apologise, however having been informed that an apology had already been made the sub-committee considered it was not appropriate for any further action to be taken.

(v) The action directed is a proportionate response to the allegations.

SC/5 **CASE REFERENCE CES/117**

**TO CONDUCT AN ASSESSMENT UNDER THE LOCALISM ACT 2011
CHAPTER 7 AND THE 'ARRANGEMENTS' WHICH THE COUNCIL HAS PUT
IN PLACE FOR THE ASSESSMENT OF SUCH COMPLAINTS UNDER S
28(6) OF THE ACT IN RELATION TO THE ALLEGED CONDUCT OF A
PARISH COUNCILLOR (CASE REFERENCE CES 117)**

The Local Assessment Sub-Committee assessed a complaint that a Parish Councillor had failed to comply with the Council's Code of Members' Conduct ("the Code").

On 5 January 2016 an allegation against the Councillor had been received under section 28 (6) Localism Act 2011. It was alleged that the Councillor was in breach of the following paragraph of the Code:

3(1) 'You must treat others with respect';

5: 'You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'; and

9,10 and 11 regarding the declaration of a prejudicial interest in a matter of Council business.

Members of the sub-committee considered the view of the Parish Representative and of the Independent Person appointed by the Council under the Localism Act 28(7), and considered the advice of the Monitoring Officer.

Members considered that the subject matter of the allegation was within the jurisdiction of the Local Assessment Sub-Committee, and therefore considered whether the allegation appeared to disclose a failure by the subject Member to comply with the Code.

The sub-committee considered that the circumstances as described did not amount to a breach of the Code and no further action should be taken.

RESOLVED

In accordance with Chapter 7 of the Localism Act 2011 and the Arrangements adopted by the District Council to deal with Code of Conduct complaints regarding Councillors, the Local Assessment Sub-Committee decided that no action should be taken on the allegation.

REASON

- (i) The sub-committee considered the information supplied by the Complainant and the subject Member's response.
- (ii) The sub-committee considered the opinions of the Independent Person and Parish Representative.
- (iii) The sub-committee concluded that the circumstances as described did not amount to a failure to treat the Complainant with respect.
- (iv) Whilst the subject Member appeared not to have been truthful in a statement, this had been corrected in a subsequent statement by the subject Member.
- (v) The sub-committee concluded that the subject Member did not bring their office or that of the Council into disrepute as there was no personal gain for the Councillor as a result of the incident.
- (vi) The subject Member had not declared a prejudicial interest at a meeting but as they had withdrawn from the meeting before the relevant item of business was transacted, the sub-committee considered that the subject Member had not breached the Code in this respect.
- (vii) The action directed is a proportionate response to the allegations.

SC/6

CASE REFERENCE CES/118

TO CONDUCT AN ASSESSMENT UNDER THE LOCALISM ACT 2011 CHAPTER 7 AND THE 'ARRANGEMENTS' WHICH THE COUNCIL HAS PUT IN PLACE FOR THE ASSESSMENT OF SUCH COMPLAINTS UNDER S 28(6) OF THE ACT IN RELATION TO THE ALLEGED CONDUCT OF A PARISH COUNCILLOR (CASE REFERENCE CES 118)

The Local Assessment Sub-Committee assessed a complaint that a Parish Councillor had failed to comply with the Council's Code of Members' Conduct ("the Code"). The Parish Councillor was also a Horsham District Councillor.

On 28 January 2016 an allegation against the Councillor had been received under section 28 (6) Localism Act 2011. It was alleged that the Councillor was in breach of the following paragraphs of the Code:

3(1): 'You must treat others with respect.'

3(2)(b): 'You must not – bully any person.'

4(b): 'You must not prevent another person from gaining access to information to which that person is entitled by law.'

Allegation regarding a conflict of interest and an undeclared prejudicial interest in a matter of Council business.

Members of the sub-committee considered the view of the Parish Representative and of the Independent Person appointed by the Council under the Localism Act 28(7), and considered the advice of the Monitoring Officer.

Members considered that the subject matter of the allegation was within the jurisdiction of the Local Assessment Sub-Committee, and therefore considered whether the allegation appeared to disclose a failure by the subject Member to comply with the Code.

The sub-committee considered that the circumstances as described did not amount to a breach of the Code and no further action should be taken.

RESOLVED

In accordance with Chapter 7 of the Localism Act 2011 and the Arrangements adopted by the District Council to deal with Code of Conduct complaints regarding Councillors, the Local Assessment Sub-Committee decided that no action should be taken on the allegation.

REASON

- (i) The sub-committee considered the information supplied by the Complainant and the subject Member's response.
- (ii) The sub-committee considered the opinions of the Independent Person and Parish Representative.
- (iii) The sub-committee concluded that the circumstances as described did not amount to a failure to treat others with respect.
- (iv) The sub-committee concluded that there was no evidence to show that the subject Member had withheld information from the Complainant in such a way as to amount to any breach of the Code of Members' Conduct.
- (v) With regards to an alleged conflict of interest, the sub-committee considered that there was no evidence to show that any relevant information had been omitted from council business minutes.
- (vi) The sub-committee found no evidence of any conflict of interest, pre-determination, impartiality of prejudicial interest as alleged.
- (vii) The sub-committee found no evidence of bullying by the subject Member against the Complainant.

- (viii) The action directed is a proportionate response to the allegations.

The meeting closed at 12.35 pm having commenced at 11.00 am

CHAIRMAN