

EAST HERTS COUNCIL

STANDARDS SUB-COMMITTEE – 25 APRIL 2016

REPORT BY MONITORING OFFICER

COMPLAINT IN RESPECT OF MUCH HADHAM PARISH
COUNCILLORS P TAYLOR AND I HUNT

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To consider a complaint in respect of Much Hadham Parish Councillors P Taylor and I Hunt

RECOMMENDATIONS FOR STANDARDS SUB-COMMITTEE:

That:

(A)	Members determine whether the complaint should be referred for investigation
------------	---

1 Background

1.1 The Monitoring Officer has received a complaint by Anthony Baxter alleging that Much Hadham Parish Councillors P Taylor and I Hunt have breached the Code of Conduct of Much Hadham Parish Council.

2 Report

2.1 East Herts District Council under the Local Government Act 2000 is the responsible authority for the investigation of complaints in relation to an alleged breach of a Parish Council Code of Conduct within the authority area. The Council has agreed a procedure for considering complaints. In accordance with that procedure, the Sub-Committee will consider the complaint and decide what action to take.

2.2 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally without the need for a formal

investigation. Having consulted the Independent Person, it is not considered that the complaint can be resolved informally.

2.3 Complaints are considered in accordance with the Standards Complaints Procedure and assessment criteria set out in Appendix 2 of the Complaints Procedure (**Essential Reference Paper C** earlier in the agenda).

2.4 This contains a number of criteria as set out in the attached flow chart to help members to determine whether it is appropriate to refer the complaint for investigation. To assist Members in their deliberations the Monitoring Officer has set out how the information available applies to the criteria.

3.0 Analysis

3.1 The Members concerned at the time of writing are believed to be members of Much Hadham Parish Council.

3.2 The allegations state that the Members have carried out the alleged breaches in their roles on the parish council.

3.3 There are a number of factors which can help to determine the public interest including amongst other things whether investigation will help to resolve the matter; what the likely cost of investigation is and whether the benefit of investigation to the residents of Much Hadham warrants the expenditure in this case.

3.4 There is no direct evidence that Councillors Hunt and Taylor prevented material from being placed on the website, but there are facts cited which are relevant to this point.

3.5 The complaint is not out of time.

3.6 The complaint relates to new circumstances and is not substantially the same.

3.7 The complaint is not anonymous.

3.8 The member has not apologised as far as the Monitoring Officer is aware.

3.9 The complainant has cited Openness and Honesty and withholding publication of information as the relevant paragraphs of the Code. Preventing the publication of information which

ought to be made publicly available is capable of being a breach of the Code.

3.10 Members are therefore invited to focus consideration on whether it is in the public interest to investigate this matter; whether there is sufficient evidence that the Councillors cited were responsible for the matters alleged and whether if proven the circumstances of this particular case are capable of being a breach of the code of conduct.

4.0 The Complaints

4.1 The complaint is set out in the complaint form and accompanying documents that form **Essential Reference Paper B**

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'** earlier in the agenda.

Background Papers

None

Contact Officer: Catherine Whitehead – Interim Head of Legal and Democratic Services, Tel - 01992 531514
catherine.whitehead@eastherts.gov.uk