

Standards Committee – Assessment Panel

Minutes of a Meeting of the Standards Committee – Assessment Panel held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **19th August 2010**

Present:

Mr J Dowsey (Chairman);

Cllr. Davidson

Mr R Butcher – Parish Council Representative

Also Present:

Monitoring Officer, Deputy Monitoring Officer, Senior Member Services & Scrutiny Support Officer.

156 Exclusion of the Public

Resolved:

That the public be excluded from the meeting during consideration of the following items, namely Matter Referred for Initial Assessment - Cases ABC/10/03 and ABC/10/08.

157 Matter Referred for Initial Assessment – Cases ABC/10/03 and ABC/10/08

The Monitoring Officer had submitted his report which included a summary of the allegations. The two complaints arose from the same series of events, namely an allegation that at the conclusion of a public meeting a Borough Councillor had berated the organiser of that meeting in “an aggressive and intimidating manner” and had subsequently sent a disparaging email during an email debate between a large number of interested parties which had opened up after the meeting. In the email the Councillor was said to have used derogatory terms about, and caused professional embarrassment to, the complainants. The Panel considered the complaint and the evidence before it in the context of the adopted Assessment Criteria.

After considerable discussion on this matter it was: -

Resolved:

That the Assessment Panel concludes that whilst the conduct complained of in Cases ABC/10/03 and ABC/10/08 may disclose a possible breach of the Code of Conduct in view of the fact that a genuine expression of regret and apology had been circulated, the matter did not justify a formal investigation.

However, the matter was referred to the Monitoring Officer with a direction to take steps other than formal investigation, namely to inform the subject Member in writing on behalf of the Panel that whilst they noted and agreed as appropriate the subsequent apology and whilst they did not therefore consider the matter warranted local investigation, they wished to make it clear that they expect Councillors to avoid conduct which necessitates such apologies, especially where communications with members of the public are concerned.

Standards Committee – Assessment Panel

Minutes of a Meeting of the Standards Committee – Assessment Panel held in Committee Room No.1 (Fougères Room), Civic Centre, Tannery Lane, Ashford on the 6th October 2010

Present:

Mrs C Vant (Chairman);

Cllr. Mrs Laughton

Mr D Lyward – Parish Council Representative

Also Present:

Monitoring Officer, Senior Member Services & Scrutiny Support Officer.

202 Exclusion of the Public

Resolved:

That the public be excluded from the meeting during consideration of the following item, namely Matters Referred for Initial Assessment - Cases ABC/10/04, ABC/10/05 & ABC/10/09 and ABC/10/06 & ABC/10/10.

203 Matters Referred for Initial Assessment – Cases ABC/10/04, ABC/10/05 & ABC/10/09 and ABC/10/06 & ABC/10/10

The Monitoring Officer had submitted his report which included a summary of the allegations against three individual Members, one in their role as a Borough Councillor (ABC/10/04) and the other two in their roles as both Borough and Parish Councillors (ABC/10/05 & ABC/10/09 and ABC/10/06 & ABC/10/10). The complaints had been grouped together as they all arose from the same events, namely the handling and determination of a planning application between July and August 2009. The Panel considered the complaints and the evidence before it in the context of the adopted Assessment Criteria.

After considerable discussion on this matter it was: -

Resolved:

That (i) with regard to Case ABC/10/04 the Assessment Panel does not consider that the evidence suggests there are potential breaches of the Code of Conduct by the subject Councillor, nor in relation to the complaint of disrespect towards the Complainant does the

Panel consider an investigation is justified even if there was a potential breach.

- (ii) with regard to Cases ABC/10/05 and ABC/10/09 the Assessment Panel does not consider that the evidence suggests there are potential breaches of either the Borough or Parish Code of Conduct by the subject Councillor.**
- (iii) with regard to Cases ABC/10/06 and ABC/10/10 the Assessment Panel does not consider that the evidence suggests there are potential breaches of either the Borough or Parish Code of Conduct by the subject Councillor.**

Standards Committee – Assessment Panel

Minutes of a Meeting of the Standards Committee – Assessment Panel held in Committee Room No.1 (Fougères Room), Civic Centre, Tannery Lane, Ashford on the 12th July 2011

Present:

Mrs C Vant (Chairman);

Cllr. Galpin

Mr R Butcher – Parish Council Representative

Also Present:

Deputy Monitoring Officer & Head of Property and Community Projects, Member Services & Scrutiny Support Officer.

66 Exclusion of the Public

Resolved:

That the public be excluded from the meeting during consideration of the following item, namely Matter Referred for Initial Assessment - Case ABC/10/18.

67 Matter Referred for Initial Assessment – Case ABC/10/18

The Deputy Monitoring Officer and Head of Property and Community Projects had submitted the report which included a summary of the allegations against a former Parish Councillor that they had breached the following paragraphs of the Code of Conduct:

Complaint 1 Paragraphs 8, 9, 10 & 12

That they had failed to declare an interest in the proposed Doctors Surgery.

Complaint 2 Paragraph 6

Had improperly used their position to gain an advantage.

Complaint 3 Paragraphs 8, 9, 10 & 12

That they had failed to declare an interest in respect of payments to their wife.

Complaint 4 Paragraph 5

Had brought their office into disrepute.

Complaint 5 Paragraph 3

Had treated the Complainant with disrespect.

The Panel considered the complaints and the evidence before it in the context of the adopted Assessment Criteria.

After considerable discussion on this matter it was: -

Resolved:

- That (i) With regard to Complaint 1&2, (the alleged Breach of paragraphs 6, 8, 9, 10 & 12) the Assessment Panel does not consider that the evidence suggests there were breaches but referred the matter back to the Monitoring Officer to send a letter to:-
- (a) The former Parish Councillor requesting that if he is ever re-elected or co-opted to the Parish Council he should contact the Monitoring Officer to undertake training regarding the Code of Conduct to ensure he has a full and accurate understanding of his duties in relation to declarations of interest.
 - (b) The Parish Council, asking them to ensure that when they record declarations of interest from members that the type and nature of the interest is recorded in the minutes
- (ii) With regard to Complaint 3 (the alleged breach of paragraphs 8,9,10&12) the Assessment Panel decided that there was no apparent breach.
- (iii) With regard to Complaint 4 (the alleged breach of paragraph 5), whilst the Assessment Panel does not consider there to have been a breach, which warranted further investigation, they considered that the former Parish Councillor had possibly acted beyond his remit and referred the matter back to the Monitoring Officer to include this in the letter to the former Councillor.
- (iv) With regard to complaint 5 (the alleged breach of paragraph 3) the Assessment Panel does not consider that the evidence suggests there was a breach of the Code of Conduct which warranted further investigation, but that the former Parish Councillor should be advised by the Monitoring Officer to be mindful of being courteous when dealing with the Public. The Monitoring Officer should also write to the Parish Council suggesting that they ensure their Standing Orders include a protocol for receiving or hearing questions/comments from the Public.