

**STANDARDS COMMITTEE**

11 MAY 2005

**REPORT OF THE MONITORING OFFICER****SUMMARY OF ALLEGATIONS OF MISCONDUCT MADE TO  
STANDARDS BOARD FOR ENGLAND**

1. It has been agreed that it would be helpful for members to be made aware of allegations of misconduct made against Borough Councillors and Parish Councillors within the Borough which the Standards Board for England have either (a) investigated and determined or (b) chosen not to investigate. In relation to the latter, the information is given in the table below in the form of a statistical summary only as it would be inappropriate to give personal details. In relation to the former, summaries of decisions are published on the Standards Board website and where these are available I have attached a copy of the published summary.
2. In addition to the cases set out below, I am aware of four outstanding Parish or Town Council cases within the Borough which are the subject of ongoing investigations and these will be reported when a decision has been made.

<b>PART A – CASES INVESTIGATED BY STANDARDS BOARD</b>		
<b>COUNCIL</b>	<b>ALLEGATION</b>	<b>STANDARDS BOARD DECISION</b>
<b>APPLEDORE</b> Parish Council Cllr John Lindsay	Failure to treat another person with respect.	See attached Standards Board Summary.
<b>APPLEDORE</b> Parish Council Cllr James Took	Failure to treat another person with respect.	See attached Standards Board Summary.
<b>TENTERDEN</b> Town Council Cllr Mrs A Thomas	Failure to declare interest at Planning Committee meeting in June 2004 on the basis of a close friendship with objectors to a planning application.	Failure to comply with paras. 8 and 10 of Code by not declaring personal and prejudicial interest. No action needs to be taken as single error of judgement where Councillor genuinely believed her changed relationship with the friends meant she had no interest but now acknowledges the error.
<b>PART B – CASES NOT INVESTIGATED BY STANDARDS BOARD</b>		
<b>COUNCIL</b>	<b>ALLEGATION</b>	<b>STANDARDS BOARD FINDING</b>
Borough Council	Failure to declare personal interest in a planning application at Planning Committee.	Insufficient information for Board to decide whether to refer for investigation.
Borough Council	Failure to treat a member of the public with respect at a public meeting.	Alleged conduct not of such significance to justify investigation.
Borough Council	Failure to treat others with respect at public meetings.	Insufficient information for Board to decide to refer matter for investigation.

## Case summary

SBE case number	SBE4199.03
member	Councillor John Lindsay
authority	Appledore Parish Council
allegation	A member failed to treat another person with respect.
date received	23 July 2003
date completed	3 December 2004
SBE outcome	The Ethical Standards Officer found no evidence of any failure to comply with the Code of Conduct.

### summary

It was alleged that Councillor John Lindsay failed to treat the clerk of Appledore Parish Council with respect at council meetings between January and September 2002, and that this led to the clerk's resignation. Councillor Lindsay allegedly questioned the clerk's advice that he should not take photos of local properties in his capacity as a member of the Planning Committee.

The Ethical Standards Officer considered that Councillor Lindsay was entitled to question the clerk's advice. The Ethical Standards Officer also considered that the advice from external bodies did not categorically state that Councillor Lindsay should not take photos. The Ethical Standards Officer concluded that Councillor Lindsay did not fail to treat the clerk with respect.

The Ethical Standards Officer found that there was no evidence of any failure to comply with the Code of Conduct.

### relevant paragraphs of the Code of Conduct

The allegation in this case relates to Paragraph 2(b) of the Code of Conduct. Paragraph 2(b) states that a member must "treat others with respect".

**Ends.**

## Case summary

SBE case number	SBE4200.03
member	Councillor James Took
authority	Appledore Parish Council
allegation	A member failed to treat another person with respect.
date received	23 July 2003
date completed	3 December 2004
SBE outcome	The Ethical Standards Officer found no evidence of any failure to comply with the Code of Conduct.

### summary

It was alleged that Councillor James Took failed to treat the clerk of Appledore Parish Council with respect at council meetings between January and September 2002. Councillor Took allegedly questioned the clerk's advice and sought to become a liaison officer with the Kent Association of Parish Councils (KAPC), a role normally performed by the clerk. This behaviour allegedly led to the clerk's resignation.

The Ethical Standards Officer considered that Councillor Took was entitled to question the clerk's advice. The Ethical Standards Officer also considered that Councillor Took was allowed to liaise with the KAPC in the specific circumstances (circumstances of which the clerk was unaware at the time). The Ethical Standards Officer concluded that Councillor Took did not fail to treat the clerk with respect.

The Ethical Standards Officer found that there was no evidence of any failure to comply with the Code of Conduct.

### relevant paragraphs of the Code of Conduct

The allegation in this case relates to Paragraph 2(b) of the Code of Conduct. Paragraph 2(b) states that a member must "treat others with respect".

**Ends.**