

EAST HERTS COUNCIL

STANDARDS COMMITTEE -1 April 2009

REPORT BY THE MONITORING OFFICER

10. COMPLAINT IN RESPECT OF A DISTRICT COUNCILLOR - REFERENCE EHDC/01/2008

---

'D' RECOMMENDATION - that

1.0 Purpose/Summary of Report

1.1 To consider a complaint in respect of Councillor M Alexander, a Member of East Herts Council.

2.0 Contribution to the Council's Corporate Objectives

Fit for purpose, services fit for you. Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.

3.0 Background

3.1 The Committee will consider whether the matters to be considered appear to disclose exempt or confidential information under the provisions of Schedule 12A of the Local Government Act 1972 as amended by the Standards Committee (England) Order 2008. The categories are set out at Appendix 'A10' (pages 10.4 – 10.6).

3.2 Consideration of the complaint

3.3 The Committee will consider the Investigator's report and make one of the following findings:

- a) that it accepts the findings of no failure to comply with the code of conduct;
- 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 for determination.

#### 4.0 The complaint

- 4.1 The complaint is that Councillor Alexander attended a site meeting with reference to a planning application which the complainant felt breached the Council's Members' Planning Code of Good Practice. At subsequent Council meetings Councillor Alexander was asked to give an assurance that he had not heard any representations during site visits in the past year from applicants or interested third parties without an officer of the Council being present. This response led the complainant to believe that Councillor Alexander's conduct represented a breach of the Members' Code of Conduct in that it 'could reasonably be construed as bringing a Member's office or authority in to disrepute.'
- 4.2 Councillor Alexander has been invited to attend and has indicated that he does intend to attend the meeting.
- 4.3 In order to assist the Committee, the sanctions available to the Standards Committee and the Adjudication Panel for England if there is a failure to comply with the Code of Conduct are at Appendix 'B10' (pages 10.7 – 10.8).
- 4.4 The report of the monitoring officer provides further information. Please find attached the Investigator's report at Appendix 'C10' (pages 10.9 – 10.20)

[Accompanying evidence has already been provided to the Standards Committee which supports the Investigating Officer's findings of fact.]

#### 5.0 Consultation

5.1 None.

#### 6.0 Legal Implications

6.1 The procedures are in accordance with the regulations.

#### 7.0 Financial Implications

7.1 None.

#### 8.0 Human Resource Implications

8.1 None.

#### 9.0 Risk Management Implications

9.1 The case should be determined in accordance with the regulations having regard to the relevant guidance.

Background Papers

None

Contact Officer: Simon Drinkwater – Director of Neighbourhood  
Services/Monitoring Officer - ext 1405