

EAST HERTS COUNCIL

STANDARDS SUB-COMMITTEE – 25 APRIL 2016

REPORT BY MONITORING OFFICER

COMPLAINT IN RESPECT OF FORMER PARISH COUNCILLORS
BANNERMAN AND BAXTER

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To consider the action taken by the Monitoring Officer in respect of complaints against (now former) Parish Councillors of Much Hadham Parish Council S Bannerman and A Baxter.

RECOMMENDATIONS FOR STANDARDS SUB-COMMITTEE:

That:

(A)	Members note the decision of the Monitoring Officer not to refer this matter to hearing before the sub-committee.
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1 Background

1.1 The Monitoring Officer has received complaints alleging that former Parish Councillors S Bannerman and A Baxter had breached the Code of Conduct of Much Hadham Parish Council. The complaints were referred for investigation and the investigation report has been completed. Having considered the reports and discussed with the independent person the Monitoring Officer has concluded that it is not in the public interest to take any further action in relation to this matter.

2 Report

2.1 Under the Local Government Act 2000 (as amended) the Council 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 and this complaint has been considered in accordance with that procedure.

- 2.2 Following the initial decision of the Sub-Committee the complaint was referred for investigation and a solicitor from North Herts District Council was appointed to conduct the investigation.
- 2.3 The investigating officer has completed her enquiries shared her findings with the complainant and the Members complained of and has produced her report for consideration which is included as **Essential Reference Paper D**.
- 2.4 Under the procedure the Monitoring Officer will review the report and will then either send the matter for hearing before the Standards Sub-committee or in consultation with the independent person and the complainant seek an information resolution.
- 2.5 In the facts of this particular case the parish councillors are no longer parish councillors having resigned from the parish council. Furthermore the complaints investigation has only considered that there is one matter in which there is an apparent case to answer. The one matter is not sufficiently serious particularly given the want of remedies available to the committee, to warrant a full hearing. Furthermore the remedies which have been identified by the investigation officer suggest that the primary action should be to refer certain issues to the Parish Council.
- 2.6 The Monitoring Officer has consulted the complainant who has indicated that she has no objection to the matter being dealt with informally. The Independent Person has also been consulted and has indicated his support for an informal approach.
- 2.7 The Monitoring Officer has therefore decided to not to hold a sub-committee hearing and to resolve this matter informally by referring the issues outlined to the Parish Council and in particular to ensure that the Parish Council ensures that the Code of Conduct appears on the website (at the time of this report on the page entitled Code of Conduct it says 'details coming soon'). Members are requested to note the decision of the Monitoring Officer.

3.0 The Complaints

- 3.1 The complaint is set out in the Investigator's report.

4.0 Implications/Consultations

- 4.1 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

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