

Meeting:	Standards Committee
Date:	17 January 2011
Title:	Allegations made against Councillors
Author:	Monitoring Officer
Action:	For Information

1. Background.

The purpose of this report is to inform members of the developments since my previous report regarding allegations against councillors. The report is based on the information received from the Ombudsman.

2. Decisions.

2.1 Cases 2665/201001203, 201001355 - 1356

Complaints against three members of the same town council by a fellow councillor:

- Failure to provide specific information to all members of the council. The Ombudsman did not find any evidence of a breach of the code.
- Inadequate minutes and failure to inform all members of the council of a particular event. These were matters for the clerk, and the code of conduct was not applicable.
- Decision made without the agreement of the council. No evidence that the councillor was part of that decision.
- One of the councillors had prevented the complainant from asking questions in a meeting of the council. The councillor replied that she had replied to all questions apart from those the Monitoring Officer had advised her not to. No evidence of breach of the code.

Decision - not to investigate the complaints.

2.2 Case 201001386

A complaint by a member of the public that a councillor had shouted at her in a meeting saying "will you be quiet" and did not apologise for this. The councillor stated that she had not shouted and had been obliged to ask the complainant to be quiet due to her continued interruptions.

The Ombudsman considered that the councillor's comments had been made in the context of a heated meeting which she was chairing. The Ombudsman takes the view that it is for the chair of the meeting, rather than him, to manage a debate within reasonable parameters. He did not see that the manner in which the councillor carried out her role on this occasion could be said to amount to a breach of the code of conduct.

Decision - not to investigate.

2.3 Case 201001415

A complaint by a fellow member that the councillor had :

- spoken to her on the telephone in a hostile and degrading manner. In light of the Ombudsman's independent status and the lack of any independent evidence of the call, the Ombudsman did not see that further consideration of the matter would resolve the issue.
- exhibited bullying behaviour at a meeting. The Ombudsman considered that the alleged behaviour had taken place in the context of a heated meeting which she was chairing. The Ombudsman takes the view that it is for the chair of the meeting, rather than him, to manage a debate within reasonable parameters. He did not see that the manner in which the councillor had carried out her role on this occasion could be said to be a breach of the code.

Decision - not to investigate.

2.4 Case 2635/201000931

A complaint that the councillor had carried out building work on a party wall that had damaged the complainant's property.

It is clear that at the time of the conduct complained of, the councillor was not acting as a councillor but as a private individual. The code of conduct only applies when a member of a council is performing functions as a councillor or seeking in some way to rely upon their status as a councillor.

Decision - not to investigate.

2.5 Case 201001386 & 201001415

A complaint by a member of the public against two members of the same community council;

- That a councillor had sought to improperly exclude a complainant from a meeting of the council during discussion on a particular item. Whilst incorrect in procedural terms, it was not a matter for the code of conduct.
- That a member had failed to declare an interest when the complainant's planning application had been discussed. It was alleged that the member was retaliating for having been outbid by the complainant at the auction where she acquired the property. The member denied that he had bid for property, but even if he had done so, the Ombudsman did not consider that the councillor's participation in the discussion of the application would amount to a conflict of interest.

Decision - not to investigate.

3. Outstanding allegations.

We are aware of one case that is currently open.

3.1 Case 200901550

Complaint of brining the councillors office or authority into disrepute (para. 6(1)(a)).

The Ombudsman's investigation is continuing.

4. Recommendation

The Committee is asked to note this report for information.