

Report to Local Councils' Liaison Committee

Date of meeting: 15 July 2009



**Epping Forest
District Council**

Subject: Complaints Against Parish Councillors Alleging Breaches of the Code of Conduct

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Recommendations:

- (1) To note the relevant sections of the 2008/9 Annual Report of the Epping Forest District Standards Committee as set out in this report; and**
- (2) To seek ideas from Parish and Town Councils as to how the current situation can be addressed.**

Report:

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1. The Standards Committee's Annual Report for 2008/9 was submitted to the District Council on 30 June 2009. This is therefore an opportune moment to draw to the Liaison Committee's attention some of the conclusions drawn in that report concerning complaints against Councillors alleging breaches of the Code of Conduct received during the year 2008/9.
 2. At paragraphs 5.13 - 5.16, the Committee comments:
"5.13 We draw to the attention of Council the following points:
 - (a) of the 13 complaints, four have been investigated or are due to be investigated;**
 - (b) of the four investigations, two have been completed and adjudications held;**
 - (c) of the remaining two investigations, one has been completed and is due to be submitted to an Adjudication Sub-Committee while the other investigation is due to commence shortly;**
 - (d) of the nine complaints where an initial assessment resulted in a finding of 'no investigation', four have subsequently been the subject of requests for reviews by complainants;**
 - (e) of those four requests for reviews, one was successful and has resulted in an investigation, one is pending and two were unsuccessful;**
 - (f) of the 13 complaints, three related to District Councillors and 10 to Parish and Town Councils;**
 - (g) of the 10 complaints against Parish and Town Councils, eight related to**

two Parish Councils;

(h) of the 10 Parish Council complaints, all were by one Parish Councillor against another.

5.14 We have drawn a number of conclusions from these statistics. Firstly, the number of complaints having been at a low level for many months has suddenly jumped to the present totals. Bearing in mind the preponderance of cases which emanate from two Parish Councils, it seems to us that there could be circumstances of those two Parish Councils, which might explain the current level of complaints. There may be a trend towards Councillors attempting to use the Code of Conduct rather than trying to resolve complaints internally. There is no doubt in our minds that the number of complaints currently being received is placing a strain on the Council's staffing resources to meet the statutory requirements.

5.15 On the question of "member on member" complaints, we had occasion in one case to refer a complaint to the Standards Board for England. This is an option which is available to Standards Committees in particular circumstances where for a variety of reasons it is unlikely that an investigation can be effectively carried out at a local level. In the case in question, the Standards Board for England decided that no investigation was necessary following their initial assessment. The Standards Board for England made one or two pertinent comments about "member on member" complaints which we reproduce below:

"In the course of their duties members are likely to encounter occasional ill-considered or rude commentary. We (the Standards Board for England) agree that this is inappropriate and unprofessional and on occasions may amount to a potential breach of the Code of Conduct which requires members to treat others with respect.

However, we also consider that the threshold for alleged "member on member" disrespect is higher than disrespect towards the public or officers. Elected members' responsibilities are chiefly to serve their community and not to invest time in personal disputes".

5.16 The Monitoring Officer has reported these comments to us at a recent meeting and we feel that they fully justify the robust approach being taken by Assessments Sub-Committees in the initial assessment of complaints. It is worth bearing in mind that of those complaints with which we have had to deal over the last year only three came from members of the public. These are related to District Councillors."

3. At paragraphs 8.1 - 8.4, the Committee observes:

"8.1 We have already mentioned in this report the effect of the new complaints regime on staffing resources. All of this additional work has been absorbed by certain key officers of the Council without additional staff. It is also fair to say that the members of the Standards Committee have also incurred a substantial additional workload in terms of their involvement in the complaints process. We will be monitoring carefully the support we need to fulfil our statutory roles.

8.2 We have also been thinking about the cost of our activities in other ways. We have asked that in future when investigations are conducted in house (usually by the Deputy Monitoring Officer) that he should operate a system of time recording so that a notional cost of these investigations can be arrived at. This is merely an extension of what has to happen in some cases

when external investigators are engaged.

8.3 In 2008/09 it was clear that there was no officer in house who could undertake two investigations because at various times all had been involved in discussions which had led to the complaint. An external investigator was engaged by the Council at a cost of £2,400 to complete the review. One other investigation is now being referred for external investigation and the costs quoted are higher. The current working budget which we have at our disposal is £5,400. This covers not only the cost of external investigators but also training courses.

8.4 There are two points which arise here:

(a) we seek the cost of external investigations and the likely cost of internal investigations as every justification for a very robust approach which the Assessments Sub-Committee is now taking to complaints; and

(b) that if the number of complaints received continues at the current rate, there is every likelihood that the Monitoring Officer will have to come forward with a request for additional funding in order that the Council can discharge its statutory responsibilities."

4. To amplify the comments made under 8.4 (b), the Committee's budget is £5,000 for 2009/10 and this is already full committed at month 3 of the financial year. All such investigations are costly.
5. There is a clear impression among District Council staff that complaints against Councillors by other Councillors can be a symptom of other problems and that there is a challenge here to find the correct way of resolving difficulties within Parish Councils. Are complaints under the code of conduct the answer? Are the Essex and National Associations of Local Councils able to intervene with training or conciliation if there are difficulties? Is the Standards Committee to direct that such steps are taken?