

EAST HERTS COUNCIL

STANDARDS COMMITTEE – 8 SEPTEMBER 2010

REPORT BY THE MONITORING OFFICER

7. COMPLAINT IN RESPECT OF A COUNCILLOR,
REFERENCE EHDC01/10

Purpose/Summary of Report

- To hear a complaint in respect of Councillor M. Tindale, a Member of East Herts Council.

RECOMMENDATION:

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1.0 Background

1.1 The Committee previously agreed a procedure for considering complaints - **Essential Reference Paper 'B'**.

1.2 The Committee will conduct a hearing concerning allegations made about Councillor Tindale and make one of the following findings:

- a) that the Member had not failed to comply with the Council's code of conduct;
- b) that the Member had failed to comply with the Council's code of conduct but that no action needs to be taken in respect of the matters considered at the hearing; or
- c) that the Member had failed to comply with the Council's code of conduct and that a sanction should be imposed.

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

2.0 The complaint

2.1 Details of the complaint are set out in the Investigating Officer's report **Essential Reference Paper 'C'**.

3.0 Pre-Hearing

3.1 In preparation for this hearing, Councillor Tindale has been provided with a copy of the Investigating Officer's report. In order to attempt to simplify the hearing process and identify those matters which are agreed, Councillor Tindale has been requested to identify any points of disagreement relating to the findings of fact. Councillor Tindale was also asked if he wished additional evidence to be considered and if there were any representations to be taken into account if he is found to have breached the code of conduct.

3.2 Councillor Tindale has not disputed the findings of fact nor does he wish to submit any additional evidence or make any representations or call any witnesses.

3.3 The complainant has made submissions which can be found in **Essential Reference Paper 'D'**.

4.0 Hearing

4.1 The issues for the Committee to determine are:

- a) the material facts;
- b) whether on the facts, Councillor Tindale has breached the code of conduct;
- c) if the Committee finds that there has been a breach of the code of conduct, what action, if any, should be taken in relation to Councillor Tindale;
- d) whether any recommendations should be made to the Council.

4.2 The Investigating Officer will present his report to the Committee. Councillor Tindale will represent himself. The complainant has been asked to attend as a witness.

4.3 Categories of exempt information are included to assist Members are detailed at **Essential Reference Paper 'E'** and details of sanctions for local investigations are contained in **Essential Reference Paper 'F'**.

5.0 Implications/Consultations

5.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers:

None

Contact Officer: Simon Drinkwater – Monitoring Officer – ext 1405

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ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/Objectives:	Fit for purpose, services fit for you. <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation</i>
Consultation:	None
Legal:	The procedures are in accordance with the regulations.
Financial:	None.
Human Resource:	None
Risk Management:	The case should be determined in accordance with the regulations having regard to the relevant guidance.