

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Standards Committee

15 September 2010

**AUTHOR/S:** Executive Director (Corporate Services) / Legal and Democratic Services Manager

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### LOCAL INVESTIGATIONS, HEARINGS AND REFERENCES MADE TO STANDARDS FOR ENGLAND

#### Purpose

1. To update members on local investigations and hearings, and a case which was referred to Standards for England (SfE) for investigation and has now been completed.
2. On 10 December 2008 the Standards Committee resolved that cases in which no breach of the Code of Conduct has been found or no further action is to be taken should be anonymised for the purposes of reporting back to the Committee and that only in cases where a breach has been found should the relevant member be identified to the Committee; however, one of the cases in which no breach was found received publicity in the local paper both before and after referral to Standards for England, and, with the subject member's permission, the full decision notice is appended.

#### Recommendation

3. That the Standards Committee note the report.

#### Cases

##### **CORCOM 3886 (Hearing Panel, Determination Meeting, 23 July 2010)**

4. A complaint about the conduct of Melbourn Parish Councillor Christopher Stead was received by the Monitoring Officer on 22 January 2010 and, following consideration by the Local Assessment Panel on 10 February 2010, was referred for a local investigation. The investigation found that there had been one breach of the Code of Conduct – failure to treat others with respect – but that there was no case to answer for the allegation of bullying, and the matter proceeded to a public hearing on 23 July 2010. The subject member did not attend the hearing.
5. Based upon the Investigating Officer's report and documentary evidence, there having been no representations nor further evidence submitted by the subject member, the Hearing Panel accepted the findings of fact as set out in the Investigating Officer's report and the reasoning of the Investigating Officer, and found that Councillor Stead had breached the following provision of Melbourn Parish Council's Code of Conduct:
  - (a) Paragraph 3(1): treat others with respect
6. The Hearing Panel appreciated that Councillor Stead was, in the opinion of the Chairman of Melbourn Parish Council, a hard-working Parish Councillor, and that Councillor Stead had given up his own time to volunteer to serve on the Parish Council; however, the Panel found that the language used by Councillor Stead in his

messages on the "Speakers' Corner" forum was totally inappropriate and unacceptable.

7. The Panel required that Councillor Stead, within 28 days from the date of the hearing (20 August 2010), provide a written apology to Melbourn Parish Council for the language he used, making specific reference to any offence his statements caused to two fellow Parish Councillors, a copy of this apology to be sent to the Monitoring Officer and to the Clerk to Melbourn Parish Council for inclusion on a Parish Council agenda. If no apology had been forthcoming within 28 days from the date of the hearing, the Panel felt that it had no further alternative than to suspend Councillor Stead from his role as a Parish Councillor for three months, such suspension to begin immediately from 21 August 2010.
8. The Standards Committee was subsequently informed that Councillor Stead attended a Melbourn Parish Council meeting on 26 July 2010 and presented a written statement in which he indicated that he did not intend to apologise, and therefore Councillor Stead's three-month suspension from Melbourn Parish Council took effect from 21 August 2010.
9. The Hearing Panel's decision was published in the *Cambridge News* on 8 September 2010, in accordance with the requirements of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 to publish in one or more newspapers circulating in the area of the authorities concerned:
  - (a) that the standards committee found that the member who was the subject of the hearing had failed to comply with the code of conduct of the authority concerned or the code of conduct of any other authority concerned;
  - (b) the details of the failure;
  - (c) the reasons for the decision reached by the standards committee;
  - (d) the sanction imposed, and
  - (e) that the member concerned may apply for permission to appeal against the finding under the provisions of Part 3 of these Regulations.
10. The cost of the public notice was £397.80 plus VAT.
- CORCOM 3946 (Hearing Panel, Determination Meeting, 6 September 2010)**
11. A complaint was made to the Monitoring Officer on 27 February 2010 about the conduct of Councillor Bill Agg, Chairman of Caxton Parish Council, alleging that he had breached the following provisions of Caxton Parish Council's Code of Conduct:
  - (a) Paragraph 5: bringing your office or authority into disrepute.
  - (b) Paragraph 6(a): using your position as a member improperly to confer on or secure an advantage or disadvantage;
  - (c) Paragraph 9(1): failing to declare a personal or prejudicial interest;  
Paragraph 12(1): having a prejudicial interest and failing to act appropriately, and / or seeking improperly to influence a decision about that business.
12. The Local Assessment Panel met on 15 March 2010 and referred the allegations for investigation. The complainant was informed that allegations about the conduct of the Clerk were outside the remit of the Standards Committee.
13. The Investigating Officer found that there was no case to answer in respect of any of the allegations. The Hearing Panel held a Consideration Meeting on 9 June 2010 to receive the report but did not feel that it was willing to accept at that time the finding of no failure to comply with the Code of Conduct, and referred the matter to a determination hearing.

14. The Hearing Panel Determination Meeting was held on 6 September 2010 and the outcome will be reported orally to the Standards Committee on 15 September 2010.
- CORCOM 4099 (Hearing Panel, Determination Meeting, 10 September 2010)**
15. The Monitoring Officer received a complaint on 26 March 2010 that former Councillor Michael Giles of Gamlingay Parish Council, which alleged that Councillor Giles had breached the following provisions of Gamlingay Parish Council's Code of Conduct:
- (a) Paragraph 6(a): using your position as a member improperly to confer on or secure an advantage or disadvantage;
  - (b) Paragraph 9(1): failing to declare a personal or prejudicial interest
  - (c) Paragraph 12 (1): having a prejudicial interest and failing to act appropriately; and
  - (d) Paragraph 13 (2): failing to register interests.
16. The Local Assessment Panel met on 1 April 2010 and referred the allegations for investigation. The Investigating Officer presented her final report to a Consideration Meeting of the Hearing Panel on 21 July 2010, having found potential breaches of paragraphs 9(1) and 12(1), but not finding potential breaches of paragraphs 6(a) and 13(2). The Hearing Panel, in accordance with Regulation 17(1)(b) of the Standards Committee (England) Regulations 2008, accepted the Investigating Officer's finding of a failure to comply with paragraphs 9(1) and 12(1) and the matter was automatically referred to a public hearing. The Hearing Panel felt that it was not willing to accept the Investigating Officer's finding (of no failure to comply with paragraphs 6(a) and 13(2)) at this time and that the matter should be further considered at a public hearing.
17. In accordance with Regulations 18(2) and 18(8) of the Standards Committee (England) Regulations 2008 and the SCDC Procedure for the Local Investigation of Referred Complaints, the Hearing Panel instructed the Investigating Officer to conduct further enquiries to help it reach a reasoned decision at the hearing.
18. On 29 July 2010 Mr Giles phoned the District Council to advise that he had resigned from Gamlingay Parish Council and would not be attending any hearing. As a formal complaint had been received and still must be addressed regardless of the resignation of the subject member, the Hearing Panel held a Determination Meeting on 10 September 2010. The outcome of this meeting will be reported orally at the Standards Committee meeting on 15 September 2010.
- CORCOM 4058 (Standards Committee Hearing Panel, Determination Meeting, 4 October 2010)**
19. The Local Assessment Panel referred this parish council case to the Monitoring Officer on 1 April 2010 for local investigation. The Investigating Officer's final report was issued on 15 July 2010 and the matters have been referred to a public hearing on 4 October 2010. The outcome of this hearing will be reported to the Standards Committee at its 8 December 2010 meeting.

**Background Papers:** the following background papers were used in the preparation of this report:

Standards Committee Local Hearing Panel Decision Notices CORCOM 3886, 3946  
Local Authorities (Code of Conduct) (Local Determination) Regulations 2003  
Standards Committee (England) Regulations 2008  
SCDC Constitution

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