



STANDARDS COMMITTEE

— Agenda —

**MONDAY
2 JUNE 2008**

7.00 PM

COMMITTEE ROOM 4

**HAMMERSMITH
TOWN HALL
LONDON W6 9JU**

Membership

Mr. Steven Moussavi
Mr. Christopher Troke
Ms Grace Moody-Stuart
Miss Oluchi Onwere
Mrs Joyce Epstein
Councillor Nicholas Botterill
Councillor Donald Johnson
Councillor Lisa Homan
Councillor Adronie Alford
1 other opposition Member [tba]

(The Membership is subject to approval by
Annual Council on 28 May 2008)

If you require further
information relating to this
agenda, please contact
the Co-ordinator:

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website, using the following link:

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Issue Date: 22 May 2008

2 JUNE 2008

<u>ITEM</u>		<u>PAGE</u>
1	APPOINTMENT OF CHAIRMAN	
	The constitution provides that the Committee shall elect its own Chairman, with the intention that this shall be one of the appointed independent members on annual rotation. Last year the Chairman was Mr. Steven Moussavi.	
2.	MINUTES – 2 APRIL 2008	1-3
	To confirm and sign the Minutes of the meeting held on 2 April 2008 as an accurate record.	
3.	APOLOGIES FOR ABSENCE	
4.	DECLARATION OF INTERESTS	
	<p>If a Councillor has any prejudicial or personal interest in a particular report they should declare the existence and nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a prejudicial interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken unless a dispensation has been obtained from the Standards Committee.</p> <p>Where members of the public are not allowed to be in attendance, then the Councillor with a prejudicial interest should withdraw from the meeting whilst the matter is under consideration unless the disability has been removed by the Standards Committee.</p>	
4.	TERMS OF REFERENCE	4
	To note the Committee's Membership and Terms of Reference, as agreed at the Annual Council meeting on 28 May 2008. The Committee may wish to welcome the new independent Members of the Committee, following their appointment at that meeting.	

- 5. SBE BULLETIN 38** **5-14**
- To note the contents of Standards Board for England Bulletin 38, summarising the Standards Committee (England) Regulations 2008; giving advice on dealing with complaints from members of the public; outlining the information about the new reporting system; and highlighting their forthcoming press toolkit.
- 6. LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH 2008** **15-27**
- To note the detailed arrangements for implementing the Act in light of the Regulations and Guidance recently issued
- 7 PUBLICITY FOR NEW ARRANGEMENTS** **28-30**
- To note the proposed arrangements for publicising the provisions of the new Act and how complaints can be made against Councillors.
- 8 WORK PROGRAMME** **31-32**
- To note the Committee's work programme for 2008/2009
- 9 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES** **33-35**
- To decide the names of the 2 delegates to attend the 7th Annual Assembly of Standards Committees in Birmingham on 13 and 14 October 2008.
- 10. LOCAL ASSESSMENT TRAINING** **36-103**
- The report provides some practice training and resources to help the Committee take on its new role to determine complaints against Members locally. It also highlights the resources which are available on the Standards Board for England Web site.

STANDARDS COMMITTEE

—Minutes—

2 APRIL 2008

Members Present:

Mr. Steven Moussavi (Chairman)
Councillor Donald Johnson
Councillor Lisa Homan
Ms Grace Moody-Stuart
Mr. Christopher Troke

Officers in attendance:

Lesley Courcoff, Assistant Chief Executive
Kayode Adewumi, Head of Councillors' Services
Andy Beresford, Assistant Head of Legal Services
David Bays, Committee Co-ordinator

ITEM		ACTION
Item 1	<u>MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE HELD ON 21 JANUARY 2007</u>	
	<u>RESOLVED</u> - That the minutes of the meeting held on 21 January 2007 be agreed and signed as an accurate record.	ACE/KA/DB to note
Item 2	<u>APOLOGIES FOR ABSENCE</u>	
	Apologies for absence were received from Councillor Botterill and from Michael Cogher, Head of Legal Services & Deputy Monitoring Officer.	ACE/KA/DB to note
Item 3	<u>DECLARATIONS OF INTEREST</u>	
	There were no declarations of interest made by members at this meeting of the Committee.	
Item 4	<u>ASSESSING COMPLAINTS – LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007</u>	
	The Committee received an update on the Act which came into operation on 4 March. The relevant Guidance and Regulations	

had not, however, been published.

Arrangements were being made to recruit an extra Independent Member at an Appointments Panel on 8 April. A recommendation would be made from that meeting to the Annual Council meeting on 28 May.

It was also proposed, in parallel with this appointment process, for the overall size of the Standards Committee to be increased to 10 Members to deal with their new responsibilities under the Act.

RESOLVED That the Committee note the arrangements for appointing an extra Independent Member and recommend to the Annual Council meeting that the size of the Committee should be increased to 10.

Item 5 **STANDARDS BOARD FOR ENGLAND BULLETIN 37**

The Committee noted the Bulletin had set out some examples of good practice in publicising the new system for assessing complaints. As far as Hammersmith and Fulham was concerned, the intention was to publish an article in Hammersmith & Fulham News, to include information on the Council's Website and to publicise the arrangements as part of the Council's activities during Local Democracy Week..

RESOLVED That the report be noted.

Item 6 **ANNUAL ASSEMBLY OF STANDARDS COMMITTEES**

RESOLVED That the Council note the arrangements for the Annual Assembly in Birmingham on 13/14 October 2008 and authorise 2 delegates to attend, their fees, travel and accommodation expenses to be met by the Council.

DB

Item 7 **WORK PROGRAMME**

In connection with the Work Programme, the Committee noted a brief oral update on current cases which had been referred to the Standards Board.

Following the Annual Meeting of the Council it was planned to organise training for Members in June/July on the new arrangements for assessing complaints.

KA

RESOLVED: That the Work Programme be noted and agreed.

Item 8 **ANNUAL REPORT 2007-08**

- Standards Committee -

The Committee amended the draft report by reference to including a paragraph about the year ahead.

DB

It was also agreed, arising from the item about the Annual North West London Boroughs Standards Committee Networking event, that Hammersmith & Fulham might host a similar event in November 2008 or January 2009, to which Kensington & Chelsea and the City of Westminster might be invited.

DB

Meeting began : 7:00 pm
Meeting ended : 7:45 pm

CHAIR.....

Article 9 - The Standards Committee

9.01 Standards Committee

The Annual Council meeting will establish a Standards Committee.

9.02 Composition

The Standards Committee will comprise 10 members (5 Councillor members and 5 independent persons drawn from outside the Council). The Committee will always be chaired by one of the independent members. All members shall have equal voting rights, with the Chairman having a second, or casting, vote in cases of dispute. Only one member of the Executive may sit on the Committee.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by the Executive, non-executive Councillors, co-opted members and church and parent governor representatives;
- (b) assisting Councillors , co-opted members, and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors , and co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (f) to carry out all the functions of a Standards Committee under the Standards Committee (England) Regulations 2008 including the consideration, investigation, determination and referral of complaints against elected members, and the establishment of sub-committees for these purposes.
- (g) the granting of dispensations in accordance with the relevant Regulations.

Contents

Page 2

Standards Committee (England) Regulations 2008: A summary

Page 8

Complaints from the public

Page 9

Update on the new local reporting system

Forthcoming event

Press toolkit

Page 10

Statistics

Contact

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Welcome to Issue 38 of the *Bulletin*.

Local assessment has arrived. From 8 May 2008, the new, more locally-based standards framework gives standards committees responsibility for the initial assessment of all allegations that a member of their authority may have breached the Code of Conduct. It also gives them responsibility for any subsequent investigations, decisions and sanctions. This is except where cases cannot be handled locally because of their seriousness, conflicts of interest or other public interest reasons.

Detailed regulations prescribe how the revised standards framework will work in practice. We use this *Bulletin* to summarise, in detail, the content of the Standards Committee (England) Regulations 2008. I hope that you find this useful.

As we set out in the last *Bulletin*, the Standards Board has been working hard to produce comprehensive guidance on the new standards framework. Now that the government has confirmed the detail of the regulations, we are reviewing and completing this guidance to make the transition to the new system as smooth as possible for authorities. We have already published a toolkit of template documents on our website to assist you with the local assessment of complaints. We will publish our local assessment guidance on the website by 8 May 2008.

Finally, I am sad to say that this is my final *Bulletin*, as I retire as Chief Executive of the Standards Board in June. My successor, Glenys Stacey, started work in April and looks forward to meeting as many of you as possible. I leave at an exciting time, as the responsibility for upholding high standards of member conduct moves to the heart of local government. I know that you will rise to the challenge. I would like to thank all of you for your commitment and hard work during my time at the Standards Board. It has been a pleasure working with you and I wish you every success in the operation of the new arrangements.

A handwritten signature in blue ink that reads "David Prince".

David Prince
Chief Executive

Standards Committee (England) Regulations 2008: A summary

The following article summarises in detail the content of the Standards Committee (England) Regulations 2008.

Composition of standards committees

At least 25% of a standards committee must be made up of independent members. No more than one member of an authority's standards committee can be a member of the executive. Where an authority must have parish representatives it must now ensure that it has at least two who are not also members of the authority. Previously one was enough.

Appointments to standards committees

Normally, a person cannot be appointed as an independent member of a standards committee unless:

- the appointment is approved by a majority of the members of the authority
- the appointment is advertised in a local newspaper circulating in the area
- the person has submitted an application to the authority
- the person has not been a member or officer of the authority within the previous five years and is not a relative or close friend of a member or officer of the authority

The new regulations do not change this, but add that advertisements can be placed in any other publications or websites the authority considers appropriate.

However, they do provide that a person who is an independent member of one standards committee may be appointed as an independent

member of another. This is unless they have been a member or officer of it in the preceding five years or are a relative or close friend of a member or officer of that authority.

An independent member of another authority can be appointed for a specific period of time. Alternatively, they can be appointed to deal with a particular allegation or set of allegations against a member. The term of office of such an independent member can then be fixed accordingly.

An authority can adopt whatever procedures it thinks fit to appoint such independent members and members of parish councils. It must consider the Standards Board for England's standards committee guidance, to be published in May, when making these appointments.

Where a person who is appointed as an independent person becomes a member or officer of any authority, or becomes a relative of a member or officer of that authority, they can no longer be a member of the standards committee.

Sub-committees of standards committees

The standards committee of an authority must appoint a sub-committee chaired by an independent member to carry out initial assessments of allegations. This is under Section 57A of the Local Government Act 2000.

It must also appoint a sub-committee chaired by an independent member to carry out reviews under Section 57B of the Local Government Act 2000. If the standards committee appoints a sub-committee to hold hearings, that sub-committee must be chaired by an independent member. Nothing in the regulations requires a sub-committee of a standards committee to have fixed membership or chairmanship.

Validity of proceedings

For a meeting of the standards committee to be valid at least two elected members and one independent member must be present. For a meeting of a standards committee sub-committee to be valid at least three members of the standards committee must be present, including at least one elected member and one independent member

No member who took part in the initial assessment of an allegation can attend a sub-committee meeting that is considering a review of a decision to take no further action on a matter.

At least one parish or town council representative must attend a standards committee meeting, or a standards committee sub-committee meeting, convened to consider a matter relating to a member of a parish or town council.

Application of the Local Government Act 1972

The existing rules about publicity and access to documents apply, except that initial assessment hearings and reviews are excluded from the scope of Part VA of the Local Government Act 1972. They are replaced with the following requirements:

- After the meeting, the sub-committee must produce a written summary. The written summary must record the main points considered, the conclusions reached and the reasons for them. It must be prepared having considered the Standards Board for England’s standards committee guidance, which is to be published in May.
- The sub-committee may also give the name of any member subject to allegations unless such disclosure is not in the public interest or would prejudice any investigation. The record must be available for inspection by members of the public at the offices of the authority for

six years after the meeting and must be given to any parish or town council involved.

Written allegations

Standards committees must publish details of the address or addresses that written allegations should be sent to. Standards committees themselves can choose how they do this. They must also take reasonable steps to ensure that the public are kept aware of address details and that any changes to them are published promptly.

In addition, standards committees must publish details of the procedures they will follow.

A standards committee must take account of relevant guidance issued by the Standards Board when complying with these obligations.

Modification of duty to provide written summaries to members subject to allegations

Under Section 57C(2) of the Local Government Act 2000, a standards committee must take reasonable steps to give a written summary of the complaint to the member subject to the allegation. The new regulations provide that this duty does not arise if the standards committee decides that giving a written summary would be contrary to the public interest. Standards committees also need not provide a written summary if it would prejudice any person’s ability to investigate the allegation.

The standards committee must take account of any guidance issued by the Standards Board when reaching a decision. It may also consider any advice received from the monitoring officer or any ethical standards officer concerned.

Once the monitoring officer or ethical standards officer has advised the standards committee that it would no longer be against the public interest or prejudicial to any investigation, a written summary must be provided. In any event this must be done before any consideration by the

standards committee or sub-committee of a report or recommendation from a monitoring officer or ethical standards officer about that allegation.

Modification of Section 63 of the Local Government Act 2000

Section 63 of the Local Government Act 2000 has been modified so that the confidentiality requirements in that section are applied to information gathered by the monitoring officer in the course of an investigation. The monitoring officer can disclose this information if it is for the purposes of carrying out their functions under the legislation, or for enabling a standards committee, a sub-committee or an appeals tribunal to do so.

Referral of matters to a monitoring officer for other action

There may be occasions where a matter is referred to a monitoring officer by a sub-committee of a standards committee or an ethical standards officer, with a direction to take steps other than carry out an investigation. The sub-committee can only make such a referral after consulting the monitoring officer. Other action can include arranging training, conciliation or anything else that appears appropriate.

The monitoring officer must submit a written report to the sub-committee or ethical standards officer within three months, giving details of what action has been taken or is proposed to be taken. If the standards committee is not satisfied with the action specified in the report, it must give a further direction to the monitoring officer.

If the ethical standards officer concerned is not satisfied with the action specified in the report, they may ask the monitoring officer to publicise a statement. This statement should be published in at least one newspaper circulating in the area of the authority concerned. This should give details of the direction given by the ethical standards

officer, the reasons why the ethical standards officer is dissatisfied with the action taken, and the monitoring officer’s response to those reasons.

Referral of matters to a monitoring officer for investigation

Where a matter is referred to the monitoring officer for investigation, the monitoring officer must inform the following parties that the matter has been referred for investigation:

- any member subject to an allegation
- the person who made the allegation
- the standards committee of any other authority concerned
- any parish or town council or other authority concerned

The monitoring officer must also consider any relevant guidance issued by the Standards Board, and must comply with any relevant direction given by it.

The monitoring officer can make enquiries of anyone and require them to provide information or explanations that the monitoring officer thinks necessary. In addition, they may require any of the authorities concerned to provide advice and assistance as reasonably needed, and, except for parish and town councils, to meet the reasonable costs of doing so.

If any of the authorities concerned is a parish council, the monitoring officer may require its responsible authority to meet any reasonable costs it incurs. The monitoring officer may also require any of the authorities concerned to allow reasonable access to documents they possess, which the monitoring officer may find necessary to conduct the investigation.

Following an investigation, a monitoring officer must make one of the following findings:

- Finding of failure – there has been a failure to comply with the Code of Conduct of the

authority concerned or, as the case may be, of any other authority concerned.

- Finding of no failure – there has not been a failure to comply with the Code of Conduct of the authority concerned or, as the case may be, of any other authority concerned.

The monitoring officer must prepare a written report concerning the investigation and findings. They must then send that report to the member subject to the allegation and refer the report to the standards committee. The report can also be sent to any other authority that the member belongs to, if they request it. The monitoring officer must refer the report to the standards committee in instances where an investigation report is sent to the monitoring officer by an ethical standards officer.

References back from the monitoring officer

In cases referred to a monitoring officer for investigation after an initial assessment, the monitoring officer can refer that matter back to the standards committee concerned if:

- 1) as a result of new evidence or information, the monitoring officer believes both of the following:
 - The matter is materially more or less serious than may have seemed apparent to the standards committee when it made its decision on the initial allegation.
 - The standards committee would have made a different decision had it been aware of that new evidence or information.
- 2) the member subject to the allegation has died, is seriously ill or has resigned from the authority concerned, and the monitoring officer believes that it is consequently no longer appropriate to continue with an investigation

If a matter is referred back to a sub-committee under this regulation, the sub-committee must make a decision as if the matter had been referred to it for initial assessment. It can remove the ability of the monitoring officer to refer the matter back again.

Consideration of reports by standards committee

Where a monitoring officer refers a report to the standards committee of any authority, it must consider that report and make one of the following findings:

- Finding of acceptance – it accepts the monitoring officer’s finding of no failure to comply with the Code of Conduct.
- The matter should be considered at a hearing of the standards committee.
- The matter should be referred to the Adjudication Panel for England for determination.

A standards committee can only refer a case to the Adjudication Panel if:

- 1) it decides that the action it could take against the member would be insufficient were a finding of failure to be made
- 2) the President or Deputy President of the Adjudication Panel has agreed to accept the referral

The standards committee must give written notice of a finding of acceptance to the parties involved, as soon as possible after making it. It must arrange for the decision to be published in at least one local newspaper and, if the committee deems it appropriate, on its website and any other publication. If the member subject to the allegation requests that the decision not be published, then the standards committee must not publish it anywhere.

Hearings by a standards committee

A standards committee can conduct a hearing using whatever procedures it considers appropriate in the circumstances. But the meeting must be conducted with regard to relevant guidance issued by the Standards Board.

The hearing must be held within three months of the date of which the monitoring officer has received a report referred by an ethical standards officer or the date that the report is completed, if it was prepared by the monitoring officer.

If it cannot be held within three months of the above, it must be held as soon as possible thereafter.

The hearing must not be held until at least 14 days after the date that the monitoring officer sent the report to the member subject to the allegation, unless the member concerned agrees to the hearing being held earlier.

Any member who is the subject of a report being considered by the standards committee must be given the opportunity to present evidence and make representations at the hearing orally. Alternatively, they can make representations in writing, personally or through a representative. The representative can be a barrister, solicitor or, with the consent of the standards committee, anyone else.

A standards committee may arrange for witnesses that it thinks appropriate to attend and a member subject to an allegation may arrange to call any number of witnesses. It may also place a limit on the number of witnesses a member calls if it believes that the number is unreasonable.

If the member subject to the allegation fails to attend a hearing, the standards committee may make a decision in their absence. This is unless it is satisfied that there is sufficient reason for the member subject to the allegation failing to attend.

It may alternatively adjourn the hearing to another date.

A standards committee may, at any stage prior to the conclusion of the hearing, adjourn the hearing and require the monitoring officer to seek further information. Alternatively, it may require the monitoring officer to carry out further investigation on any point it specifies. However, the standards committee cannot adjourn the hearing more than once.

If a standards committee receives a report from an ethical standards officer, it may adjourn the hearing at any stage before it concludes, and refer it back to the ethical standards officer for further investigation. It must set out its reasons for doing this. The ethical standards officer must respond to the request within 21 days and can accept or refuse it. If the request is refused, the standards committee must continue the hearing within three months or as soon as possible thereafter.

Standards committee findings

Following a hearing, a standards committee will make one of the following findings about the member subject to the allegation:

- The person had not failed to comply with the Code of Conduct.
- The person had failed to comply with the Code of Conduct but that no action needs to be taken.
- The person had failed to comply with the Code of Conduct and that a sanction should be imposed.

If the member subject to the allegation is no longer a member of any authority, the committee can only censure that person. Otherwise, it must impose any one or a combination of the following sanctions:

- Censure.
- Restriction for up to a maximum of six months of that member's access to the premises and/or resources of the authority. This is provided that any such restrictions are reasonable and proportionate to the nature of the breach, and do not unduly restrict the person's ability to perform their functions as a member.
- Partial suspension of that member for up to a maximum of six months.
- Suspension of that member for up to a maximum of six months.
- A requirement that the member submit a written apology in a form specified by the standards committee.
- A requirement that the member undertake training as specified by the standards committee.
- A requirement that the member undertake conciliation as specified by the standards committee.
- Partial suspension of the member for up to a maximum of six months or until such time as the member submits a written apology in a form specified by the standards committee.
- Partial suspension of the member for up to a maximum of six months or until such time as the member undertakes any training or conciliation specified by the standards committee.
- Suspension of the member for up to a maximum of six months or until such time as the member submits a written apology in a form specified by the standards committee.

- Suspension of the member for up to a maximum of six months or until such time as that member undertakes such training or conciliation as the standards committee specifies.

Normally any sanction imposed must start immediately following its imposition. However, the standards committee can decide that any sanction will start on any specified date up to six months after the imposition of that sanction.

Notification of standards committee findings

The notification provisions under the new regulations are similar to the ones under the previous regulations. All interested parties, including the Standards Board, should be notified of a decision along with the reasons for it. The standards committee must arrange for a notice to be published in a local newspaper and, if the committee thinks it appropriate, on its website and any other publication. If the member concerned is found not to have failed to comply with the Code of Conduct, a summary must not be published anywhere if the member so requests.

Where the standards committee finds that the member has failed to comply with the Code, the notice to the member concerned must include the right to appeal in writing against the decision to the President of the Adjudication Panel for England.

Appeals

The member who is the subject of a finding can ask for permission to appeal within 21 days of receiving notification of the committee's decision. They can also apply for the suspension of any sanction imposed until such time as any appeal is decided.

Any appeal must specify whether the appeal is against the finding or the sanction or both. It must also specify:

- the grounds of the appeal
- whether any application for suspension of any sanction is made
- whether the person consents to the appeal being dealt with in writing only

The application for permission to appeal or to suspend a sanction will be decided by the President of the Adjudication Panel for England. In the absence of the President this will be decided by the Deputy President, unless they consider that special circumstances render a hearing desirable.

If permission is refused, or if a suspension of a sanction is not granted, the notice given to the member concerned will give the reasons.

The conduct of appeals, the composition of appeals tribunals and the procedures to be followed are essentially the same as under the previous regulations.

Outcome of appeals

Where an appeals tribunal dismisses a standards committee's finding, the committee's decision, including any sanction imposed, will cease to have effect from the date of the dismissal.

Where an appeals tribunal upholds the finding of a standards committee that there has been a breach of the Code of Conduct but that no sanction should be imposed, it may confirm the committee's decision to impose no sanction. Alternatively, it may impose any sanction which was available to that standards committee.

Where an appeals tribunal upholds a standards committee's finding, or part of a finding, that there has been a breach of the Code of Conduct, it may confirm any sanction imposed by that committee. Alternatively, it may substitute any other sanction which was available to that standards committee.

Normally any sanction imposed must start immediately following its imposition by the appeals tribunal. However, an appeals tribunal can decide that any sanction imposed should start on any specified date up to six months after the imposition of that sanction. The appeals tribunal must arrange for a summary of its decision to be published in one or more newspapers circulating in the area of the authorities concerned.

Complaints from the public

As local authorities prepare to receive and assess complaints about member conduct, we are passing on our advice about dealing with complaints from members of the public. Although these formed the majority of the complaints we received, the fact that most members of the public are not specialists in local government, the Code of Conduct or in making a complaint means that they will need support.

Our experience suggests that if members of the public do not understand the process, including the possible or likely outcomes if their complaint is upheld, then they are more likely to be unhappy about the outcomes of cases.

Feedback we have received also suggests that not all local authorities are making information readily available on how to make a complaint. This will be a statutory requirement from May this year.

In short, our key recommendations based on our experience of dealing with complaints from the public are:

- Complaint materials should be easily available and the complaint process should be made very clear from the start.
- Complaint materials and responses to complaints need to be clear and concise. They should explain exactly what can and cannot be done, including an outline of the powers available.

- Complaint materials should assume complainants are unfamiliar with how to make a complaint, the Code of Conduct and the authority's complaint process.

Update on the new local reporting system

In the last issue of the *Bulletin* we provided a brief overview of the new reporting mechanism that monitoring officers will use to notify us about local activity relating to the standards framework each quarter.

We aim to launch the system on 8 May 2008. To ensure that it works well, we have recently carried out some external testing. We advertised for volunteers in the ACSes (Association of Council Secretaries and Solicitors) bulletin and were delighted by the number of monitoring officers who got in touch and expressed an interest.

Each volunteer was asked to submit a mock quarterly return using real, but anonymised, case information and to report back on their experience. The exercise has proven invaluable and the feedback has been encouraging. Aside from some issues with speed that are being attended to, monitoring officers have confirmed that the system is easy to use and that the questions being asked are clear and understandable.

The next stage for us is to implement some of the tweaks and improvements suggested by our external testers and to compile a user guide to accompany the system launch documentation.

All monitoring officers will be contacted via email ahead of the introduction of the new system, with information about how to log on and instructions about how and when to submit their return.

In addition to the user guide, we plan to provide telephone and email support to monitoring

officers who are making information returns. This will ensure that the process is as uncomplicated and painless as possible.

Forthcoming event

The National Association of Local Councils Conference 2008

Winter Gardens, Eastbourne
Tuesday 20 to Thursday 22 May 2008

At this year's National Association of Local Councils (NALC) event, we will have policy staff on hand to answer your questions at exhibition stand four.

Our new Chief Executive Glenys Stacey, and independent Board Member Councillor Shirley Flint, will also be delivering a presentation and answering questions.

Press toolkit

The Standards Board's press office is preparing a toolkit to help local authority press offices deal with media interest in referrals, investigations and hearings once the local framework comes into effect.

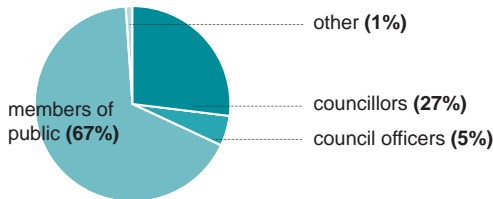
It will include advice on how to publicise the changes in the ethical framework, raise awareness of standards committees' work, and offer help on dealing with enquiries about complaints and investigations reactively. The toolkit will also include FAQs, guidelines, templates for press releases and best practice advice. The toolkit is currently being drafted in light of the regulations, and will be issued directly to local authority press offices.

Referral and investigation statistics

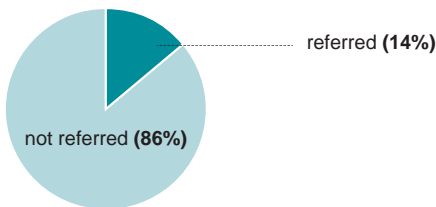
The Standards Board for England received 3,624 allegations between 1 April 2007 and 31 March 2008, compared to 3,549 during the same period in 2006-2007.

The following charts show referral and investigation statistics during the above dates.

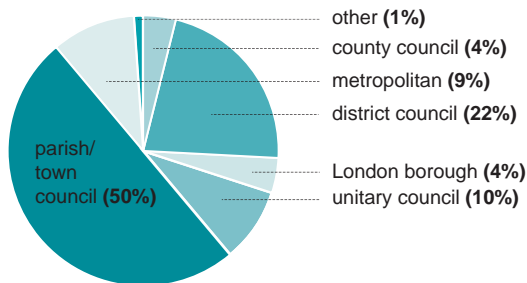
Source of allegations received



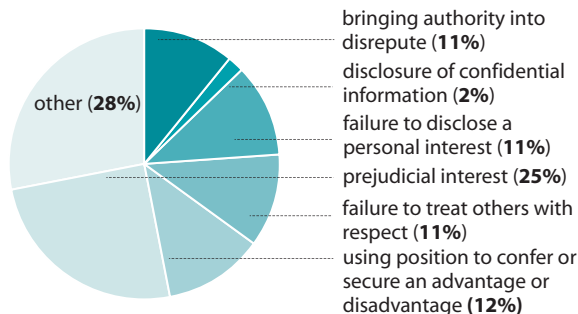
Allegations referred for investigation



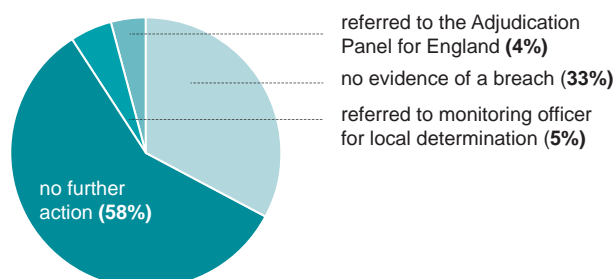
Authority of subject member in allegations referred for investigation



Nature of allegations referred for investigation



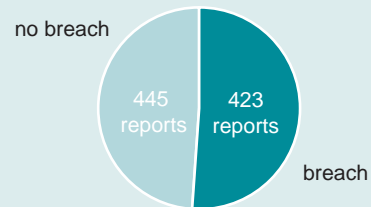
Final findings



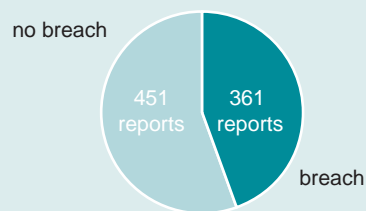
Local investigation statistics

For the period 1 April 2007 to 31 March 2008, ethical standards officers referred 291 cases for local investigation, which is 55% of all cases referred for investigation. Since 1 April 2007 there have been eight appeals to the Adjudication Panel for England following standards committee hearings. Since November 2004 we have referred 1,097 cases for local investigation – please see below for a statistical breakdown of the cases that have been determined.

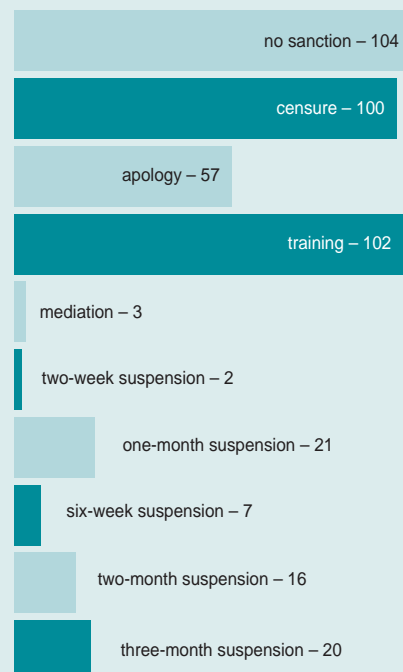
Monitoring officers' recommendations following local investigations



Standards committee hearings



Standards committee determinations



2 JUNE 2008

CONTRIBUTORS

HLS
HCS

ARRANGEMENTS FOR THE LOCAL ASSESSMENT OF COMPLAINTS

WARDS

All

Summary

This report outlines the new role of the Committee in dealing with complaints ab initio and recommends that the necessary sub-committees be established in order to discharge these new functions.

RECOMMENDATIONS:

1. That the Standards Committee establish the following sub-committees:-
 - An Assessment Sub-Committee
 - A Review Sub-Committee
 - A Hearing Sub-Committee
2. That the Committee make appropriate appointments and substitute arrangements in respect of the above Sub-Committees.
3. That the terms of reference set out in Appendix 1 be adopted in respect of each Sub-Committee.
4. That the Assessment Criteria set out in Appendix 2 be adopted.
5. That the Monitoring Officer prepare a pre-assessment report in relation to all complaints considered by the Assessment Sub-Committee.
6. That these arrangements be kept under review by the Monitoring Officer and further reports presented to the Committee as required.

1. Introduction

- 1.1 The long awaited regulations required to introduce the local assessment of complaints came into force on 8th May 2008 and transfer the initial assessment or filtering of complaints from the Standards Board for England to local standards committees. This report sets out the decisions which must be made by the Standards Committee in order to put in place the appropriate mechanisms to deal with complaints. These will complement the existing procedures for dealing with investigations and complaints.
- 1.2 Any one who considers that a member (whether elected or co-opted) has breached the Council's Code of Conduct may make a complaint to the Council's Standards Committee. Complaints will be sent to the Monitoring Officer. Each complaint must then be assessed to see whether the complaint falls within the Committee's jurisdiction and if so whether it should be investigated or some other form of action such as training or mediation should be taken.

2. Assessment and Review Sub-committees

- 2.1 In order to carry out its functions efficiently and effectively the Standards Committee must establish sub-committees. This allows the separate functions involved in the handling of cases to be carried out without conflicts of interest arising.
- 2.2 These functions are:-
 - (a) the initial assessment of a complaint received by the Standards Committee.

The regulations require the Standards Committee to establish a sub-committee which is responsible for assessing complaints. It must consist of a least 3 members of which one must be an independent member and one a councillor. Subject to this it need not be politically balanced. The chairman must be an independent member. It is recommended that this be known as the **Assessment Sub-Committee**.

- (b) any request a standards committee receives from a complainant to review a decision to take no action in relation to a complaint.

The regulations allow a complainant to make a request for a review of a decision to take no further action on a complaint by the Assessment Sub-Committee and the Standards Committee must establish another sub-committee to conduct such reviews. It will also need to consist of at least three members including one independent member and one councillor. The chairman must be an independent member. Again, it need not be politically balanced. Standards Committee members who have been involved in the initial assessment of a complaint are debarred from reviewing that decision in order to minimise the risk of conflicts of interest and to ensure fairness for

all parties. It is recommended that this be known as the **Review Sub-Committee**.

- (c) Where a complaint is investigated by the Monitoring Officer his final report will need to be considered and a decision taken whether to proceed to a full hearing or to take no further action. These functions may be discharged by the Full Standards Committee or by a sub-committee. Standards Committee members involved in an initial assessment or a review can take part in any subsequent Standards Committee hearing. This is dealt with in more detail below.

3. **Hearings**

3.1 Where an investigation is carried out by the Monitoring Officer the Standards Committee (or a sub-committee) must convene to consider the report and make one of the following findings:-

- (a) that it accepts the monitoring officer's findings of no failure; or
- (b) that the matter should be considered at a hearing of the Standards Committee
- (c) that the matter should be referred to the Adjudication Panel for England (where the committee considers the case so serious that its powers to impose sanctions are unlikely to be sufficient).

Any of the above functions may be carried out by a sub-committee. Hearings must be carried out within 3 months of the Monitoring Officer's report.

The Monitoring Officer considers that it would be unwieldy for the hearing functions to be carried out by the full committee and recommends that these functions be discharged by a third sub-committee of three known as the **Hearings Sub-Committee**.

4. **Proposed Arrangements**

4.1 The Standards Board for England has the strategic role of monitoring the performance of Standards Committees and in cases of serious underperformance has powers of intervention. Whilst no statutory time limit has been imposed in relation to initial assessments the guidance issued by the Standards Board is that such assessments should be completed within 20 working days of receipt.

4.2 The assessment and review sub-committees are not required to have a fixed membership or chairman provided that the above rules are complied with.

4.3 It is recommended that the Assessment and Review Sub-committees each have 3 members (although up to 5 is possible) comprising one independent chairman, one administration member and one opposition member. It is

also recommended that hearings be dealt with by a sub-committee organised on the same lines for the reasons set out in 2.2(c) above.

4.4 The membership of the sub-committee could be organised in two ways:-

1. Fixed membership with substitutes
2. Flexible membership

4.5 Fixed membership with substitutes has the advantage of the sub-committees developing a specialism in a particular role but has the disadvantage of limiting the experience which can be obtained by the committee as a whole. The Monitoring Officer is of the view that a flexible membership is likely to be more practicable given the expectation that complaints will be dealt with promptly and the commitments of committee members. It would also be possible to operate a combination of the two, with a fixed chairman and vice chairman and flexible membership.

4.6 If the committee decides to fix membership as 1 independent, 1 administration and 1 opposition member then it is recommended that this requirement be waived if a failure to do so would result in the hearing falling outside the 20 working day period for consideration (or any other time scale imposed under regulations or guidance). In such circumstances the sub-committee should be allowed to sit provided it contains 3 members one of whom must be an independent and 1 a councillor. This is provided for in the draft Terms of Reference.

4.7 The Full Standards Committee shall be convened as previously to consider any general standards issues as before which would not involve individual complaints. Such matters will include performance monitoring, training and recommendations to Full Council in relation to the revision of the Code of Conduct.

5. **Proposed Terms of Reference**

5.1 The proposed terms of reference are set out in Appendix 1. It is recommended that all sub-committees be also given the powers to grant dispensations and subject to regulations deal with the proposed new role in relation to the granting of dispensations from political restrictions under the Local Government & Housing Act 1989. This will be the subject of a future report.

6. **Assessment Criteria**

6.1 The Standards Board recommends that the Committee adopts criteria against which to assess new complaints and to decide what action if any, to take. These criteria should be fair, clear and open and may need to be modified over time. They will not fetter the Sub-Committee's discretion in any particular case. The Monitoring Officer suggests that the Committee adopt the preliminary assessment criteria set out in Appendix 2 and that

these be kept under review. The criteria will be made available to the public as part of the information available to potential complainants.

7. Pre-assessment Reports and Enquiries

7.1 The Committee may decide that it wishes the Monitoring Officer to prepare a short summary of a complaint for the Assessment Sub-Committee to consider. This would generally deal with the following matters:-

- Whether the complaint is within the jurisdiction.
- The paragraphs of the Code of Conduct the complaint relates to.
- A summary of the key aspects of the complaint if it is lengthy or complex.
- Any further easily obtainable information which may assist in the investigation such as the minutes of meetings or a members' entry in the register of interests.

7.2 Pre-assessment enquiries will not be carried out in such a way as to amount to an investigation and will not, for example, extend to interviewing witnesses.

7.3 The Monitoring Officer recommends that Pre-Assessment reports be presented in all cases.

LOCAL GOVERNMENT ACT 2000 BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	The Standards Committee (England) Regulations 2008	Michael Cogher, Ext 2700	ACE/Legal, First Floor HTH, Rm 133a
2.	Standards Board for England's Local Assessment of Complaints Toolkit	Michael Cogher, Ext 2700	ACE/Legal, First Floor HTH, Rm 133a

Assessment Sub-Committee Terms of Reference

1. Constitution

- 1.1 The Assessment Sub-Committee is established by the Standards Committee pursuant to S54A of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.

2. Membership

The sub-committee shall comprise 3 members drawn from the membership of the Standards Committee one of whom shall be an independent member, one an administration councillor and one an opposition councillor.

Where it is not reasonably practicable to convene a meeting of the sub-committee in accordance with paragraph 2.1 then the sub-committee may be convened with 3 members of the Standards Committee of which at least one must be an independent member and one a councillor provided that the Monitoring Officer is of the opinion that a failure to do so is likely to result in a failure to comply with any time limit for the consideration of complaints imposed by guidance or law.

Meetings will be convened at the request of the Monitoring Officer as required during the Municipal Year to enable the Council to discharge its obligations under the Standards Committee (England) Regulations 2008.

3. Quorum

- 3.1 The quorum of the sub-committee shall be 3 members, 1 of whom must be an independent member and one a councillor.

4. Voting

- 4.1 All members of the sub-committee have voting rights. In the event of an equality of votes the chairman shall have the casting vote.

5. Chairman

- 5.1 The chairman shall be an independent member.

6. Procedures

- 6.1 Council Standing Orders (as applicable to committees) shall apply at meetings of the sub-committee. In the event of a conflict between these procedures and any guidance or law then the latter will prevail.

- 6.2 Where the sub-committee is discharging its functions of assessment under S.57A of the Local Government Act 2000 (assessment of initial complaints) the meeting will not be open to the public.

7. Terms of Reference

- 7.1 To discharge all the Council's functions under S.57A of the Local Government Act 2000 and the Standards Committee (England) Regulations 2000 in relation to the assessment of complaints against members and co-opted members of the Council.
- 7.2 To exercises all the powers of the Standards Committee in relation to the granting of dispensations in accordance with the Relevant Authorities (Standards Committees) (Dispensation) Regulations 2002.
- 7.3 To exercise all the powers of the Standards Committee in relation to the granting of dispensations from political restrictions under Part 1 of the Local Government and Housing Act 1989 (subject to the necessary regulations being in place).

Review Sub-Committee Terms of Reference

1. Constitution

- 1.1 The Review Sub-Committee is established by the Standards Committee pursuant to S54B of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.

2. Membership

The sub-committee shall comprise 3 members drawn from the membership of the Standards Committee one of whom shall be an independent member, one an administration councillor and one an opposition councillor.

Where it is not reasonably practicable to convene a meeting of the sub-committee in accordance with paragraph 2.1 then the sub-committee may be convened with 3 members of the Standards Committee of which at least one must be an independent member and one a councillor provided that the Monitoring Officer is of the opinion that a failure to do so is likely to result in a failure to comply with any time limit for the consideration and review of complaints imposed by guidance or law.

Meetings will be convened at the request of the Monitoring Officer as required during the Municipal Year to enable the Council to discharge its obligations under the Standards Committee (England) Regulations 2008.

3. Quorum

- 3.1 The quorum of the sub-committee shall be 3 members, 1 of whom must be an independent member and one a councillor.

4. Voting

- 4.1 All members of the sub-committee have voting rights. In the event of an equality of votes the chairman shall have the casting vote.

5. Chairman

- 5.1 The chairman shall be an independent member.

6. Procedures

- 6.1 Council Standing Orders (as applicable to committees) shall apply at meetings of the sub-committee. In the event of a conflict between these procedures and any guidance or law then the latter will prevail.

- 6.2 Where the sub-committee is discharging its functions of assessment under S.57B of the Local Government Act 2000 (review of initial complaints) the meeting will not be open to the public.

7. Terms of Reference

- 7.1 To discharge all the Council's functions under S.57B of the Local Government Act 2000 and the Standards Committee (England) Regulations 2000 in relation to the reviewing of complaints against members and co-opted members of the Council which have been subject to a decision by the Assessment Sub-Committee that no further action should be taken.
- 7.2 To exercises all the powers of the Standards Committee in relation to the granting of dispensations in accordance with the Relevant Authorities (Standards Committees) (Dispensation) Regulations 2002.
- 7.3 To exercise all the powers of the Standards Committee in relation to the granting of dispensations from political restrictions under Part 1 of the Local Government and Housing Act 1989 (subject to the necessary regulations being in place).

Hearing Sub-Committee Terms of Reference

1. Constitution

- 1.1 The Hearing Sub-Committee is established by the Standards Committee pursuant to S54A of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.

2. Membership

- 2.1 The sub-committee shall comprise 3 members drawn from the membership of the Standards Committee one of whom shall be an independent member, one an administration councillor and one an opposition councillor.
- 2.2 Where it is not reasonably practicable to convene a meeting of the sub-committee in accordance with paragraph 2.1 then the sub-committee may be convened with 3 members of the Standards Committee of which at least one must be an independent member and one a councillor provided that the Monitoring Officer is of the opinion that a failure to do so is likely to result in a failure to comply with any time limit for the consideration and determination of complaints imposed by guidance or law.
- 2.3 Meetings will be convened at the request of the Monitoring Officer as required during the Municipal Year to enable the Council to discharge its obligations under the Standards Committee (England) Regulations 2008.

3. Quorum

- 3.1 The quorum of the sub-committee shall be 3 members, 1 of whom must be an independent member and one a councillor.

4. Voting

- 4.1 All members of the sub-committee have voting rights. In the event of an equality of votes the chairman shall have the casting vote.

5. Chairman

- 5.1 The chairman shall be an independent member.

6. Procedures

- 6.1 Council Standing Orders (as applicable to committees) shall apply at meetings of the sub-committee. In the event of a conflict between these procedures and any guidance or law then the latter will prevail.

6.2 The Sub-Committee shall determine whether the meeting shall be open to the public pursuant to the Local Government Act 1972.

7. Terms of Reference

7.1 To discharge all the Council's functions the Local Government Act 2000 and the Standards Committee (England) Regulations 2000 in relation to the hearing of complaints against members and co-opted members of the Council including determination and where appropriate the imposition of sanctions.

7.2 To exercises all the powers of the Standards Committee in relation to the granting of dispensations in accordance with the Relevant Authorities (Standards Committees) (Dispensation) Regulations 2002.

7.3 To exercise all the powers of the Standards Committee in relation to the granting of dispensations from political restrictions under Part 1 of the Local Government and Housing Act 1989 (subject to the necessary regulations being in place).

Assessment Criteria

(a) Initial Tests

Before the assessment of a complaint begins the Committee must be satisfied that the complaint meets the following requirements:

- (i) It is a complaint against one or more named members of the Council.
- (ii) The named member was in office at the time of the alleged conduct and the Code was in force at the time.
- (iii) The complaint, if proven, would be a breach of the Council's Code of Conduct in force at the relevant time.

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code and the complainant should be informed that no further action can be taken in relation to the complaint. If it passes all three tests then it will be assessed according to the criteria set out below.

(b) Assessment Criteria

The Assessment Sub-committee will consider each case on its merits. It will however take into account the following criteria in deciding whether or not to refer a complaint for investigation or other action.

1. Where the complainant has not submitted enough information to satisfy the sub-committee that the complaint should be referred for investigation then unless or until further sufficient information is received no further action will be taken.
2. Where the complaint has already been the subject of an investigation or other action relating to the code of conduct or by other regulatory authorities then if it is likely that nothing more is to be gained by further investigation no further action will generally be taken.
3. Where the complaint ought to more properly be made to the Police or another regulatory authority, because of its nature and/or seriousness, then no action will generally be taken until the outcome of that investigation.
4. Where the complaint is about something that happened so long ago that there would be little benefit in taken action now or where the length

of time which has elapsed is likely to prejudice the fair and effective investigation of the matter then no further action will generally be taken.

5. Where the complaint appears to be trivial, malicious, vexatious, politically motivated or tit for tat then it will not generally be investigated.
6. Where in all the circumstances of the case it is unlikely that the committee will be able to reach a conclusion in relation to a matter, for example where it is a case of one person's word against another with no other evidence, then no further action will generally be taken.
7. Where in all the circumstances of the case the sub-committee considers that it is not in the public interest to investigate the matter e.g. where the member concerned has resigned or is seriously ill.

2 JUNE 2008

CONTRIBUTORS

PUBLICITY FOR NEW ARRANGEMENTS

WARDS

HLS

Summary

ALL

The report updates Members on proposed arrangements for publicising the new arrangements for receiving complaints against Members of the authority.

Other Contributors

RECOMMENDATION:

HCS

That the Committee notes the report and agrees the proposed arrangements.

BACKGROUND

1.1 Under the Standards Board for England (SBE) “Local Assessment of Complaints” Guidance, each authority is required to publish a notice detailing where Code of Conduct complaints should be sent to. This ensures the public are aware of the changes of responsibility for handling Code complaints and what the process entails.

1.2 The Guidance advises publicising the new system via an authority’s website; advertising in one or more local newspapers; using an authority’s own newspaper or circular; and posting notices in public areas like libraries or authority reception areas.

1.3 The aim is to reach as many people as possible so that they know how to complain if needed. The SBE also advises that there should be regular publicity about the address to which complaints should be sent and that any changes to the system should be publicised similarly.

PROPOSED PUBLICITY IN HAMMERSMITH & FULHAM

2.1 It is proposed that the required notice be published as a paid advertisement in the June edition of Hammersmith & Fulham News, to be followed by a news article in the July edition.

2.2 The Council’s website is also being updated to reflect the Standards Committee’s new role to carry out all its functions under the Standards Committee (England) Regulations 2008, including the consideration, investigation, determination and referral of complaints against Members.

2.3 The Website information will include the full revised terms of reference of the Committee, its membership and a copy of the Code of Conduct. It will make it clear that all Members, including co-opted Members, have signed the new Code of Conduct as part of their declarations of acceptance of office and that from 8 May this year, the responsibility for considering complaints against Members has moved from the SBE to local Standards Committees.

2.4 Finally, the Website will include a special reference box customising the model forms to enable members of the public to download the information they need. If needed, they will be referred to the Monitoring Officer for any clarification.

2.5 There will also be notices posted in the Hammersmith and Fulham Town Hall receptions and in local libraries.

**LOCAL GOVERNMENT ACT 2000
BACKGROUND PAPERS**

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	SBE Guidance	Michael Cogher, monitoring Officer x 020 8753 2700	Finance & Corporate Services
2	Report to Council 21 November 2007	Michael Cogher x2700	Legal Services
3	Report to Standards Committee 21 January 2008	David Bays x2628	Committee Services, Room 203, Hammersmith Town Hall.

2 JUNE 2008

CONTRIBUTORS	STANDARDS COMMITTEE WORK PROGRAMME	WARDS
H.Cttees		ALL
HLS	<u>Synopsis</u>	

The attached appendix sets out the Committee's future work programme and scheduled reporting dates. Members are asked to note and update the work programme as necessary.

RECOMMENDATION:

That the Standards Committee note and agree its proposed future work programme .

APPENDIX A

STANDARDS COMMITTEE PROPOSED FORWARD WORK PROGRAMME

TITLE	PROPOSED DATE
Feedback from Annual Conference & matters arising (Govt / Standards Board initiatives for the future)	27 October 2008 Committee meeting
	24 November 2008 Committee meeting
Review & update as necessary of the way the new arrangements for assessing local complaints	7 January 2009 Committee meeting
Consider any revisions to Committee's constitution in of working of new system for Council Annual Meeting Consider draft Annual Report of Standards Committee	1 April 2009 Committee Meeting

**LOCAL GOVERNMENT ACT 2000
BACKGROUND PAPERS**

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Council Calendar	David Bays x 2628	Room 203, Hammersmith Town Hall



STANDARDS COMMITTEE

9

2 JUNE 2008

CONTRIBUTORS	ANNUAL ASSEMBLY OF STANDARDS WARDS
ACE	COMMITTEES 2008
HLS	ALL

Summary

The report outlines details of the Annual Assembly of Standards Committees and seeks the Committee's views as to who should attend.

RECOMMENDATION:

That the Committee agree the names of 2 delegates to attend the Annual Assembly.

BACKGROUND

1.1 The Annual Assembly of Standards Committees is the leading conference on all issues concerned with the local government Code of Conduct and improving ethical standards.

1.2 The conference, which this year is held on 13 and 14 October at the International Convention Centre in Birmingham, has been running for 6 years, and attracts a capacity 800 delegate audience.

1.3 At the last meeting it was agreed that the Council should book 2 places for the conference in the nominal names of the Chairman of the Committee and of the Assistant Chief Executive respectively, the final names of those attending to be decided at this meeting.

7th ANNUAL ASSEMBLY

2.1 The 7th Annual Assembly Programme is entitled “Delivering the Goods”. It will highlight key issues of governance and ethics, including how to develop an exemplary standards committee, promote good governance, of partnerships and build public confidence in local authority members.

2.2 The wide range of sessions also covers the local standards system, including managing local assessment, investigations and determinations, mediation, and handling complex complaints. The Assembly will also be providing guidance on the Code in several sessions, including ***The Code Made Clear***, and a specialist session focusing on the ever-contentious issue of planning.

2.3 The Chair of the SBE is confident that this year, as with previous years, will prove even more useful to Members, providing the advice, best practice examples and skills training Members need to put skills into action.

2.4 Delegates attend a mix of plenary, mini-plenary sessions, workshops, Q&A sessions and fringe events. There are 21 breakout sessions to choose from, including several sessions with a practical focus, such as ***The Code Made Clear*** and ***Delivering Local Assessment***, designed to help those attending put the local standards framework and the Code into action with their authority. There are also several sessions which address wider issues of governance, leadership and ethics, including ***Mind the Gap: accountability and Joint Working*** and ***Joining the Dots: Understanding Corporate Governance***.

2.5 The Conference booking includes all the sessions including refreshments and the conference Dinner but early booking of accommodation separately is advised.

RECOMMENDATION

3 To agree the names of the 2 Members who should attend this year’s Conference.

**LOCAL GOVERNMENT ACT 2000
BACKGROUND PAPERS**

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1	Standards Bulletin for England Bulletin 37	David Bays Committee Services x2628	
2	Annual Assembly Website www.annualassembly.co.uk	Standards Board for England	

2 JUNE 2008

CONTRIBUTORS **LOCAL ASSESSMENT TRAINING** WARDS

HLS

Summary

ALL

The report provides some practice training and resources to help the Committee take on its new role to determine complaints against Member locally. It also highlights the resources which are available on the Standards Board Web site.

Other Contributors

RECOMMENDATION:

HCS

That the Committee discuss the examples highlighted.

BACKGROUND

1. The Standards Committee (England) Regulations 2008 set out the framework for the operation of a locally based system for the assessment, referral, investigation and hearing of complaints against members' misconduct. Under the new legislation Standards Committees will be responsible for receiving complaints about members and deciding whether any action needs to be taken. Guidance is now available on their website at: <http://www.standardsboard.gov.uk/Guidance/Standardscommittees/Guidanceandtoolkit/>. The Standards committees must take the published guidance into account when determining any complaint.

TRAINING EXERCISE

2. To assist the Committee in undertaking these new duties the Standards Board has posted on its web-site a training exercise for Standards Committees. The purpose of the exercise is:

- to provide training for Members for their new duties under the local assessment process
- to provide Member with opportunities to practice the assessment of complaints and operate the appeal mechanism
- to familiarise members with the operation of the revised Code of Conduct.
- to familiarise Members with the various complaint stages and possible outcomes

The exercise is based on a pilot that the Standards Board ran in 2007 with approximately 50 participating local authorities. Full details of all the examples can be found at:

<http://www.standardsboard.gov.uk/Localassessment/Assessmentexercise/>

3. Four exercises from the examples given have been reproduced at Appendix A. The appendix contains the raw complaints as they were received by the Standard Board to give Members a feel for what could come in. In addition, a summary prepared by Standards Boards officers as it would appear in the decision notice is included. The Standards Board has anonymised the examples as far as possible but states in their guidance on the exercise that:

“However in the unlikely event that a committee member recognises a case from the circumstances, we expect that confidentiality will be respected for the integrity of the exercise and the sake of those involved”.

4. The four examples attached are all first stage assessment matters rather than ones on an appeal from a first stage assessment. It is suggested that the Head of Legal Services takes the Committee through the papers and then they are discussed by 2 Separate Assessment Sub Committees. Members need to decide which cases should be referred for further action and provide reasons for those which are not referred. At Appendix C are two flowchart providing a summary of the three different stages and an assessment flow chart to assist with the exercise.

6. The Standards Board provides guidelines to following when approaching the exercise. These have been summarised in the flowchart (Appendix C) :

At present, the Standards Board’s referrals officers take account of agreed criteria when assessing a case. The criteria were developed at national level and reflect the priorities of the Standards Board for England. Your committees therefore is not expected to abide by them, as this is a local assessment, and we anticipate that the ethical regime will evolve locally.

Local priorities may not always be the same as the Standards Board’s. For example, the Standards Board may have decided that a case disclosed a potential breach of the Code but was not sufficiently serious within the national context to warrant a publicly-funded investigation. A local standards committee, on the other hand, may decide that they can only determine how true or serious the alleged breach was after investigation.

The old system was also based on the idea of an investigation followed by a sanction if appropriate. The new system allows greater scope for mediation and other remedies. Unlike before, standards committees may now wish to take other action in certain instances where a sanction might have been unlikely or unhelpful. The recommended approach can be summed up in the two key tests which members should apply to new complaints:

Does this allegation disclose a potential breach of the Code of Conduct?

If it does disclose a potential breach of the Code, should anything be done about it?

This approach is demonstrated in the flowchart (Appendix C).

The flowchart also points to the kind of allegations that standards committees might consider suitable for referral to the Standards Board for England. Notwithstanding, the Standards Board's stated position is that it will not automatically accept every case referred to it. It is impossible to accurately predict the sort of cases in this category, and it would be wrong to prescribe them.

Typically though, we expect that they will be:

- *Complaints concerning the leadership of the council or in some cases the opposition.*
- *Complaints from chief executives and monitoring officers.*
- *Instances where a large number of key people are conflicted out and there is a risk of successful judicial review.*
- *There may be other instances where there has been national attention, or where the standards committee feels that the matter turns on an important point of interpretation of the Code.*

It is important to underline that where no breach of the Code is disclosed by the allegation, no matter what its source or whoever the subject member, the case falls at the first hurdle. The matter of referral to the monitoring officer or the Standards Board consequently does not arise. Clearly, where no potential breach is disclosed, the matter is at an end, and it is for the committee to provide robust reasons why.

Members may also consider that there are cases which disclose a clear potential breach of the Code. Your committee need not dwell on these too long, provided there is agreement. The same goes for overturning a decision on appeal. On the other hand, there are a number of borderline cases in your pack which come down to a matter of judgement and justification. As long as the justification is sound, there is really no right or wrong answer in these instances. This is because it will depend on local circumstances. Please also bear in mind that a right of appeal exists against a decision not to refer.

LOCAL GOVERNMENT ACT 2000 BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Local Assessment – Assessment Exercise (Standards Board for England 2008)	Kayode Adewumi x 2499	Committee Services, Room 203, Hammersmith Town Hall.

2	Local Assessment of Complaints Guidance (Standard Board 2008)	Kayode Adewumi x 2499	Committee Services, Room 203, Hammersmith Town Hall.
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CASE C

MARNHAM DISTRICT COUNCIL – COUNCILLOR DAVIES

Summary

The complainant is the leader of the council. It is alleged:

- Councillor Davies sent a number of disparaging emails to the council's IT staff, criticising their work and mocking their capabilities and copied them to third parties.
- Councillor Davies sent unfair and derogatory emails about the chief executive, the council's solicitor and the complainant, copying them in to third parties, as well as inappropriate emails to other councillors.
- Councillor Davies became involved in support of a local IT company in a dispute with the council, and was confrontational when officers reminded him about possible conflicts of interest
- Councillor Davies was hectoring and overbearing towards technical officers in the presence of the chief executive and two other members at a meeting held on 23 April 2005.

The Chief Executive asked the junior officers to leave after 20 minutes on account of Councillor Davies's behaviour, and because they were upset at the untimely death of a close colleague the previous Saturday. It is reported that when Councillor Davies was told of this, he retorted, "I suppose you're going to blame him!" It is alleged that Councillor Davies has been warned about his conduct, including formal warnings, but that it has continued.



Marnham District Council

RU

17 MAY 2005

RECEIVED

Appendix A

Home Tel No: 342528

Home Fax No: 344097

Email:

From the Office of the Leader: Councillor

RECEIVED
17 MAY 2005

13 May 2005

Dear Sir

Members' Code of Conduct: Councillor Davies - Complaint

I am the Leader of District Council and the Leader of the Conservative Group on the Council. On 30th April 2002 the Council adopted the new Code of Conduct (copy attached).

In May 2003 Councillor Davies was elected as a Conservative District councillor. He had been a councillor previously. From May 2003 to January 2005, he was also a member of the Council's Executive Board (its Cabinet) as the Portfolio Holder for the Economy and the Regions.

Unfortunately during 2003, 2004 and 2005 he has in my view on a number of occasions failed to treat Council staff and other councillors with respect in breach of Paragraph 2(b) of the Code, and brought his office and the Council into disrepute contrary to Paragraph 4 of the Code.

The misconduct relates to:

1. Sending emails to the Council's IT staff, criticising or mocking their work and capabilities, and copying these to third parties,
2. Derogatory emails about the Council's Chief Executive, myself and the District Solicitor, and copying these to third parties,
3. Derogatory emails to other Councillors,
4. Becoming closely involved in support of a local IT company against the Council in a dispute over copyright and other issues.

I enclose some examples of the emails which I feel are not acceptable behaviour for a councillor.

Both the Deputy Leader and I have asked Mr Davies on several occasions to desist from such conduct and although he has apologised on some occasions, the conduct has continued.

The Standards Board for England
First Floor, Cottons Centre
Cottons Lane
London SE1 2QG



INVESTOR IN PEOPLE

Telephone: 785166

Fax: 41776766

DX: 30340

The Standards Board for England

13th May 2005

Page Two

The misconduct led to the unprecedented step of the Council's Strategic Management Team (the Chief Executive and two other Deputy Chief Executives) submitting a formal complaint to the Council's Conservative Group.

It is totally unacceptable for Council staff to be subjected to such behaviour.

Full copies of relevant emails, notes of meetings and file notes can be obtained from the Chief Executive, Mr J [redacted] at Manham District Council,

I request that the Standards Board for England investigates this complaint against Councillor Davies and I will be happy to co-operate with you if you require any further information. My home telephone number is [redacted] and email address is [redacted]

Yours faithfully

Leader of the Council

Encls:

If you wish to take your ideas forward I suggest you contact these. I need to get on with the Economic Development Strategy and 5 Year Improvement plan etc so do not have the time to get involved. If all are wanting to take forward they will involve me in the business side when appropriate.

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From: *CD* Davies
Sent: 17 July 2004 22:54
To: David
Cc:
Subject: Democracy

Dear David,
Well said. I haven't repeated my other emails to on the childishness of all this, but I think that we are now heading into a subject on the roots

of democracy.

I am quite good in that area! I am NOT going to be told what I can and cannot do as an elected Councillor/Portfolio Holder, etc. in being able to talk to my electorate, and the involvement of stakeholders and the public, in general, in the democratic processes.

I am certainly NOT going to be driven by the MDC IT Department, in what I can and cannot do: THEY are the servants not the masters, and merely the providers of a service of communications AND NO MORE THAN THAT.

I will stick with the Coastal Management aspects for now and leave K out of it with Business Support (which I can do through the Enterprise Centre anyway). On Coastal Management I have agreement, in principle, with DEFRA and the Environment Agency, at central Government level, way above the local authority level, to develop a process which enables stakeholder educated/informed discussion and input. Several other agencies and consultants fully agree with the process. You have now enabled me to proceed down that route, with or without MDC agreement or involvement. It would just be a pity that they were not involved, BUT they can't "sack" me, I have done nothing illegal or even against anything that I have signed or whatever. I use all my own IT equipment, they don't even contribute towards my communications, and the website is MINE!

I am going to go down the line we have commenced, and will consult all my Coastal Management contacts in [redacted] Forum and the LGA [redacted].

I have their support already, and can get additional support from senior consultants, all of whom come through MY contacts, NOT MDC's.

I begin to feel that I am being treated contemptuously by the people who insist that they are there to support me and that they carry out my/our wishes, and policy.

It is heading into the head on crash, which last time resulted in the termination of employment of a Chief Executive and six other Director level appointments.

It really doesn't worry me as I have no intention of ever being involved in the public arena ever again. This is how you lose Councillors from the system for ever, and yet the Officers complain about the standard of elected Members and their lack of experience in local government.

Keep me in the picture, please - I am speaking at the Regional Assembly on Wednesday this week, and might even raise the matter there.

I had added (the MP) to this email but will send a copy to him, after I have talked to him and have seen what develops out of this one.

Best wishes, *Mr Davies*

From: Davies (external)
 Sent: 13 October 2004 22:28
 To: Mail Sweeper
 Cc: (Chief Executive + senior officers)
 Subject: RE: Sound Quarantined FW: Powerpoint Presentation for the web site

Terrific guys!!!

You surpass yourselves - it is a PowerPoint presentation on flu' jabs by the local Health Department, with the Chief Executive on the PCT, I just thought he might be interested.

I have never met such an organisation as yours!! The only sounds on that presentation are "whooshes" for the titles coming on - may your "whooshes" never cause a security problem, but you never know do you? After all being medical there could even be small boys willies somewhere around, but then you have never had a virus ever have you - I can only hope that the influenza virus on the PowerPoints is Avian flu!!

By the way H thanks for your FYI copy - but it won't work - if you want the gloves can come off and let us do battle!

-----Original Message-----

From: mailsweeper@
 [mailto:mailsweeper@
 Sent: 13 October 2004 22:15
 To:
 Subject: Sound Quarantined FW: Powerpoint Presentation for the web site

A Sound Attachment has been detected and Quarantined. The Mail Administrator has been notified.

Please contact mail-admin@
 Tel. 534636

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2

Subj: **Region representation**
Date: 25/01/2005 21:04:18 GMT Standard Time
From: j Davies@
To: (wide distribution)

Ladies and gentleman,
Despite my politics I have actually enjoyed working with you, and I believe that we didn't do that bad a job!
However, I have now reached my limit of working with an arrogant Chief Executive, who wants to run the world, and, I am afraid, a Leader of Council who will not stand up to him, and have resigned from my Portfolio Holder post, which included the Region. I thought that even the Healthy Region Forum was beginning to get somewhere as well.
There we are, at 68 and a very old retired still have some pride in what I want to achieve.
Goodbye and good luck for the future.
Best wishes,

Appendix A

From: Davies (external)
Sent: 04 February 2005 00:10
To: WebTeam
Cc: David
Subject: Amendments

Hi, guys,

Come on, if you are going to remove me from the pages, particularly at the speed my front pages were amended, at least be consistent and professional.

I have a reputation to keep up even if you don't. It only took five months to get my email finally right, and over night to amend my resignation position - HI, Harvey!!

Please remove all references to Councillor Davies from everything that I was involved in, not just bits and pieces.

If you can't do that - can I suggest that @ just a little more advanced and can explain if you are stuck - he's very nice guy - and not at all vindictive (like me!!).

But finally, guys, can I genuinely thank you for your input, without it I would never have known how you could twist the democratic process, and I am extremely grateful for your input into that aspect of MDC. Having just been at ~~Low Burken~~ Parish Council this evening, I now just appreciate just how highly you figure in their esteem.

Best wishes,

Copy to Chief Executive,
Davies

Hi, John, no point in putting my signature as you know it so well already.
Just try acknowledging this - we will then know here we stand!

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04/02/2005

8 February 2005

PRIVATE AND CONFIDENTIAL

Dear *Councillor Davies*

I refer to your email dated 4 February 2005 which I have discussed with the other members of SMT and so whilst the comments below are mine the sentiments are shared by both S and J.

Firstly, with regard to your comments about having references to you removed from the web pages, it is entirely appropriate that the website be amended following your resignation as a portfolio holder. I am sure you would agree that keeping the website up to date is desirable from all perspectives. However, you have also asked that all references to you be removed from everything that you have previously been involved in. Clearly that is not appropriate as your involvement in the Council's activities in the past is, and of course should, appropriately remain as part of the official record.

However, I now wish to turn to other aspects of your two emails of 3 February and one of 4 February to H. These emails contain comments which are disparaging I believe both to the staff and in respect of the Council and other councillors. You will recall that I mentioned to you at some point last year when there were a succession of emails from you to R and other staff which contained criticism couched in terms which I believe damaging to mutual respect that is a requirement of the Code of Conduct covering councillor and officer relations. I appreciate that your reading of your email may lead you to believe that in the email to which I refer you felt that you were being humorous. I for one would always accept that humour is the essential lubricant of life that makes it tolerable. I believe on a number of occasions your comments to junior staff have gone beyond the bounds of humour and have potentially breached the Code of Conduct. The effect of this has been that during 2004 I had on a number of occasions to reassure my staff regarding the content of your emails and the manner in which you asserted your views therein. Your latest emails continue in that vein and are I believe potentially contrary to the Code and extremely damaging to the morale and general well being of the staff concerned.

8 February 2005

As a Chief Officer I am quite used to receiving criticism and I am both old enough and large enough to take that criticism. More junior staff are not and I do not believe it appropriate that they should be responding to comments regarding other councillors or indeed have their own role and skills criticised in the fashion that you have done in the past. The general standards for conduct of councillors; which all Members have agreed to observe on taking office, are clearly set out in the Members' Code of Conduct (contained within pages 202 to 209 of the Constitution) and set out in the protocol on Member/staff relations on pages 222 to 228.

I would therefore ask that in the future please refrain from personal or sarcastic commentary to my staff and if you have a concern or indeed a complaint then I would obviously be happy to respond to such matters. You do, of course, still have the same access to officers as any other elected Member and we will always be happy to deal with any issues that you may wish to raise. I do believe that we can only work effectively in the Council if all of us adhere to the concept of mutual respect in our day to day dealings as indeed both the Officer and Members Code requires of us.

Finally, this letter is intended as a confidential document and I would ask you therefore not to disclose this to any third party outside of the Council as I believe this would be counter productive and inappropriate given its nature.

Once you have reflected on this letter if you believe it would be helpful, I am of course at your disposal so that we may sit down and discuss the relevant issues.

Yours sincerely

F
Deputy Chief Executive

NB. Some of the emails to which I refer are enclosed for your convenience.

7 March 2005

Dear *Leader and Chief Whip*

It is with some regret that I write to you on behalf of the Management Team to complain about the behaviour of a member of your group. R, S and myself have many years of experience in working with a variety of members and have never felt the need to act in this way before. This step is therefore unprecedented which underlines our depth of feeling and concern.

The complaint concerns Councillor Davies. Unfortunately whilst we have expressed our unhappiness to you in the very recent past about his behaviour, there appears to be no moderation in his attitude to certain officers in the Council. As senior managers we are used to a certain degree of criticism and many may argue that we are expected to deal with this. What we are talking about at this time, however, is a succession of derogatory remarks about myself and other officers but more recently and more importantly a number of specific and unfounded allegations about M. SMT find this position totally unacceptable.

R has previously spoken and written to Councillor Davies about the undesirability of his making derogatory remarks in correspondence about staff and it was believed that this would cease.

However in a letter dated 23 February 2005 sent by Councillor Davies to R, the following comment was made:

"... I suspect that you are being advised against such a meeting. Not least by a person who would not survive for long in my business advisers (→) law! Perhaps you should give him some advice in turn to guard his tongue a little more, when he is discussing me with others!"

((→) law is a firm of solicitors with offices in: and and other locations)

/ ...

On the same day a letter was sent to myself, yourself, and to the Chairman of the Council in which the following comments were made:

“With reference to Paragraph 52, ‘Limited’ and the verbal innuendo circulating around the salaried staff in ~~Council HQ~~ and by some Members about my alleged behaviour, I should be grateful if such opinion could clarify such matters directly with me. The source of such comments could only be the SMT and the District Solicitor. I further understand that the District Solicitor has communicated similar comments about me to members of the electorate in my Ward.”

These accusations are entirely untrue and undermine the mutual respect between Councillors and staff which is an essential requirement of the Council’s Constitution, the Members’ Code of Conduct, and is crucial to the efficient running of the Council. These accusations must now stop.

I have written to Councillor Davies firmly refuting the accusations against staff and requiring him to substantiate such claims.

Although I would not normally circulate correspondence to Members, R S and I feel it very important that you and members of your Group see extracts of relevant letters and emails which demonstrate that the staff have not sought to criticise Cllr Davies, but in fact have tried to assist him and unfortunately these efforts have been misconstrued as allegations of misconduct against him.

At this stage we would like you to share the contents of this letter with the other members of your group.

This matter is separate from the current dispute with A Ltd relating to copyright issues. As you know Mr P of A Ltd made a complaint about my conduct to you which you firmly rejected, and he has also made a similar complaint to the MP to which I believe he has replied. Mr P has been invited to discuss with R his concerns about the way I dealt with his proposal for a Community Server last December, before he refers the matter, if he wishes, to the Local Government Ombudsman.

The misunderstanding relating to officers’ comments about Councillor Davies began in December 2004 when I had a telephone conversation with Mr P about his Community Server. I informed him that due to Councillor Davies’ involvement in its development, the Council would have to be careful how the proposal was considered at the Council as some may perceive his involvement as indicating a bias or conflict of interest. Mr P unfortunately misinterpreted this as meaning that I had accused Councillor Davies of improper conduct.

As a consequence I immediately placed my comments in writing in a letter of 15th December 2004 to Mr P stating that;

“There is absolutely no suggestion that Councillor Davies has acted improperly within the Code of Conduct. The fact that a councillor may have an interest in a subject area does not constitute improper behaviour. Furthermore, any advice about interests is a matter between this Council, the councillor concerned and the professional officers. It is not open to third party discussions. During our conversation, I merely explained to yourself the way the Code works and that I would need to hold further discussions with Councillor Davies.”

7 March 2005
Page Three

Mr P accepted this explanation in his email of 16th December to me where he stated,

"... I am very pleased to have your unequivocal assurance that there is no suggestion that Councillor Davies has acted improperly. My own experience is of a man of utmost integrity, astonishing energy, great commitment to the welfare of his constituents, and boundless enthusiasm!"

On 16th December 2004 Councillor Davies sent an email to me which included the following:

"I have just returned from a short break to find many things let loose. Firstly I handed a short brochure to the Chief Executive at the start of the last Executive Board, with the comment asking for advice on what is the best way to handle this idea, and how to approach the Council in the most efficient manner.

I now find myself accused of bending systems, imputations of dishonourable behaviour, etc. etc ...

Let me first say that I have NO financial business interests with A Ltd whatsoever."

"Could the District Solicitor kindly inform me of what interests I have failed to declare, or have taken any devious steps in the approaches I have made for advice on a practical proposal for the common good?"

In view of this email, I sent the following email to Councillor Davies on 17th December:

" - In very simple terms you have not been accused at any time by any officer of improper practice, dishonourable behaviour, or any of the other comments referred to below. In short M and I have correspondence from D P which indicates a conflict under the Code. We have simply sought to protect your position as we are paid to do. The best thing is for us to have a chat together rather than fire emails across the District. In the meantime I shall be sending a further short response to DP.

I personally am very surprised by the interpretation being placed on the correspondence by DP which at no time accuses you of anything. J "

In addition I asked Mr K to explain his views to Councillor Davies and he sent the following email to Cllr Davies on 17th December 2004:

"I refer to your email of 16th December to (CE) and copies to others including myself. (CE) has already confirmed to you in his email this morning that you have not been accused at any time by any officer of improper practice, and I would also like to reassure you that I am not accusing you at all of failing to declare a conflict of interest or of having taken any devious steps in relation to Mr P's proposal."

M. then listed a number of statements by Mr P which showed that Councillor Davies had played a key role in the development of the Community Internet Server.

/ ...

Mr K. then stated:

"In view of the above statements, (CE) asked for my initial advice on this association between yourself and the company and how other parties may perceive it.

The reason (CE) sought my advice was to ensure that as the proposal was being considered within the Council, steps were taken to avoid you being subject to complaints at a later date of undue influence or bias in the decision-making process. For example, if the matter was considered at the Executive Board and you presented it as Portfolio Holder, and the proposal was approved by the Board, then it is foreseeable that, for example, the District Auditor or a competitor of A Ltd might query your association with the company.

An initial examination of the proposal indicated that the Council might incur around £x,000 (over £15,000) over a period in supporting the proposals.

As you know, contract standing orders require that contracts over £15,000 normally need to be subjected to public competitive tendering and decisions made on price, value for money and quality, before a final decision is taken to spend this sort of money.

In view of the above, J and I were hoping to discuss the matter with you on your return from leave so that we can help clarify the best way that this matter could be considered within the Council and in order to prevent you from facing accusations at a later date of any conflict of interest.

Can I please repeat that I am not accusing you of any misconduct - I am only involved in order to try and help you avoid the circumstances being misinterpreted by others at a later date and to protect the Council's interests.

I hope the above explanation will assist and I am happy to discuss the matter with you at your convenience."

An informal and amicable discussion took place between Councillor Davies and M on 20th December and it was thought that the officers concerns were accepted by Councillor Davies.

Members present after the January Council meeting and during the discussion at the last Corporate Governance and Audit Committee will be aware that neither M nor I made any criticism of Councillor Davies and I specifically said in answer to a question from Councillor M that there was no suggestion at this point in time that any officer or member had misled A. Ltd although there was still a lot of correspondence to go through.

Throughout this process the officers have acted with integrity in trying to protect the position of Councillor Davies by giving professional advice, in trying to preserve the image of the Council, and in trying to maintain the good working relationship between ourselves and the Members. Unfortunately, we do not believe that Councillor Davies' actions have been consistent with these objectives.

/ ...

7 March 2005

Page Five

M is, in the opinion of SMT, a first class solicitor with an impeccable reputation and a very high sense of integrity. He does not deserve to be treated in this way.

Personally I am also aware that Councillor Davies has made written comments about me to members of the Regional Assembly. This has been fed back to me by colleagues. I find it both distasteful and very sad that anyone from this Council would wish to damage our reputation in this way. I also believe that this has to stop.

I apologise for writing such a long letter on behalf of SMT but we firmly believe that enough is enough. Ideally your group will be able to resolve this matter internally and I would appreciate a written response to this letter. In the event that the group do not feel able to resolve the issue, I shall with great regret have to find alternative ways of protecting the position of officers who are merely doing their job.

Yours sincerely

Chief Executive

Held on Friday, 22 April 2005

In attendance:-

Cllr. C
Cllr. J
Cllr. Davies
Mr. , Chief Executive (Chair)
Mr. , Deputy Chief Executive
Mr. , Manager, Electronic Government
Ms. , Operations Team Leader, E-Gov
Mr. Team Leader, E-Gov
Mr. Operations Assistant, E-Gov

Brief

This meeting was convened in order to discuss with Cllr. Davies the issues he had raised in his letters of 12th and 13th April, concerning allegations that his computer communications with the Council were being treated in a different way to those of other Councillors and that his communications were being read and monitored in an improper manner. (Correspondence relevant to this are Cllr. Davies' letters dated 12th and 13th April to the Chief Executive and the Chief Executive's response dated 20th April.)

The Meeting. (The meeting commenced at approximately 11.03am.)

The Chief Executive introduced the E-Gov staff to Cllr. Davies and R.

touched upon their functions as did each individual member of staff when questioned by Cllr. Davies about their background their qualifications.

Subsequent to this the Chief Executive invited Cllr. Davies to raise his issues of concern. Cllr. Davies, at this point, started to question S: on the internet servers. His attitude and demeanour was aggressive and bullying

from the outset and continued in this manner throughout the 'discussion'. The technical detail of the relationship between the two webservers was pursued at some length. The case for load balancing was agreed, but Cllr. Davies was insistent and in a hectoring manner demanded to know whether it was on the actual ratio involved – was it 50/50, 60/40 or whatever? The reply was given that the directing of incoming traffic at any specific time varied according to the existing load. Simon did not rise to the belligerent manner in which he was being 'cross examined' and sought to provide a number of answers. These answers did not appear to satisfy Cllr. Davies, who at one point asked whether S understood how a processor worked and his manner of questioning S became increasingly aggressive and hostile.

He continued to cut across S's replies with comments of a disparaging tone for some considerable time (up to between 15-20 minutes) at which point, given the aggression and hostility being exhibited by Cllr. Davies, the Chief Executive intervened. He said the he was unhappy with the aggressive and belligerent manner in which Cllr. Davies was conducting himself and said that we were holding this meeting in a constructive way so as to address the issues Cllr. Davies had raised.

The Chief Executive explained that the problem with the server had been investigated by [redacted] and that the company had provided a statement (this was made available to Cllr. Davies) which described the problem and its resolution. The essence of this problem was that people trying to access the

Council's system would, from time to time, be switched from one server to the other. It had been found that the second server was malfunctioning and hence Cllr. Davies was unable to access the data he sought. Cllr. Davies' assertion, on the other hand, that he was being treated 'as a special case' was wholly inaccurate and the Chief Executive said he had demonstrated the difficulty faced with these servers by asking certain Councillors to test the system. When the server had been corrected a wider range of Councillors undertook the tests again which then showed the problem to have been rectified. When told that Cllr. C. S. had been one of those who tested the system, Cllr. Davies turned to him and asked him in a pressing manner what he had seen on the server when making these enquiries and indicated a level of contempt for Cllr. C. S.'s responses.

At this point Cllr. Davies was still making derogatory comments and R. intervened to explain that, in fact, Cllr. Davies was calling into question his own integrity with regard to the assurances Cllr. Davies had been given regarding the treatment of his communications. R. reiterated his background and experience and asserted unequivocally that Cllr. Davies had never been treated differently from any other Councillor and certainly in no way improperly.

Cllr. Davies continued to exhibit a very aggressive demeanour and the Chief Executive decided at this point to ask the E-Gov staff to leave to avoid further embarrassment and harassment of those staff. At that point Cllr. C. S.

also excused himself. Therefore, remaining in the room were the Chief Executive, Mr. B Cllr. Davies and Cllr.

Cllr. Davies continued in a similar vane and Mr. B sought to address the issue of the Council's website, producing documents to prove that the Council had the second highest rating available, which was contrary to the assertion by Cllr. Davies that the Council's rating was poor. Cllr. Davies refused to accept this evidence and insisted that the website of Socitim was different.

Further comment ensued and, at this point, Mr. B explained that he was very unhappy with the way Cllr. Davies had interrogated and cross questioned S, particularly given the fact that on Saturday, 16th April, the IT staff had suffered the tragic loss of M (a long-standing colleague of S and a member of his team) who had unexpectedly died. At this point Cllr. Davies said 'I suppose you are going to blame him' to which Mr. B replied that he found the comment 'grossly unworthy' and the Chief Executive exclaimed that he found it truly distasteful that a comment of that nature had been made. The Chief Executive, having decided by then that Cllr. Davies' conduct virtually throughout had been wholly unacceptable, culminating with the disgraceful comment about M's death, asked Cllr. Davies to leave the office because there was no further point in the discussion.

The Chief Executive handed Cllr. Davies his briefcase and his papers and Cllr.

Davies made an aside regarding his membership of the Group and strode from the office. (The time was approximately 11.38am)

Within a few minutes the Chief Executive asked the E-Gov staff who had originally been present to rejoin the meeting. They were brought back into the room from their offices on the ground floor and Cllr. J asked if he could remain in the room. The Chief Executive said to the E-Gov staff that he wished to apologise for the conduct to which they had just been subjected and that he was very sorry that they had been questioned with such hostility and aggression. Cllr. J added that he would like to apologise most sincerely for what had occurred regarding the conduct of Cllr. Davies and he added that he thought they all were doing a very fine job for the Council and that he regretted what had just arisen.

At this point the E-Gov staff left the room, leaving the Chief Executive, Mr. B and Cllr. Jones.

This note was written as a contemporaneous record of the meeting within approximately half an hour of the conclusion of the meeting.

04 May 2005

Dear Councillor Davies,

Following the unsatisfactory meeting in my office on Friday, 23rd April I have been reviewing the current position with both R and S. It is our view that your attitude towards the officers in the IT section continues to be totally unacceptable. It is clear that you have no respect for their skills, qualifications or professional dedication and it is not fair on the staff to be subjected to such behaviour. Under these circumstances SMT have instructed that no member of the IT staff is to deal directly with you for the time being. Your rights as a Councillor on IT issues can be fulfilled by your writing to R who will ensure that you receive a reply. The Leader of the Council has been appraised of this situation which will be reviewed in three months time.

K went to great lengths to satisfy your technical query and P insisted upon extensive testing. They believe that the problem is now resolved and we have had no complaints from any other Member.

In conclusion I would like to say that never before have I been obliged to write a letter of this nature to any Member. It is not in the interests of the Council or you to continue this disagreement. Hopefully a cooling off period of three months will put the whole thing into some perspective.

Yours sincerely,

Chief Executive

04 May 2005

Dear *Leader*

Councillor Taff Davies

On Friday, 23rd April I chaired a meeting in my office with the intention of resolving Councillor Davies' complaint about the way in which he perceived his email correspondence was being filtered. The hope was that we could reassure him about the integrity of our security which, in itself, is routine and certainly not intrusive.

In advance of the meeting we had engaged our consultants specifically to remedy a search fault on one of our servers, which had been identified by Councillor Davies. In order to be as helpful as possible R brought two technicians to the meeting, in addition to R and his operational manager, K

Having resolved the issue in advance (of which Councillor Davies was notified) and having used six Councillors and our consultant to re-test the system, we were confident that Councillor Davies would be satisfied with the outcome. Sadly, we were wrong.

From the outset of the meeting, also attended by Councillors C and J Councillor Davies demonstrated absolute contempt for the Council's IT service. His comments were aggressive, confrontational and speculative. Having taken the decision to involve junior officers in order to help to resolve the issue, I can now only regret that decision. Councillor Davies did nothing to help relationships between officers and councillors (which have always been good at this Council).

After twenty very unpleasant minutes I asked the staff to leave. R then challenged Councillor Davies about his attitude towards the junior members of staff. Rob asked

Councillor Davies if he was aware that those same officers had just tragically lost a young colleague who had died the previous Saturday. Councillor Davies, by his comments, made it clear that not only was he aware of the situation, but also that he had no regard for it. His comments were deeply distasteful and, in the circumstances, I had to insist that he left my office.

Councillor J , to his credit, remained behind to apologise to the staff who were re-called to the office.

We have now reached a point whereby a working relationship between Councillor Davies and the IT section is impossible. The ability of our team, whom we regard very highly, is constantly questioned and their skills derided. Having discussed this very closely with Rob and Sam we now feel that we have little opportunity than to deny direct access to these staff by Councillor Davies. Our legal obligations to him as a Councillor will be fulfilled through SMT and all requests will need to be in writing.

I am sorry that it has come to this but, as a management team, we believe strongly in supporting the staff at this Council in whom we, and I believe most Members, have total confidence. Should attitudes change we are prepared to review our position in three months time.

Yours sincerely,

Chief Executive

CASE D

COKETOWN DISTRICT COUNCIL – COUNCILLORS YEO, BAILEY AND MALECKA

Summary

The complainants refer to the proposed development of a council-owned allotment site at Coketown, for 217 dwellings and associated infrastructure, considered by the planning committee on 21 September 2006. It is reported that Councillor Yeo, the executive member for land and property, had been involved in discussion with the developers and council decisions over the sale of the site. It is also reported that the proceeds of the site would be used by the council to pay for a new leisure centre elsewhere in the borough. Having declared a personal interest in the matter at the planning committee, it is alleged that he failed to declare a prejudicial interest and withdraw from the meeting.

It is alleged:

- Councillor Bailey, the chairman, did not ensure that the meeting was conducted impartially due to confusion of members' and officers' roles.
- That the planning officer, as an employee of the council, was not able to give the committee the impartial advice they needed.
- Councillor Bailey refused to allow a local member to speak until the very last moment, and then cut him short before hastily moving to the vote.
- That by allowing the planning officer to warn members that refusal of the application could lead to an expensive appeal, Councillor Bailey thereby allowed undue influence to be put on the committee.
- That when Councillor Malecka asked the chairman and the planning officer if the terms of the development brief had been complied with, the member was given an affirmative answer. The complainants dispute this and say there were breaches of the development brief.

The complainants also object to aspects of the proposed development, the granting of planning permission and the way the meeting was minuted.

complaint form

If you have any questions or difficulties filling in this form, for example – if English is not your first language or you have a disability – please contact the Referrals Unit on 0800 107 2001.

You can also email them at newcomplaints@standardsboard.co.uk

Please note

- > we can only accept complaints in writing
- > one of our officers may contact you personally to go through the details of your complaint
- > we are unlikely to be able to keep your identity confidential if you make a complaint

ABOUT YOU

title Mr Ms Mrs Miss Councillor Other (please specify)

first name T & A ~~GRANT~~ surname GRANT

address 47A GARDEN ROAD, COKETOWN postcode [unclear]

daytime telephone [unclear] 5, 851 1656

evening telephone [unclear] 955 2235

email [unclear]

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature *[Handwritten Signature]* date 03/006

YOUR COMPLAINT

Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s that you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s	name of their authority/ies
Cllr C.D. Bailey	DISTRICT COUNCIL
Cllr L Malecka	" " "
Cllr B. Yeo	" " "
MR P.W. [unclear], PLANNING OFFICER	" " "

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above

complaint form

WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us to decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the allegation. We can only investigate complaints that a member has broken a local Code of Conduct (see section 3 of the information leaflet *How to make a complaint*). Continue on a separate sheet if there is not enough space on this form.

WE BELIEVE THAT A PLANNING APPLICATION WAS
ERRONEOUSLY APPROVED, AND OUR REASONS ARE
SET OUT ON THE ENCLOSED SHEET

EVIDENCE (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you.

Please send this form to:

The Standards Board for England
PO Box 36656
London SE1 0WN

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

The answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

your ethnic origin

Asian or Asian British	Chinese	White
Black or Black British	Mixed	Other

REGARDING THE PLANNING COMMITTEE MEETING HELD AT ~~COKE APPS~~ DISTRICT COUNCIL OFFICES, ON 21ST SEPTEMBER 2006

APPLICATION FOR FULL PLANNING CONSENT BY BOVIS HOMES FOR 217 DWELLINGS ON GARDEN ROAD ALLOTMENTS,

APPLICATION NUMBER V/2006/0564

- 1 We believe the conduct of the Planning Committee Chairman and Planning Officer was unacceptable, following their inability to focus clearly on their role, since they have an incestual relationship in that the Planning Officers are employed by the owners of the land (District Council) and the Meeting was not conducted in an impartial manner due to their confusion on these roles and the heavy demands placed upon them by the Council to sell the land for profit. Therefore, we believe that an independent Planning Officer should have been appointed to research all aspects of this application and to answer the questions of the Planning Committee Members impartially.
- 2 That the Chairman, Cllr B , refused to allow the Councillor for Central (Cllr C) to speak, until the very last moment and was cut short when the Chairman hastily moved for a vote.
- 3 The Committee Members were clearly instructed by the Council's officer, immediately prior to the vote for approval, that if they voted for a Refusal, this would cost the Council a great deal of money in fighting an Appeal, and it is felt by all those present that **undue influence** was placed upon the Committee to approve the application. We understand that it is more likely that a Developer will amend plans if necessary rather than have the additional expense of going to Appeal. We put forward that this instruction to the Committee Members was unjustified and improper. We therefore believe that Approval was granted illegally.
- 4 Councillor M , asked the question of the Chairman and the Planning Officer if the terms of the Development Brief had been complied with, and he was given an affirmative reply. We argue that **this is not the case**, and some breaches of the terms of the Development Brief are as follows :
 - ◆ The need to protect the privacy of existing residents (*See illustrations A & B enclosed with regard to the future view from our living rooms*)
 - ◆ Strengthen the need to protect the amenity of existing residents bordering the site (*our rear boundary will also be the end boundary of the cul-de-sac and will expose our property to crime, anti-social behaviour and vandalism, it being insufficiently high or strong enough to prevent intruders*)
 - ◆ The need for **private** space should not be ignored
 - ◆ Building orientation, boundary treatments and the avoidance of overlooking are key (*See illustrations. Our living room windows will be subject to unwelcome surveillance from upper floor windows of the new properties and to children climbing our fence and the trees on the other side of our rear fence*)

- ◆ Raising housing densities should not lead to a lowering of qualitative ~~private space~~ standards (*housing density has increased from 34 to 40 units per hectare an increase of approximately 12%*)
- ◆ To take into account local climatic conditions including natural daylight, sunlight and prevailing winds in consideration of future occupiers and the amenity of existing residents bordering the site (*Our property will suffer from long shadows cast by the houses in the proposed cul-de-sac abutting our rear boundary, in the winter months*)
- ◆ It is important that the development is designed to limit the potential for crime (*The Police Architectural Liaison Officer has been excluded from all levels of planning since the 2003 Development Brief, resulting in the Council being Cautioned by this Officer*)
- ◆ Close boarded fences will not be acceptable where they would be visible in the street scene. The Council will require well designed brick walls (*our rear boundary fence is close boarded fencing and will form the end boundary of the cul-de-sac*)
- ◆ Due to surface water issues the developer will be required to undertake a hydrological survey. This survey was only undertaken in August, after heavy pressure from ourselves because of possible adverse effects to our residence by the artificial drying out of the high level water table. (*This survey was only undertaken in August, after continued pressure from ourselves. There appears to have been reluctance on the part of the Developer and the Council's Planning Officers to obtain this survey report*)
- ◆ The former railway cutting was adopted as the preferred access route. This has now been changed to A Avenue and H Avenue.

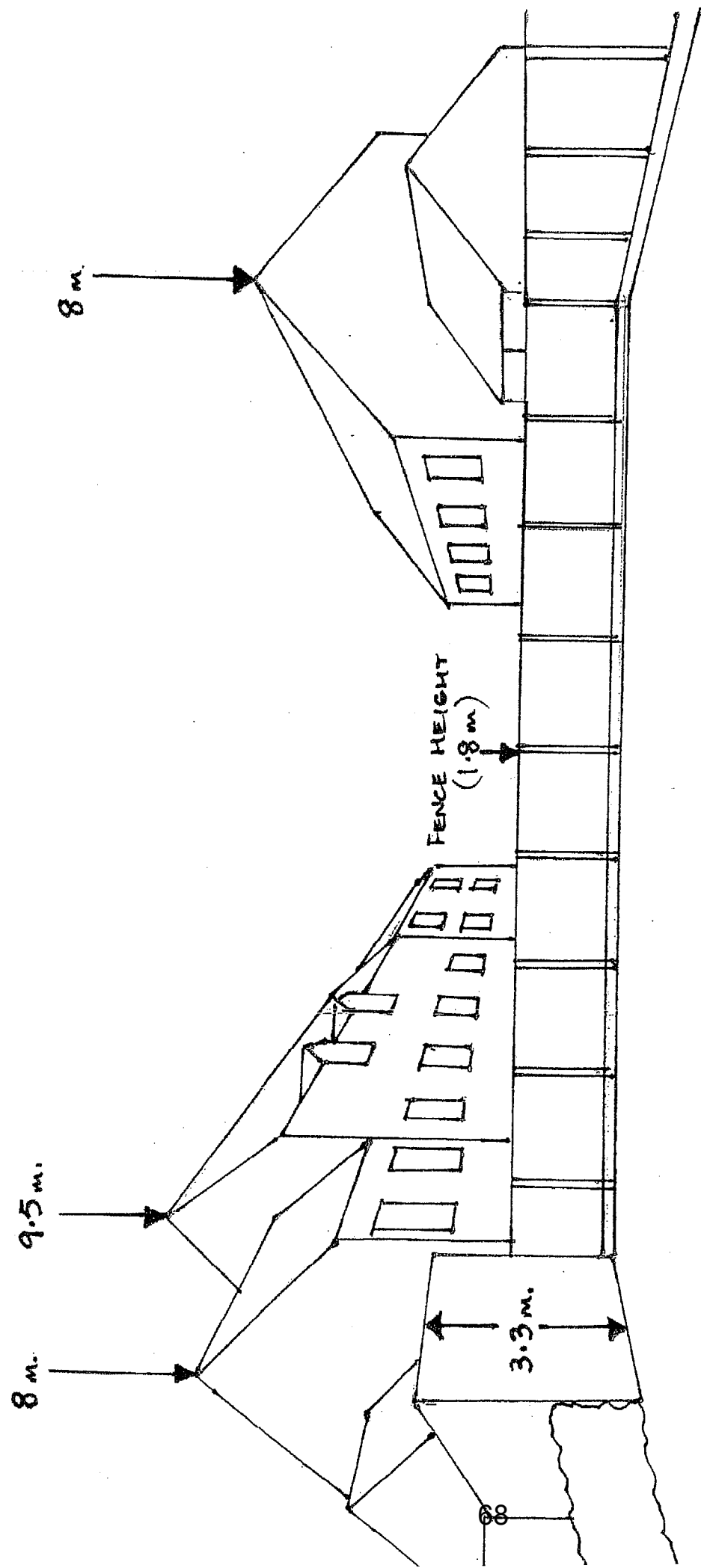
5 The elderly and disabled have been positively discriminated against, by not providing single storey houses with outside space to enhance their quality of life. This is a specific requirement of the "PPG3:Housing". Single storey housing for over 55's and the disabled have not been included.

6 The recommendations of the Police with regard to designing out the potential for crime has been ignored. The Police decided that their exclusion was such a serious offence that the Council were Cautioned under Section 17 of the Crime & Disorder Act 1968.

7 The Planning Meeting on 21st September was not fully minuted, and none of the issues discussed by the Planning Councillors have been properly recorded. The meeting was at least 1.5 hours long, and the Minutes barely cover 1 A4 page.

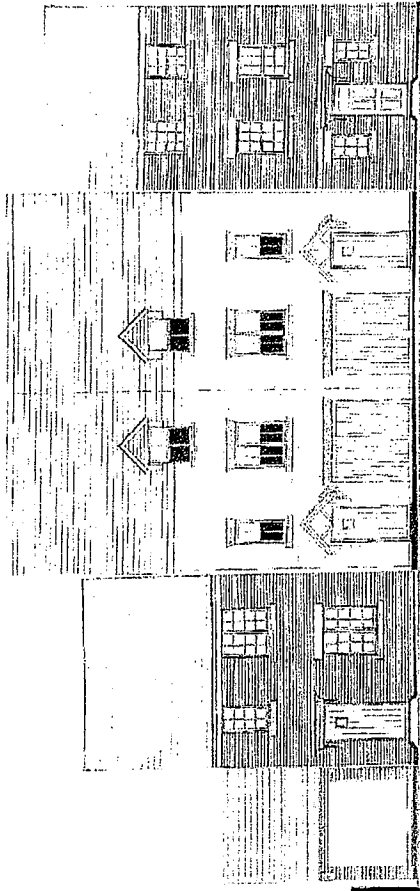
8 That we believe Cllr Y had declared an interest in the Outline Application stage for this development and was therefore precluded from voting. Cllr Y, voted on 21 September 2006 for Approval of the application, but did not declare his previous interest, and we put forward that was contrary to planning regulations. We therefore put forward that the Approval granted by District Council was not lawful and should be cancelled.

9 That by their site layout design, in close proximity to our residence and rear boundary, the Developers will expose ourselves and our property to burglary, vandalism, anti-social behaviour and unwelcome surveillance from upper storey windows and in doing so our rights under Article 8 of the European Convention on Human Rights will be violated and the Council's Chairman and Planning Officer have permitted this to take place.

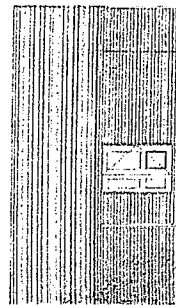
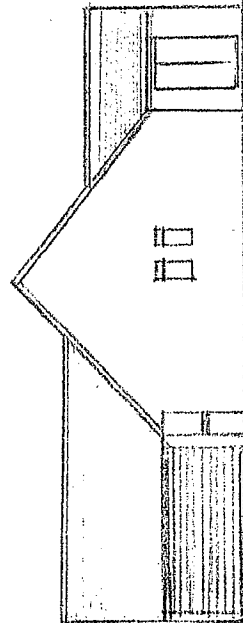


OUR FUTURE VIEW FROM OUR 3 LIVING ROOMS WHICH FACE THIS DEVELOPMENT. THE DISTANCE BETWEEN OUR WINDOWS AND THE REAR FENCE IS A MERE 11 METRES!

Side elevation
of proposed
cul-de-sac



Side elevation of
suggested row of
bungalows



47A Garden Road, Cokerdown, CK3 1BW

3 October 2006

The Standards Board for England
PO Box 36656
LONDON
SE1 0WN

RECEIVED
05 OCT 2006

Dear Sir

We wish to lodge a complaint against members of [redacted] District Council and also their Planning Officer, Mr P W [redacted]

We enclose our Complaint Form and a statement of events, and we should be grateful if you would consider the implications of the events.

As there are very serious concerns regarding the matter in question, we look forward to hearing from you when you have had the opportunity of investigating the matter.

Yours faithfully

[Handwritten signature]
MR I & MRS I GJ

CASE E

HOOK PARISH COUNCIL - COUNCILLOR DR JON ROUSE

Summary

It was alleged that Councillor Rouse, the chairman of the parish council, accompanied by the vice-chairman, visited a member of the public at home. Here he made allegations that a group of seven parish councillors, including the complainant, would be pressing for an injunction to prevent the member of the public, a parishioner, speaking at meetings. The parishioner then wrote to each of the seven councillors repeating this allegation and another allegation that he had orchestrated a public protest against the siting of a youth shelter. He enclosed a stamped envelope for them to reply and asked for them to let him know whether the allegations were true or false. He said that if they did not reply he would assume that the claim was true. In this case, he asked them to go ahead and seek the injunction.

The complainant was one of two councillors who replied direct to the parishioner, to say that she was not aware of the actions he referred to being taken, or of a group of seven working in co-operation on the council, and that the allegations were false. The clerk also wrote to the member of the public to say that six of the councillors (one was away) had asked him to reply to say that the allegations were false. The parishioner was not satisfied, wrote to the councillors again to say that the two who had replied personally had not asked the clerk to write on their behalf, and that he would regard the remaining five as having taken the actions originally alleged unless he heard from them by a given deadline.

It is alleged that on 18 April 2005 during public questions, a member of the public made a statement concerning a pre-arranged visit to his house by two senior councillors. The complainant wrote to Councillor Rouse on 20 April asking him:

- If he knew the identity of the two councillors who allegedly paid the visit.
- To name the two councillors allegedly involved and to ask them to explain why they used her name without her knowledge.
- To clear her of any complicity in the alleged actions.
- If he was unable to clear her good name, then to assure her that the exercise was designed simply as character assassination.

The complainant states that she received no response to the letter, and that she put down questions in council on 16 May 2005. She wrote to Councillor Rouse again on 20 May 2005 to convey her disappointment with his handling of her questions. The minutes of the meeting state:

“The Chairman said he had received letters from two Councillors concerning alleged actions of Councillors at an informal meeting. As these letters did not relate to discuss them with individuals outside the meeting.”

On 23 May Councillor Rouse wrote to the complainant to say he regarded the matter as closed. The complainant reports that the member of the public has now told her that Councillor Rouse was one of the two councillors who visited him.

complaint form

RU

10 AUG 2005

Appendix A
the
Standards Board
for England

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If you have any questions or difficulties filling this form in, for example, if English is not your first language or you have a disability, please contact the Referrals Unit on 0800 107 2001.

You can also e-mail them at referrals@standardsboard.co.uk

Please note

- > we can only accept complaints in writing;
- > one of our officers may contact you personally to go through the details of your complaint;
- > we are unlikely to be able to keep your identity confidential if you make a complaint.

RECEIVED
10 AUG 2005

ABOUT YOU

title Mr Ms Mrs Miss Councillor other (please specify)

first name JEAN surname BLAKE TODD

address FAIRYTALE COTTAGE, SEA LANE, HOOK,
BARWELL postcode BW4 2PQ

daytime telephone 56

evening telephone 56

e-mail

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature

A. R. Blake Todd

date 8 AUG 05

YOUR COMPLAINT

Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s

CHIEF DR. J. ROUSE

name of their authority/ies

HOOK PARISH COUNCIL

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above



the
Standards Board
for England

complaint form

WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us decide whether or not it should be investigated. Include the date and details of the alleged misconduct, and any information that supports the complaint. We can only investigate complaints that a member has broken the Code of Conduct (see section 3 of the information leaflet 'How to make a complaint about a councillor'). Continue on a separate sheet if there is not enough space on this form.

See Attached letter

Lined area for writing the complaint details.

EVIDENCE (if this applies)

Please attach to this form copies of correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you

Please send this form to:

The Standards Board for England
First Floor
Cottons Centre
Cottons Lane
London SE1 2QG

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

Your answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

8th August 2005

Cllr. Jean Blake Todd, Fairytale Cottage,
Sea Lane, Hook

Complaints against Cllr. Dr. J. Rouse for bringing the parish council into disrepute by their false accusations against seven parish councillors.

On 3rd April 2005 I received a letter from a member of public claiming that I, among others [all named Councillors of Hook Parish Council] was pressing for an injunction to prevent him attending or speaking at Parish Meetings. He claimed to have been informed of the facts verbally by two Parish Councillors, one of them confirming it in writing [e-mail].

Item 1 Letter from Richard Ogle

I replied to him stating that the allegations were false as far as I was concerned

Item 2 Reply to Richard Ogle

The Parish Clerk was asked to respond to the letter on behalf of the Councillors by the Vice-Chairman

Item 3 Clerk's response and his letter informing Councillors' of his actions

Richard Ogle [the member of the public] wrote to all seven councillors again repeating his request for answers to his allegations

Item 4 R. Ogle letter of 12 April 05

At the Council Meeting held on the 18th April 2005 during public questions time, Richard Ogle made a lengthy statement concerning the allegations made during a pre-arranged visit to his house by two senior Councillors.

I sent a letter to the Chairman of Council, Jim R. , who refused to reply to my letter or speak to me

Item 5 Letter to Cllr. Rouse

I sent a written question to the Chairman for the Council Meeting of the 16th May 2005 – his response was as detailed in my letter to him of 20th May 2005.

Item 6 Letter to Cllr. Rouse

and as minuted at 022.05c.

Item 7 Copy of the Minutes dated 16th May 2005

Rouse sent a letter to me on 23rd May saying that he considered the matter closed.

Item 8 Letter from Cllr. Rouse

He has steadfastly refused to discuss this matter with me and will certainly not apologise to me for the false allegations he has put out into the public arena.

Richard Ogle has now told me that the two senior Councillors who visited him, at his house, by appointment, were the Chairman of Council Dr. Rouse and the Vice Chairman Mrs Carol W

Cllr. Mrs J. Ogle was in the house at the time and could I am sure verify that the meeting took place. She also informed me that she had seen the email sent to their home from Dr. Rouse

8th August 2005

Cllr. Jean Blake Todd Fairytale Cottage
Sea Lane
Hook

Names of witnesses

Cllr. Tom W Earlesmere
Hook Fold

Cllr. Brian D Todd Fairytale Cottage
Sea Lane
Hook

**Richard D Ogle
The Old Rectory
Hook
Barwell
BW4 6HT**

2 April 2005

To: Parish Councillors Mrs. S , Mrs M , Mrs. H , Mr.
De Mrs F Mr. W and Mrs H

Dear Councillors

I am have been informed, verbally by two and in writing also by one Hook Parish Councillor, that you seven Members have been and still are making vigorous representation, pressing for application to be made in the Courts for an Injunction to be taken out against me in order to prevent me from attending and speaking at Parish Council meetings.

I am further advised that some of you claim that I "orchestrated" the public who protested against the placing of a Youth Shelter in the Park.

I have to say that I am not convinced that these allegations are true and that, specifically, I doubt if seven Members have acted as claimed. However, since that is my information from what I should be able to accept as an impeccable source, I have to ask you all if this is true or false and I shall be pleased to hear from you as soon as you care to reply, using the stamped envelope enclosed. *If you do not reply then I will feel disposed to accept that the claim is true.*

In such circumstance then I ask you all, quite simply, to make an appointment in the High Court Barwell at which I will appear and claim costs and damages against you all, personally, for you have no grounds whatever, in my view, for attempting to exclude me from public meetings. Such an application would be frivolous/ vexatious and/or malicious, in my view and that would be put to the Learned Judge. I look forward to hearing from you, please, with 7 days.

~~Yours~~ faithfully

Richard Ogle

Copy to the Clerk, Parish Council for information.

Item 2

Mrs J.

7th April 2005

Dear Richard,

I am not aware of any of the actions you refer to being taken or indeed of a group of seven councillors working in co-operation on this Council. Therefore the allegations to which you refer are false.

Yours sincerely

J.R. Blaine Todd



Hook Parish Council

Hook Parish Offices Cardingmill Lane Hook
Barwell BW5 1PL Tel 467876

Chairman Cllr Dr Jon Rouse Clerk Luca Franchi

Minutes of the **229th MEETING of the PARISH COUNCIL**

Held on **Monday 18th April 2005 at 19.00 hours**
in the **Hook** Parish Offices.

Those present: Cllr Dr J C Rouse (Chairman), Cllr Mrs C W (Vice Chairman),
Cllr Mrs J P O , Cllr Mrs J B , Cllr Mr B D , Cllr Dr G A P ,
Cllr Mrs J Blake Todd , Cllr Mr T W

In attendance: - County Cllr Mr M C , District Cllr Mrs J M
- The Clerk and 3 members of the public.

302.04c The meeting opened at 19.02 hours.

Apologies for Absence had been received from:

- CCllr/DCllr Mr R Brown; DCllrs Mrs F C and Mrs G
- Cllrs Mrs M M , Mrs J F , Mrs M H and Mrs G S
- The Assistant Clerk and RFO (Mr J G)

303.04c **Declarations of Personal or Prejudicial Interest**

There were none

304.04c **To Approve the Minutes of the Ordinary Council Meeting held on 21 March 2005**

282.04c It was agreed to add the following sentence after the sentence ending in .. private event. "It was established that Cllr Mrs Ogle had done all the work and supplied all the materials regarding this event in 2005"

Acceptance of the amended minutes was proposed by Cllr P and seconded by Cllr Mrs W . All who had been present were in favour.
Resolved

305.04c **There were no matters arising from the Minutes of the Parish Council Meeting held on 21 March 2005**

306.04c **To consider any urgent matters that the Chairman may wish to bring to the Council for resolution**

There were none.

307.04c **To consider recommendations from the Amenities and Planning Committees**

➤ That up to £60 be set aside to purchase rechargeable batteries and a 64MB XD memory card for the new Council camera (Amenities 133.04a)

This proposal by Cllr W was seconded by Cllr Mrs B and carried.

.....
Chairman

.....
Date

308.04c **To Receive, Consider and Resolve the Minutes and Recommendations from Committees**

- a) Planning Dated: 29th March and 11th April 2005
- b) Amenities Dated: 29th March 2005

These minutes were read. Cllr D said that he had informed the County Council that the Beach Café were using footpath 3039 to display items for sale.

Cllr P proposed that these minutes be accepted. This was seconded by Cllr W and agreed by all.

309.04c **To consider reports from District and County Councillors**

DCllr Mrs M said that the new rubbish collection system was settling down with fewer problems being experienced week on week. She said that the plan was to distribute all recycling bins by the end of August. In answer to a question, she said that the setting up of a separate Committee to consider Tree Planning Applications had been approved at the last meeting of the District Council.

310.04c The Chairman adjourned the meeting to receive **questions from Members of the Public**. The following questions were asked:

What can be done to make residents (including neighbours) more aware of Planning Applications that affected them?	Cllr P agreed this was an issue that needed to be addressed and asked that it be included on the agenda of the Planning Committee meeting on 9 th May.
Would the Chairman please comment on rumours that 7 members of the Council were seeking an injunction to stop a certain member of the public attending Council and Committee meetings?	Cllr Rouse said that the Council had not discussed this and, having just returned from 2 weeks holiday that morning, he had not had the opportunity to see the relevant correspondence but would look into it.

311.04c **Reports from the Responsible Financial Officer**

The following reports were tabled on behalf of the RFO and these are included at:

- Attachment 1a: Bank Balances, Receipts and Notes
- Attachment 1b: Revised Unaudited Management Accounts for 2004/5

A number of questions were raised, but because of the absence of the RFO, no satisfactory answers could be given. Cllr D said that more information was available within the computer-based accounting package. Cllr W said that Councillors should define their information requirements and ask the RFO to provide in the requested format. The Clerk was asked to set up a meeting with the RFO to pursue this suggestion to implement in the financial year 2005/6.

Cllr W proposed that these reports be accepted. This was seconded by Cllr R and carried.

.....
Chairman

.....
Date



Hook Parish Council

Hook Parish Offices Cardingmill Lane Hook
Barwell BW5 1PL Tel 467876

Chairman Cllr Dr Jon Rouse Clerk Luca Franchi

Appendix A

Ref:

To: Cllrs-Mrs S, Mrs M, Mrs H, Mr W and Mrs H
CC: Cllrs Mrs F and Mr D

12 April 2005

Dear Councillor,

I wrote the following to Mr Ogle yesterday in response to his letter to you dated 2nd April.

"YOUR LETTER TO 7 COUNCILLORS

I acknowledge receipt of a copy of a letter dated 2 April you sent to 7 Parish Councillors.

You state that you are not convinced that these allegations are true. I have discussed this with all Councillors except Mrs H (who has not yet returned from an Easter break) and those 6 Councillors have asked me to reply to you that these allegations are indeed false."

Mr Ogle has contacted me today and stated that he wishes each Councillor to write to him individually (as requested in his letter). Cllrs Mrs and Mr have already done this.

So I apologise in trying to help, but I must ask you to ignore the fact that I have written to Mr O and I leave you to take whatever individual action you see fit.

Yours sincerely

Clerk to the Council

Hook Parish Council operates an open file policy. Any correspondence with the Council may become public.

For the Purposes of the Data Protection Act Hook Parish Council is the Data Controller



**Richard D Ogle
The Old Rectory
Hook
Barwell
BW4 6HT**

12 April 2005

To: Parish Councillors Mrs. S , Mrs M , Mrs. H , Mr.
D , Mrs F , Mr. W and Mrs H

Dear Councillors

I received a letter from the Clerk to the Council dated the 11th April and handed to me by him at 7.30pm today in the Parish Chamber. I had already received a personal reply from Cllr. Brian Todd and Cllr. Mrs. Blake Todd telling me that, so far as they were concerned, the allegations were false. The allegations which I set out, I have to stress, were put to me with the objective of preventing me speaking at Parish meetings. I was asked not to attend the Amenities Committee at all. As I told you, I was not convinced that the allegations against the 'Hook Seven' were true and I decided that the only proper course of action for me was to ask each one of you the questions for the alternative is to carry on thinking that you are each one of the seven!

However, the Clerk's reply says that 6 Councillors have asked him to reply to me. Cllr. Todd and Cllr. Mrs. Blake Todd assure me that they did not ask the Clerk to do so because they had already replied to me and they told him so. This highlights the fact that a hearsay report from the Clerk serves no useful purpose at all – except, at this stage, wrongly to report that two Members asked him to write to me when they did not. A misunderstanding occurred, apparently. This could happen in relaying anything from you so, at a later date, you simply say "No I never said that – the Clerk must have been mistaken". It is not fair on the Clerk, in my view! Nor do you answer the question I put to you.

I cannot require any Member to write to me and you may not wish to do so. In that case then I can but assume that you were a party to what I was told was an insurrection by seven Councillors demanding that an Injunction be taken out preventing me from speaking at Council meetings – supposed 'Public Meetings'! So, when a Chairman asks if any Member of the Public would like to speak then that would mean everyone present except Richard Ogle – that would look good in the Barwell Observer! But you run Hook Parish Council and not I! And Hook Parish Council actually consulted a Solicitor about this, on your behalf, as you undoubtedly are aware!

Should I not hear from you by Saturday next then I assume that you are one of FIVE.

Yours faithfully

Copy to the Clerk, Parish Council for information.

Jean Blake Todd
Fairytale Cottage
Sea Lane
Hook
Barwell
BW4 2PQ

Appendix A

20th April 2005

Dear Jon,

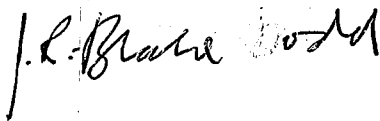
Following the statement by a member of the public at the Council meeting on Monday I feel that things are now much clearer and I think that you owe us all an explanation concerning the events that have been unfolding in the last two weeks. I would like answers to the following questions:-

1. Does the Chairman know the identity of the two Councillors who visited a member of the public, giving him false information, resulting in that person sending letters to seven named Councillors accusing them of "making vigorous representation, pressing for an injunction to prevent him attending or speaking at Council Meetings".
2. Will the Chairman name the two Councillors involved and ask them to explain why they decided to use my name in this complicity without my knowledge.
3. Will the Chairman clear me of any complicity in any action that has been dreamt up and ask the Council to write to me declaring that I was not a party to any such actions.
4. If you are unable to clear my good name and assure me that this whole exercise was not designed simply as a character assassination, I will wish to be given access to the Council's Solicitor at the expense of the Council to act on my behalf to clear my good name.

Allegations using my name – background information

I received a letter dated 2nd April alleging that I am part of a plot to seek an injunction against a member of the public. I had nothing to hide and replied to the letter stating that I knew nothing about the allegations and that I was certainly not part of any conspiracy or indeed of a group of seven.

Yours sincerely



Councillor Jean Blake Todd

**Fairytale Cottage
Sea Lane
Hook
Barwell
BW4 2PQ**

20 May 2005

Dear Cllr. *Rouse*

I was disappointed with your handling of my written questions to you as Chairman of Council [sent on 20th April 2005]. I do not feel that a response to a serious attack on my character of "I have received written questions but I will not be answering the questions submitted" is acceptable.

You had three weeks to acknowledge my letter and write a response or give me a reasonable explanation for your actions at the Council Meeting on 16th May 2005.

I believe that you and your Vice-Chairman visited Mr & Mrs *Ogle* and made false allegations about me, which you also confirmed to him in writing. At no time did you attempt to contact me in any way for an explanation although you have had endless opportunities to do so.

Mr. *Ogle* advised me that I am one of an alleged group of seven members making vigorous representation for an application to the Courts for an injunction to be taken out against him to prevent him speaking at *Hook* Parish Meetings. My understanding is that you and your Vice-Chairman were the ones seeking legal advice about taking out injunctions. Had you bothered to speak to me I could have advised you of the correct procedure to achieve what you were patently trying to do.

I now require a public retraction for your allegations and a written apology from you for the unwarranted harassment by Mr. *Ogle* that your false allegations have caused me.

I require a reply to this letter within seven days or I will proceed further with this matter, which I take very seriously.

Yours sincerely,

J.B.

Item 7

Hook Parish Council

Appendix A

Hook Parish Offices Cardingmill Lane Hook
Barwell BW5 1PL Tel 467876

Chairman Cllr Dr Jon Rouse Clerk Luca Franchi

(Minute Extract)

Cllr Mrs H proposed that the current internal auditors – Cllrs Rouse and Todd – should continue. This was seconded by Cllr W and carried.

018.05c Appointment of Solicitors to the Council

The Chairman proposed that F E continues as the solicitors. This was seconded by Cllr Mrs W and carried.

019.05c Reports from the Responsible Financial Officer and Approval of Cheques

A report showing Bank Balances, Receipts and Notes was tabled by the RFO - see Appendix 4. Following a query from Cllr Todd the Chairman proposed that a statement be included in future reports to the effect that "this includes £X ring-fenced money for the allotments". This was seconded by Cllr Mrs Blake Todd and carried.

The RFO presented the list of cheques to be approved – see Appendix 5. Cllr P asked for a key to the Expense Codes. This and other matters would be discussed at the meeting on 23rd May. The Clerk was instructed to obtain booking fees from BDC (in hand) and Hook Preservation Society for using the Chamber.

Cllr Mrs H proposed that the report and payments be accepted. This was seconded by Cllr Mrs W and carried.

020.05c To approve the 2005/6 Discretionary Grant Application Form and agree the closing date

The Clerk presented a draft form. Changes were agreed and these are included in the amended form at Appendix 6.

The Clerk was instructed to advertise the availability of Grant Forms on the parish notice boards.

021.05c To approve the summer / autumn meeting schedule

The Clerk presented a draft form. Changes were agreed and these are included in the amended form at Appendix 7.

022.05c Questions to the Chairman or Clerk previously submitted in writing

The Chairman said that he had received letters from 2 Councillors concerning alleged actions of Councillors at an informal meeting. As these letters did not relate to business or decisions taken at Council meetings he would discuss them with the individuals outside this meeting.

.....
Chairman

.....
Date

Item 8

Appendix A

23 May 2005

Cllr Mrs Jean Blake Todd
Fairytale Cottage
Hook

Dear Jean,

Thank you for your letters of 14 April and 20 May.

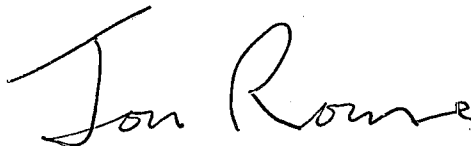
I will not comment on private discussions that may or may not have taken place between Councillors in private, and I am sure that you would not wish to have to disclose all conversations that have taken place between yourself and other Councillors. The same rules must apply to all Councillors without distinction.

The agenda item 'Questions to the Chairman/Clerk' is intended for the dissemination of information about Council Business. There is no such business involved in your letter other than the incorrect implication that I sought legal advice [either on my own or on behalf of the Council] on some matter. I have already made this clear when the accusation was first levelled by the said Mr O and I hereby affirm it again.

I fail to see how making this statement publicly again will assist our electors.

I consider the matter closed.

Yours sincerely,



Dr Jon Rouse

Cc Clerk, Cllr T W.

CASE J

NETTINGTON TOWN COUNCIL – COUNCILLOR GOLD

Summary

The complainant refers to the town hall at Nettington, which belongs to the town council. It is reported that the county registration service rents offices at the town hall and Town Councillor Gold is employed as a registrar. It is also reported that Councillor Gold declared an interest in an agenda item regarding the town hall at a council meeting on 24 May 2004. It is further reported that in 2005, it was agreed in principle to hand the town hall over to a charitable trust, make a grant to the trust and to seek legal advice. It is also reported Councillor Gold is one of three councillors to be on a joint working group with the trust.

Following legal advice, on 27 February 2006 the council “reaffirmed” earlier resolutions concerning the trust, with Councillor Gold voting in favour. It is also reported that after she became town mayor in May 2006, she put herself forward as the council representative on the trust. The complainant refers to a meeting between councillors and the trust which took place on 3 July 2006. She says she had asked for the minutes but had been told that it was an informal meeting, which was not the impression created beforehand.

The complainant has also provided a report of the “Nettington Town Hall Joint Working Group”, which includes Councillor Gold. It states that she has had final sight of the draft briefing for the solicitor who would be drawing up the draft lease for the town hall. The draft briefing refers to the “need to agree continuing office space for the town clerk and use of the council chamber for meetings at a favourable rent and for the Registrar at the rent negotiated with the county council...”. The complainant has also provided a covering memo from the town clerk, which states that the brief will be discussed with Councillor Gold and other members.

It is thereby alleged that Councillor Gold has a conflict of interest between the town council and her employer, which rents her place of work from the council in the building whose future is under consideration. It is also alleged that having previously acknowledged this, Councillor Gold has subsequently become more closely involved in the issue without declaring an interest.

complaint form

RU

12 OCT 2006

RECEIVED

If you have any questions or difficulties filling in this form, for example – If English is not your first language or you have a disability – please contact the Referrals Unit on **0800 107 2001**.

You can also email them at newcomplaints@standardsboard.co.uk

Please note

- > we can only accept complaints in writing
- > one of our officers may contact you personally to go through the details of your complaint
- > we are unlikely to be able to keep your identity confidential if you make a complaint

RECEIVED
12 OCT 2006

ABOUT YOU

title Mr Ms Mrs Miss Councillor Other (please specify)

first name

surname Jones

address

Nettleshire

Nettington

postcode

daytime telephone

evening telephone

email

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature

date 8 10 06

YOUR COMPLAINT

Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s that you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s

CLDR. J Gold

name of their authority/ies

Nettington TOWN COUNCIL

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above

complaint form

WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us to decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the allegation. We can only investigate complaints that a member has broken a local Code of Conduct (see section 3 of the Information leaflet *How to make a complaint*). Continue on a separate sheet if there is not enough space on this form.

My complaint is that Cllr. J. Gold may have broken Nettington Town Council's Code of Conduct.

It appears that since May 2004, Cllr. Gold has not declared any interest in the Town Hall, although she continues to be employed by the Registration Service, which is a tenant of the Town Hall.

Please see attached documents detailing all relevant information.

Signed P. Jones

EVIDENCE (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you.

Please send this form to:

The Standards Board for England
PO Box 36656
London SE1 0WN

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

The answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

COMPLAINT AGAINST COUNCILLOR. *J Gold* OF *Nettington* TOWN COUNCIL.

At the *Nettington* Town Council Meeting of Monday the 24th. May 2004, Cllr. *J Gold* declared an interest in an agenda item regarding the Town Hall as she was employed by the Registration Service which is a tenant of the Town Hall. (minute enclosed, - item 1).

In October 2005 it was agreed in principle to hand over the Town Hall to a Charitable Trust (Trust), on the recommendation of a Consultant, employed by the Town Council who was paid £15000. from a Sustainability Grant from the

In November 2005 it was agreed to give £5000 of public money to the Trust so that they could progress (minute enclosed - item 2). It was also resolved to seek legal advice, (this was not done until September 2006). It was resolved that Cllr *Gold* be one of three Cllrs. to be on a working group to work with the Trust. (minute enclosed, also item 2).

On the 23rd. January 2006, it was resolved to meet with the *Trust* on the 20th. February 2006, (minute enclosed - item 3). This meeting never took place.

At the Council Meeting of February 27th, 2006, on the advice of the Monitoring Officer Cllrs. *Sprint* and *Bold* declared a prejudicial Interest in the Town Hall. The resolutions of the 24th. October and 28th. November 2005 had to be reaffirmed (minutes enclosed -item 4).

It was then proposed not to progress further with the Charitable Trust until all outstanding concerns had been answered, (minute enclosed - also item 4). Cllr. *Gold* voted in favour of this proposal.

In May 2006 Cllr. *Gold* became Mayor. She has since nominated herself to be on the working group with the BT & CT, (this was not put to a vote) (minute enclosed - item 5) and even cancelled a meeting (without a resolution from council), which was to be held on the 12th. June 2006 with the *Trust*.

It was agreed by Council that councillors would meet with the *Trust* on July 3rd. 2006 (minute enclosed - item 6). The meeting did take place and I have repeatedly asked for the minutes, (as other important items were discussed and agreed). I was only present for the first part of the meeting. I was told, by Cllr. *Gold*, after requesting the minutes yet again at the council meeting of the 25th. September 2006, that the meeting of 3rd. July was in fact an informal meeting and no minutes were taken, yet the Clerk was present. At no time were we informed that this would be an informal meeting.

A decision was made on the 5th. September, by Councillors. *Gold*, *Bold* and *Miland* on the Working Group to send off a draft brief to our solicitor after Cllr. *Gold* had final sight of it. This was not brought to full Council. (copy of report enclosed - item 7).

I received a copy of the brief on October 6th, this was the Council's first sight of it, but it had already been sent to the Council's solicitor on 7th. September 2006. As you can see from the brief, there will be a need to agree continuing office space for the Registrar (copy enclosed - item 8).

Should the Town Hall lease be handed to the *Trust*, the future of the Registry Office could be in question, and in turn this could be seen as having a direct effect on Cllr. *Gold*

I asked Cllr. *Gold* in July if she was still a registrar and she replied that she was. Since May 2004 Cllr. *Gold* has not declared any interest in the Town Hall, but continues to speak, vote and take part in a working group regarding the future of the Town Hall. I believe Cllr. *Gold* is in breach of *Nettington* Town Council's Code of Conduct, as it appears she has a personal, prejudicial and possibly a financial interest in matters relating to the future of the Town Hall.

Signed *P Jones* Date *8.10.06*

UNADOPTED

MINUTES OF A MEETING OF *Nettlington* TOWN COUNCIL

HELD IN THE COUNCIL CHAMBER, TOWN HALL, *Nettlington* ON MONDAY 24 MAY 2004 AT 7.00pm.

Present: Cllr *Bold* - Mayor, in the Chair
Cllrs Mrs *Brent*, P *Madden*, W *Nidland*, J *Dench*, Mrs *Thatch*, Mrs J *Gold*,
Town Clerk Mrs M Gee

188	Election of Mayor:
189	Apologies for Absence:
190	Declarations of Interest: Cllr <i>Gold</i> declared an Interest in Agenda item 18 as she is an employee of the Registration Service which is a tenant of the Town Hall.
191	Election of Deputy Mayor
192	Town Clerk's expenditure limit
193	Arrangements for payment of monthly salaries:
194	Minutes of the Council Meeting held on 26 April 2004:
195	Matters Arising:
195.1	
195.2	
195.3	
196	Report of the Planning Committee meeting on 10 May 2004
197	Mayor's Communications:
198	Public Speaking Time:
198.1	
198.2	
198.3	
199	District Cllrs Report:
200	Matters arising from Annual Town meeting:

J.H.H. 1

106/05

107/05

108/05

109/05

110/05

111/05 Town Hall – Charitable Trust

It was RESOLVED to pay a grant of £5,000.00 now and the balance of up to a further £5,000.00 when requested. The Clerk is to be given authority to release funds on request from the Trust supported by documentation.

It was RESOLVED to seek legal advice and the Clerk is instructed to find an independent Solicitor with relevant experience in this field.

It was RESOLVED to establish a working group consisting of the Mayor, Cllr *Bold*, Cllr *Gold* and the Clerk, to work closely with the Trust. A preliminary meeting is to be organised as soon as possible.

112/05

113/05

116/06 Town Hall – Charitable Trust

It was RESOLVED that the interim report from *The* Trust be welcomed and that thanks be expressed to the members of the trust for the work done so far.

It was RESOLVED that members of the Council meet with members of *the* Trust on 20th February 2006 at 7.00pm to discuss progress. Members were requested to advise the Clerk of any issues or items to be discussed at this meeting. The Clerk will relay these to the secretary of *the* trust in writing together with a request for any issues that *the* trust may wish to discuss with the Council to be advised to the Clerk.

117/06

118/06

119/0:

The meeting closed at 9.00 pm

132/06

133/06

134/06

135/06

136/06

137/06

138/06

139/06 Bakewell Town and Community Trust

Cllr. *Bold* having declared a prejudicial interest in this item left the chamber and stated that he wished to remain closely associated with the group and would hope to be the nominated representative of the Council to the trust.

C Sprint declared a prejudicial interest in this item left the chamber with regret

ADDITIONAL ITEMS

Council Representatives for the TMOG Working Group

Discussion took place as to if councillor *Sprint* should partake in this part of the agenda in view of the letter which had been read out by the clerk at the recent *TMOG* Meeting on 3rd July when councillor *Sprint* had taken advice from the Monitoring officer.

The clerk advised that this was council business and that councillor *Sprint* should stay in the room for the item.

The Mayor suggested that she should represent the council on the group and that councillor *Midland* had expressed a wish to be involved before he went on holiday.

It was proposed by *SLever* and seconded by *B Jones* that councillor *Midland* should represent the council on the discussion group. All Agreed.

Councillor *Bold* expressed a wish that he would like to represent the council as the third member of the group and this was proposed by *P Jones* and seconded by *Midland* that *Bold* should be the third representative.

The mayor proposed that *SLever* be the reserve member as agreed with the *TMOG* at last weeks meeting. This was seconded by *B Jones* with no other votes being cast in support.

Councillor *P Jones* then nominated herself to be the reserve member of the group. the mayor taking the decision at this point to leave the election of the reserve member of the group until the next full council meeting on the 24th July.

It was agreed that this should be the case.

Authorisation of cheques for payments

Town Clerk

Signed as a true record of events.....Mayor

11. Town Hall

It was confirmed that the councillors would met with the full team from BC&CT on 3rd July and that the meeting would be approached in order to achieve the way

forward with the project. The BC&CT planned to launch themselves at functions in September and the need to establish dialogue was vital.

Meeting closed at 21-15pm

Nettington TOWN HALL JOINT WORKING GROUP

Report of Meeting held on Tuesday, 5 September 2006

Present:

Nettington Town Council:
The Trust:

Cllrs: J Gold, Bold and Midland

Report back on Presentation of Report of First Meeting to Town Council

reported that they had been advised by their solicitor that the correct protocol was for the owner's solicitor to generate the draft lease for consideration. Cllr. Bold tabled a draft of the briefing for the solicitor. With minor amendments the Clerk would be asked to send this off when next in the office (7 September) after Cllr. Gold had had final sight of the document. The Council would seek to have the draft available for the Working Group's next meeting on 5 October. Cllr. Midland said that if the term of the lease was found to be insufficient with regard to major funding applications then this could be reviewed.

*
page 12
page 38
" 41
" 45
" 59

Cllr. Bold asked when it was likely that the Trust could take over the running of the Town Hall. It was generally agreed that this might be from the end of the present financial year. However, such an arrangement would be dependent on some funding being in place.

Nettington TOWN COUNCIL – BRIEF FOR PROPOSED TOWN HALL LEASE

Background

A Condition Survey was carried out by County Council surveyors in autumn 2003 which, together with the need to install a lift to comply with the Disability Act, identified costs of the order of £500,000 to bring the Town Hall up to modern standards.

In 2004 funding was obtained from PDNPA for a consultant to report on the future potential of the Town Hall. His report recommended transferring responsibility for the Hall to a Charity to be set up for the purpose. One of the reasons for his recommendation was that outside funding is more readily available to a charity than to a local authority.

The Town Council invited volunteers to form a Study Group. The Group reported back to the Council in October 2005, setting out management and business plans, anticipated sources of grant aid and an outline of the proposed Charity. The Council agreed in principle to the setting up of this Charity.

The Trust has been formed as a charitable company limited by guarantee. IAR is the Company Secretary. *D. Spint*, Cottage, is chairman.

The Town Council has provided £5,000 for startup costs + a further £5,000 agreed.

The Trust's business plan shows a need for substantial financial support from the Town Council over the first 5 years. This is partly justified on the basis of savings to be made in the Council's annual budget (The Town Hall is currently losing money and the charity would be exempt from business rates). While the Council has understood the need for financial support to the Trust over the first 5 years, no firm commitment has yet been given.

The Lease

The proposal is to grant the Trust a 25 year full-repairing lease. (Grant giving bodies tend to require 20/25 years).

There will be a need to agree continuing office space for the Town Clerk and use of the 'Council Chamber' for meetings at a favourable rent and for the Registrar at the rent negotiated with the County Council – 'office space' need not necessarily mean the spaces currently occupied. There is a need to sort out what commitment there would be to the Masons who have traditionally occupied one room in the Town Hall. Two other tenancies () are on short tenancies.

Nettington TOWN COUNCIL

7th October 2006

Memo to Councillors

I enclose for your information a copy of the brief provided to *XXX Solicitor* for the preparation of a lease from the Town Council to the Trust together with the response letter from *XXX*. She has provided a first draft of a lease based on a standard commercial format. Please let me know if you wish to see this early draft (which runs to 32 pages). I can either make an individual copy for you or you can borrow a copy from the office.

I am discussing the points that *XXX* makes with Councillors *Gold, Midland* *Bald* - who attend the joint working party meetings with Trust representatives..

Town clerk

In view of circumstances and on the advice of the Monitoring Officer, reaffirmation of the following resolutions is required.

Council are asked to reaffirm the following decisions

▪ **24th October 2005 – 89/05**

RESOLVED unanimously to accept the Study Group's proposal in principle to proceed with the Charitable Trust and to fund the group for up to £10,000 to enable progress of the next steps.

▪ **28th November 2005 – 111/05**

It was RESOLVED to accept the Trust as named: The Trust.

It was RESOLVED to pay a grant of £5,000.00 now and the balance of up to a further £5,000.00 when requested. The Clerk is to be given authority to release funds on request from the Trust supported by documentation.

It was RESOLVED to reaffirm Resolution 89/05 of 24th October 2005

It was RESOLVED to reaffirm Resolution 111/05 of 28th November 2005

Cllr [redacted] requested that votes on the following resolution be recorded:-

It was proposed by Cllr *Midland*, seconded by Cllr *Bent* and RESOLVED by a majority not to progress further with *Trust* until all outstanding concerns are satisfactorily answered.

For the proposal: Cllrs *Midland, Bent & Gold*

Against the proposal: Cllr *Jones*

Abstentions: Cllrs

It was RESOLVED that the Council undertake an independent review of the *Trust* proposal and business plan. The Clerk is to contact Mr [redacted], recently retired Corporate Services Director of [redacted] suggested by [redacted], to progress this review.

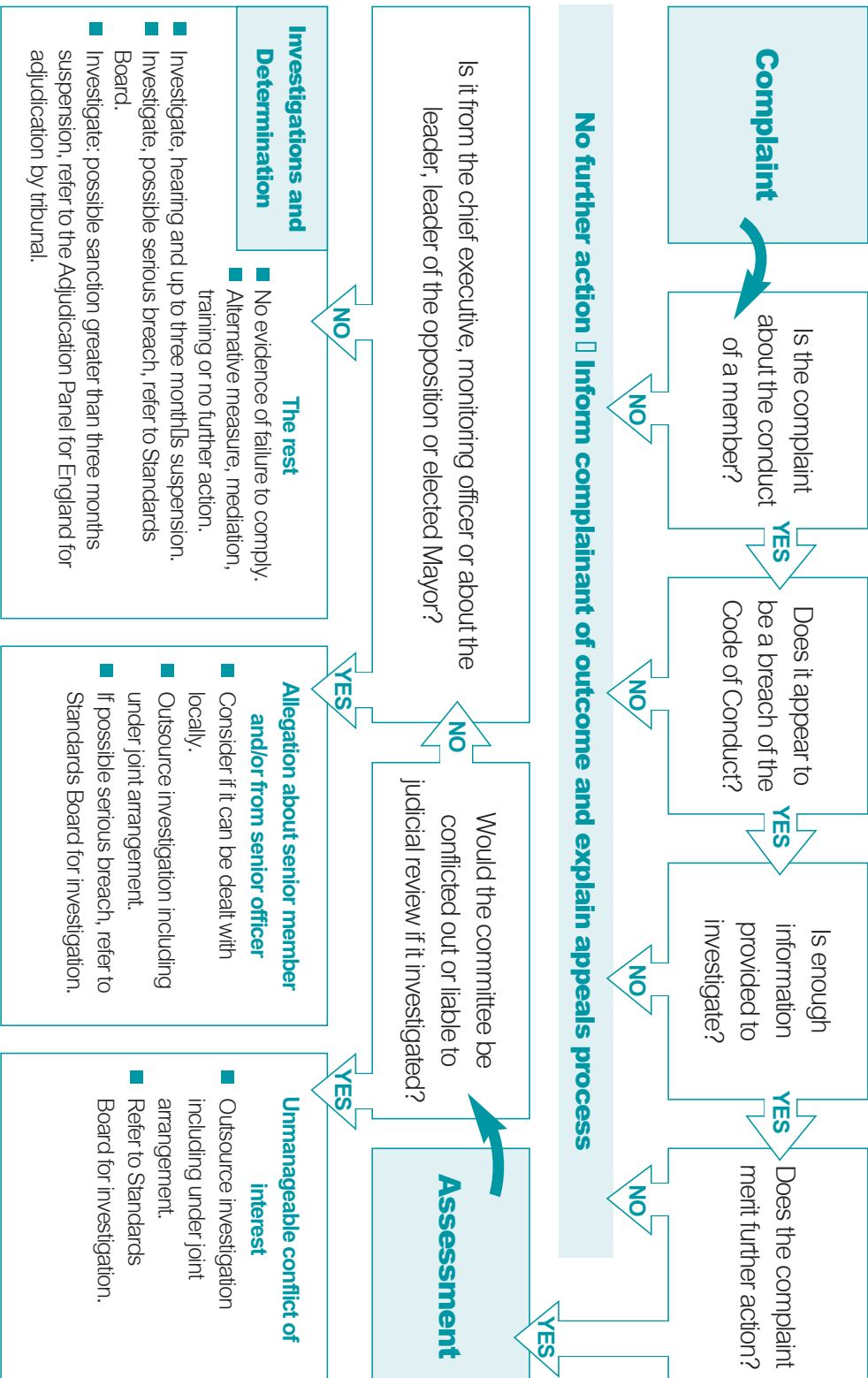
It was RESOLVED to hold a special meeting with BTCT to review progress so far.

140/05

1.

The meeting closed at 9.40 pm

Local assessment complaint handling chart



Contact us

If you have any questions about the exercise please contact our enquiries line on **0845 078 8181** or email enquiries@standardsboard.gov.uk.

Standards Committee – Overview of Complaints Procedure

Committee

<p><u>Assessment Sub-Committee</u></p> <ul style="list-style-type: none"> -Closed to press and public -3 Members from pool -Makes no Finding 	<p>→ <u>Review Sub-Committee</u></p> <ul style="list-style-type: none"> - Closed to press and public - 3 Members from pool (different to members of Assessment Sub-Cttee) - Makes no Finding 	<p><u>Hearing Sub-Committee</u></p> <ul style="list-style-type: none"> - Closed to press and public -3 Members from pool 	<p><u>Hearing Sub-Committee</u></p> <ul style="list-style-type: none"> - 'Need to know' applies - 3 Members from pool
---	---	--	---

Available Actions

<p>No further action if:</p> <ul style="list-style-type: none"> • complaint does not relate to conduct of member • complaint does not appear to be a breach of code • not enough information to investigate • complaint does not merit further action 	No further action	<p>Breach of Code →</p> <p>No breach of Code other actions (mediation, training etc) as appropriate</p>	<p>Breach of code –</p> <ul style="list-style-type: none"> • No further action • imposition of penalty, including training or mediation, and up to six months' suspension; • referral to Standards Board for England if possible serious breach • referral to Adjudication Panel for England to impose sanction greater than six months' suspension. <p>No breach of code – other actions (mediation, training etc) as appropriate</p>
	Other action mediation, training etc. Closes opportunity to investigate.		
	Local investigation of complaint →		
	Outsource investigation (joint arrangement) if relates to senior member and/or from senior officer		
	Referral to Standards Board for England		
Other action: mediation, training etc. Closes opportunity to investigate.			
Local investigation of complaint - Monitoring Officer to investigate and produce report		→ Breach of Code →	
Outsource investigation (joint arrangement) if relates to senior member and/or from senior officer		No breach of Code	
Referral to Standards Board for England			

Within 20 Days from receipt of complaint

Within 20 Days of receipt of appeal

Within three months of monitoring officer's report

Actions Going Forward