

LOCAL INVESTIGATIONS AND DETERMINATIONS

1 SUMMARY

- 1.1 This report details hearings since May 2008 and seeks Members' views on the level of information required and how this is to be reported to future meetings.

2 INTRODUCTION

- 2.1 There have been three complaints concerning Councillors since full responsibility for local investigation and determination was transferred to the Standards Committee. A summary of these is attached at Appendix 1. Each complaint has been considered by an Assessment Sub-Committee although none have led to a formal hearing.
- 2.2 Because of their nature, only a brief note of each Sub-Committee has been published. These are attached at Appendix 2 for information. A more detailed and formal decision notice is agreed by the Sub-Committee, signed by the Chairman and given to the parties concerned following each hearing.
- 2.3 Also, a note of the number of complaints received and outcomes is provided through an on-line electronic system on a quarterly basis to Standards for England.

3 FUTURE REPORTS

- 3.1 Members' views are sought on a proposal:-
- (a) to provide an annual summary in the form of Appendix 1 at the last meeting of the Standards Committee in each municipal year.
 - (b) to include a copy of the note of any Sub-Committee meeting on the agenda of the following Standards Committee.
 - (c) what further information, if any, Members would find useful.

4 RECOMMENDATION

- 4.1 It is proposed that the Committee **RESOLVES** to determine the information it requires with regard to local investigation and determination hearings.

John Honey

Corporate Director (Internal Services)

Background Papers:-

None

For further information please contact John Honey on:-

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**ROCHFORD DISTRICT COUNCIL STANDARDS COMMITTEE
LOCAL INVESTIGATIONS / DETERMINATIONS**

8 May 2008 – to – 31 August 2009

| Case No. | Date Received | Complaint against District or Parish Councillor | Relevant Section(s) of the Code of Conduct | Date of Assessment Sub-Committee Meeting | Decision of Assessment Sub Committee | Date of Monitoring Officer's Report to Assessment Sub Committee | Decision | Review Requested |
|-----------------|----------------------|--|---|---|--|--|---|-------------------------|
| RDC 1 | 17 July 2008 | District | <p><u>Para 8</u> (1) You have a personal interest in any business of your Authority where ... (b) a decision in relation to that business that might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of (iii) other Council Tax payers, ratepayers or inhabitants of your Authority's area.</p> <p><u>Para 10</u> (1) Subject to sub-paragraph (2), where you have a personal interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to</p> | 5 August 2008 | Referred to Monitoring Officer for investigation | 4 September 2008 | Monitoring Officer's finding of no failure accepted | No |

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|-------|-----------------|----------|--|-----------------|--|-----|-----|-----|
| | | | <p>prejudice your judgement of the public interest. (2) You do not have a prejudicial interest in any business of the Authority where that business:- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8.</p> <p><u>Para 12</u> (1) ... where you have a prejudicial interest in any business of your Authority ... (c) you must not seek improperly to influence a decision about that business</p> | | | | | |
| RDC 2 | 6 November 2009 | Parish | <p><u>Para 5</u> You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.</p> <p><u>Para 6(a)</u> You must not use your position as a member to improperly confer on or secure for yourself or any other person, an advantage or disadvantage</p> | 8 December 2008 | Not sufficiently serious to warrant action. No action to be taken | N/A | N/A | N/A |
| RDC 3 | 13 July 2009 | District | <p><u>Para 2(1)</u> You must comply with the code whenever you: (a) conduct the business of your authority (which in this code includes the business of the office to which you are elected or appointed); or</p> | 29 July 2009 | <p>No action to be taken on allegation</p> <p>Monitoring Officer to make</p> | N/A | N/A | N/A |

| | | | | | | | | |
|--|--|---|--|--|--|--|--|--|
| | | <p>(b) act, claim to act or give the impression you are acting as a representative of your Authority, and reference to your official capacity are construed accordingly.</p> <p><u>Para 2(2)</u> Subject to sub-paragraphs (3) and (4), this code does not have effect in relation to your conduct other than where it is in your official capacity.</p> <p><u>Para 3(1)</u> You must treat others with respect.</p> <p><u>Para 5</u> You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.</p> | | <p>arrangement for appropriate training, in the next training cycle, to raise the awareness of all councillors of the ethical issues arising out of the use of websites for council matters.</p> | | | | |
| | | | | | | | | |

STANDARDS COMMITTEE - ROCHFORD DISTRICT COUNCIL**Assessment Sub-Committee – 10 September 2008**

Summary of Decision made by the Assessment Sub-Committee held on **10 September 2008** when there were present:

MEMBERS

| | | |
|----------------------|---|--|
| Mr. Stanley Shadbolt | - | Independent Co-opted Member (Chairman) |
| Cllr. P.I Beckers | - | Parish Representative |
| Cllr. P.A. Capon | - | Rochford District Council |
| Cllr. M.J. Steptoe | - | Rochford District Council |

OFFICERS

| | | |
|-------------|---|--|
| J . Honey | – | Corporate Director (Internal Services) |
| D. Britnell | – | Personal Assistant |

Complaint – No. RDC1

On 5 August 2008 the Assessment Sub-Committee of this authority referred the matter to the Monitoring Officer for investigation.

On 10 September 2008 the Assessment Sub-Committee of this authority considered the final report of the Monitoring Officer.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee of Rochford District Council's Standards Committee decided to accept the Monitoring Officer's finding of no failure.

A full Decision Notice, including details of Right of Review, was sent to:-

- The member who is the subject of the finding of no failure;
- The person who made the allegation that gave rise to the investigation.

The meeting commenced at 5.35 pm and closed at 5.55 pm.

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STANDARDS COMMITTEE - ROCHFORD DISTRICT COUNCIL

Assessment Sub-Committee – 8 December 2008

Summary of Assessment Sub-Committee held at 14:30 on **8 December 2008**
when there were present:

MEMBERS

| | | |
|-------------------------|---|--|
| Mr. M. G. Drage | - | Independent Co-opted Member (Chairman) |
| Cllr. Mrs. D. Constable | - | Parish Representative |
| Cllr. C. I. Black | - | Rochford District Council |

OFFICERS

J. Honey – Corporate Director (Internal Services)

Complaint – No. RDC2

Under its Terms of Reference and Procedures Rules, the Assessment Sub-Committee verified validity of the complaint under review.

The information available concerning a potential breach of the Code of Conduct was considered and it was agreed that on balance the matter was not sufficiently serious to warrant any action.

Resolved: That no action be taken.

The meeting closed at 15:20

Chairman

Date

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STANDARDS COMMITTEE – ROCHFORD DISTRICT COUNCIL**Assessment Sub-Committee – 29 July 2009**

Summary of Assessment Sub-Committee held at 14:30 on 29 July 2009, in Room 4, Civic Suite, Rayleigh, when there were present:

MEMBERS

| | | |
|-------------------|---|--|
| Mr D Cottis | - | Independent Co-opted Member |
| Cllr D Merrick | - | Rochford District Council Elected Member |
| Cllr Mrs L Vingoe | - | Parish Representative |
| Mrs L Walker | - | Independent Co-opted Member (Chairman) |

OFFICERS

| | | |
|------------|---|--|
| Mr J Honey | - | Corporate Director (Internal Services) |
|------------|---|--|

Complaint No. RDC3

Under its Terms of Reference and Procedure Rules, the Assessment Sub-Committee verified validity of the complaint under review.

The information available concerning a potential breach of the Code of Conduct was considered and it was agreed that:

- (a) no action should be taken on the allegation
- (b) the Monitoring Officer should make arrangements for appropriate training, in the next training cycle, to raise the awareness of all councillors of the ethical issues arising out of the use of websites for council matters.

Signed

Date

Mrs Lynda Walker
Chairman of the Assessment Sub-Committee
Standards Committee
Rochford District Council

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