

Standards Committee – Local Assessment Sub-Committee
30 NOVEMBER 2016

Present: Councillors: David Coldwell, Mike Morgan and Tricia Youtan

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 **TO CONSIDER THE FOLLOWING EXEMPT OR CONFIDENTIAL INFORMATION:**

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 **TO CONDUCT AN ASSESSMENT IN RELATION TO THE ALLEGED CONDUCT OF A PARISH COUNCILLOR (CASE REFERENCE CES/137)**

An assessment was conducted 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.

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

On 3rd October 2016 an allegation against the Councillor had been received under section 28 (6) Localism Act 2011, and on 25th October the Complainant submitted an additional allegation. The Complainant alleged that the Subject Member had:

- 1) breached paragraph 3(2) of the Code (intimidation of the Complainant);
- 2) breached paragraph 4(2) (a) of the Code (duty to maintain confidentiality);
- 3) acted fraudulently in alleging that the Complainant's emails were sent from his SCP email address when they were sent from his private email address;
- 4) breached paragraph 2 (integrity) and paragraph 6 (honesty) of the principles of public life included in the Code.

Members of the sub-committee considered the view of the Parish Representative and of the Independent Person appointed by the Council, and considered the advice of the Monitoring Officer. They also considered the Subject Member's response to the above allegations.

The sub-committee agreed that no further action should be taken on the allegation because the sub-committee found that on the information supplied, there was no basis on which to find any breach of the Code.

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

The Sub-Committee considered that on the basis of the information provided:

- (i) There was no breach of duty to maintain confidentiality under paragraph 4 of the Parish Council's Code of Conduct. There was no factual basis on which the sub-committee was able to establish that the Subject Member had breached this duty.
- (ii) There was no breach of paragraph 3(2) of Parish Council's Code of Conduct (intimidation of the Complainant). There was no basis on which the Committee was able to establish that the subject Member had breached this duty.
- (iii) The sub-committee found that there was no basis on which they could find that the Subject Member had acted fraudulently. The committing of a criminal offence is in itself outside the jurisdiction of the sub-committee.
- (iv) The principles of honesty and integrity forming part of the seven principles of public life comprised in the Parish Council's Code of Conduct may not in themselves be relied on as being separate components of a complaint.

The meeting closed at 11.20 am having commenced at 10.50 am

CHAIRMAN