




Ethical Standards and Member Development Committee

9 March 2018

Subject:	National Cases
Director: 	Director - Monitoring Officer - Surjit Tour
Contribution towards Vision 2030: 	
Contact Officer(s):	Trisha Newton Principal Democratic Services Officer Trisha_newton@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Ethical Standards and Member Development Committee:

1. note the contents of the report and the case at Appendix 1 and consider any issues for the Council.

1 PURPOSE OF THE REPORT

- 1.1 Within its terms of reference, the Ethical Standards and Member Development Committee has a duty to promote high ethical standards amongst Members. As well as complying with legislation and guidance, the Committee will need to demonstrate learning from issues arising from local investigations and case law. Furthermore it is advisable for the Committee to be kept informed of any particularly notable cases which are publicised as they may also add to learning at the local level.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services.

3 STRATEGIC RESOURCE IMPLICATIONS

3.1 There are no resource implications arising from this report.

4 LEGAL AND GOVERNANCE CONSIDERATIONS

4.1 By considering national cases of significance the Ethical Standards and Member Development Committee will be better informed and placed to discharge its duty to promote high ethical standards.

Surjit Tour
Director – Monitoring Officer

Councillor found to be in breach of the Code of Conduct – Oakham Town Council

Complaints submitted against Oakham Town Councillor in respect of incidents that occurred during July and August 2016 were dealt with under Rutland County Council's Arrangements for Dealing with Conduct Allegations. The initial assessment of the complaints concluded that a full investigation was required.

Three complaints were assessed as requiring detailed investigation, one of which was received as a collective complaint from other Members of the Town Council and two members of staff.

The complaints were categorised into four specific areas:

- (i) Showing disrespect for a Town Council employee and behaving in a bullying and intimidatory manner;
- (ii) Disruption at meetings;
- (iii) Publication of confidential information; and
- (iv) Damage to a Town Council noticeboard

The investigation found that during incidents that in July and August 2016 the Councillor failed to treat the Assistant Clerk with respect and therefore breached the Code.

It was alleged that the Councillor had disrupted the Oakham Town Council meetings in July and August 2016. The investigation found that these meetings were temporarily adjourned and relocated, but that the threshold for disruption to constitute disrespect was not reached therefore there was no breach of the Code.

It was also found that on two occasions the Councillor published confidential information on his blog, thereby breaching the Code.

In respect of allegations that the Councillor caused damage to a noticeboard and brought Oakham Town Council into disrepute; this was outside the scope of the Code of Conduct and could not be considered.

In conclusion, it was evident from the investigation that the Councillor had breached two paragraphs of the Council's Code of Conduct and that his behaviour had fallen short of that expected of an elected member.

The sanctions recommended to the Council were:-

1. A formal letter should be issued to the Councillor;
2. the Councillor should be formally censured;

The decision notice stated that all Councillors had an individual and collective responsibility to act in the best interests of the town and ensure that the Council was effectively managed. For these reasons it was recommended to the Town Council that that it took part in a conciliation process involving the Councillor.

Taken from the Decision Notice dated 9th August 2017 prepared by the Monitoring Officer for Rutland County Council