

Standards Committee – 18 January 2011 – Analysis of Complaints

<u>Ref No</u>	<u>Subject Member</u> DC = District Councillor PC = Parish/Town Councillor	<u>Complainant(s)</u>	<u>Allegations</u> <u>(See key for Sections of Code of Conduct)</u>	<u>Outcome</u>
EFDC 1-2008 (related to EFDC 3 – 2008)	DC	Member of the Public	2(1)(b) 3(1) 3(2)(b) 5	Assessments Sub-Committee referred for investigation Report of Investigating Officer referred to Hearings Sub-Committee. Hearings Sub-Committee determined insufficient evidence to substantiate a breach.
EFDC 2-2008	DC	Member of the Public	3(1)	Assessments Sub-Committee determined no further action as (a) incidents took place at a time when the Councillor concerned was not a district councillor; and (b) no evidence of Councillor concerned acting in an official capacity. Review requested – Reviews Sub-Committee determined no action as (a) some incidents arose prior to member being elected; (b) some incidents may have arisen after the member was elected but the evidence was not clear; (c) no evidence of Councillor acting in an official capacity.
EFDC 3 – 2008 (related to EFDC 1 – 2008)	DC	Members of the Public	2(1)(b) 3(1) 3(2) (b) 5 6 (a)	Assessments Sub-Committee referred for investigation. Report of Investigating Officer referred to Hearings Sub-Committee. Hearings Sub-Committee determined insufficient evidence to substantiate breach.

EFDC 4 – 2008	PC	Member of the Public	3 (1) 5	<p>Assessments Sub-Committee referred for investigation. Report of Investigating Officer referred to Hearings Sub-Committee.</p> <p>Hearings Sub-Committee found breach of 3(1) – censured member, requested apology to complainant and requirement to attend training. Subject member appealed the decision to the national Adjudication Panel - found breach of 3(1) and 5 and in addition to apology and training increased sanctions to three month suspension.</p>
EFDC 5-2008	PC	Councillor of same authority	3(1)(b)	Assessments Sub-Committee determined no further action as (a) relatively minor issue; (b) lack of evidence.
EFDC1-2009 (related to EFDC 5 – 2009)	PCs	Member of the Public	8(1)(b) 10(1) 12(1) (a)	Assessments Sub-Committee referred complaint about one Councillor for investigation and determined no further action in respect of others as lack of prima facie evidence and information and relatively minor matter. Report of Investigating Officer referred to Hearings Sub-Committee. Hearings Sub-Committee found failure to comply with 5 and 12 but imposed no sanction.
EFDC 2-2009	PC	Councillor of same authority	3(1)	Assessments Sub-Committee referred to Standards for England.

EFDC 3-2009	PC	Councillor of some authority	3(2)(b) 12 (1) (c)	<p>Assessments Sub-Committee decided no further action as (a) relatively minor issue and (b) lack of prima facie evidence</p> <p>Review requested. Reviews Sub-Committee referred for investigation. Report of Investigating Officer referred to Hearings Sub-Committee Hearings Sub-Committee found breach of 3(1) and 12(1)(c) and required apology to complainant and extra training.</p>
EFDC 4-2009	PC	Councillor of same authority	9 10	<p>Assessments Sub-Committee decided no further action as (a) relatively minor issue (b) lack of prima facie evidence. Review requested. Reviews Sub-Committee decided no further action as (a) relatively minor matter (b) lack of prima facie evidence.</p>
EFDC 5 – 2009 (related to EFDC 1-2009)	PC	Councillors of same authority	10(1) 12(1)(a)	<p>Assessments Sub-Committee determined no further action as (a) one issue already subject to investigation (b) insufficient evidence. Review requested. Reviews Sub-Committee referred parts of the complaint for investigation. Report of Investigating Officer referred to Hearings Sub-Committee. Hearings Sub-Committee found failure to comply with 5 and 12 but imposed no sanction.</p>
EFDC 6-2009	PC	Councillor of same authority	3(1) 3(2)(b)	<p>Assessments Sub-Committee referred to Standards for England.</p>
EFDC 7-2009	DC	Member of the public	6(a)	<p>Assessments Sub-Committee determined no further action as lack of third party evidence submitted amounting to prima facie evidence.</p>

EFDC 8-2009	PCs	Councillor of same authority	3(1) 5 7(1) (b)	Assessment Sub-Committee referred to Standards for England
EFDC 9-2009	DC	Member of the Public	2(1)(b) 6(a)	Assessments Sub-Committee referred for investigation. Investigating Officer's report to be considered by Assessments Sub-Committee on 10 January 2011.
EFDC 10-2009	DC	Member of same authority	2(1)(b) 3 (1) 5	Assessments Sub-Committee referred for investigation. Assessments Sub-Committee accepted Investigating Officer's finding of no failure to observe Code.
EFDC 1 -2010	DC	Officer of same authority	6(a)	Assessments Sub-Committee referred for investigation in part. Report of Investigating Officer referred to Hearings Sub-Committee Hearings Sub-Committee to consider on 25 January 2011.
EFDC 2-2010	DC	Member of the Public	6(a)	Assessments Sub-Committee determined no further action as not serious enough to warrant investigation. Review requested. Reviews Sub-Committee determined no further action as (a) not serious enough to warrant investigation (b) member no longer a Councillor.
EFDC 3-2010	PC	Councillor of same authority	3(1) 2(a) 2(b)	Assessments Sub-Committee determined no further action as (a) not serious enough to warrant investigation (b) investigation would serve no useful purpose. Review requested. Reviews Sub-Committee determined prima facie evidence of breach of 3(1) but not serious enough to warrant an investigation – members requested to undertake training and mediation.

EFDC 4-2010	PC	Member of the Public	3(1) 3(2)(b)	Assessments Sub-Committee referred for investigation in part (3(1)). Assessments Sub-Committee accepted Investigating Officer's findings of no failure to observe Code.
EFDC 5 – 2010	PC	Councillor of same authority	8 10	Assessments Sub-Committee determined no further action as (a) insufficient evidence (b) relatively minor issue.
EFDC 6- 2010	DCs	Member of the Public	5 10(1) 12(1)(a)	Assessments Sub-Committee determined no further action as (a) not serious enough to warrant investigation (b) lack of evidence. Review requested – to be considered by Reviews Sub-Committee on 10 January 2011.

Key

Sections of the Code of Conduct

- 3(1) You must treat others with respect
- 3(2)(a) You must not do anything to breach equality enactments
- 3(2)(b) You must not bully any person
- 3(2)(c) You must not intimidate etc any person
- 4 You must not disclose information given in confidence
- 5 You must not conduct yourself in a manner which could be regarded as bringing office or authority into disrepute.
- 6 (a) You must not use position improperly to gain advantage/disadvantage
- 6 (b) You must use resources of authority correctively
- 9 Disclosure of personal interests
- 10 Prejudicial interests
- 12 Effect of prejudicial interests

Summary of Cases

Number received – 21 (10 complaints were made by other councillors, 10 by members of the public and 1 by a District Council officer)

Number relating to District Councillors – 9

Number relating to Parish/Town Councillors – 12

Number where Assessments Sub-Committee determined no further action – 10 plus 1 in part

Number of Reviews requested – 6

Number of cases to Hearings – 5 plus 1 in part (1 of which yet to be held)

- Outcome of Hearings –
- (1) Insufficient evidence to substantiate breach
 - (2) Insufficient evidence to substantiate breach
 - (3) Breach of 3(1) Apology/training – plus 3 month suspension following appeal which found breach of 3(1) and 5
 - (4) (Part) Breach of 5 and 12 but no sanction
 - (5) Breach of 3(1) and 12(1)(e) – apology/training
 - (6) To be held