

SOUTH LAKELAND DISTRICT COUNCIL



CODE OF CONDUCT FOR MEMBERS DECISION NOTICE REFERRAL TO MONITORING OFFICER FOR OTHER ACTION

STANDARDS ASSESSMENT SUB-COMMITTEE

Reference 2008/002

Parties receiving this Decision Notice should take care acting on this information as some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

Complaint

On 24 June 2008 the Standards Assessment Sub-Committee considered a complaint from Mr P. Willis concerning the alleged conduct of Duddon Parish Council, and in particular, Councillor R. Weeks, a member of Duddon Parish Council.

A general summary of the complaint appears below:

Mr Willis alleges that the Parish Council has prevented him from gaining access to information to which he is entitled by law making reference to paragraph 4(b) of the Code of Conduct.

Secondly, Mr Willis alleges that a grant application was submitted to SLDC by Councillor R. Weeks, and that his actions in submitting this application go against several aspects of the code namely;

- 3.1 you must treat others with respect
- 5 you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute
- 3.2 (c) you must not intimidate or attempt to intimidate any person
- 6b (i) you must when using or authorizing the use by others of resources of your authority act in accordance with your authority's reasonable requirements.

Mr Willis is owner of land at Broughton over which access to a proposed car park site would be required. Mr Willis alleges that the Parish Council had not discussed the matter with him, and that discussions had been held by just a small number of councillors, including Councillor Weeks, in private with no minutes. Mr Willis alleges that Councillor Weeks in submitting the grant application to the District Council was

selective of public opinion and that the public and numerous residents who are directly affected by the proposed were never consulted on the grant application, and that his supporting statement included information that was wrong and misleading.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee resolved to refer the allegation to the Monitoring Officer for other action.

The Assessment Sub-Committee has had regard to relevant advice from the Standards Board in this matter, and whilst it has reached no conclusion on whether the subject member failed to comply with the Code of Conduct, it considers that it is more appropriate to deal with this matter by the taking of other action, rather than to refer for an investigation.

The Assessment Sub-Committee was concerned that there appeared to be a perceived lack of openness surrounding the decision making of Duddon Parish Council, in particular with regard to the proposed car park in Broughton-in-Furness, and public perception of the way in which the Council has been seen to handle the matter.

There is no evidence that individual councillors have prevented access to information held by the Parish Council, and failure to comply with Freedom of Information requests may be directed to the Information Commission. Clerks are employees of the Council rather than members, and are not bound by the code of conduct for members.

The allegation of lack of respect was considered by the Assessment Sub-Committee, and how the subject member had been perceived in dealing with the application for grant funding on behalf of the Parish Council, and apparent lack of communication with relevant parties, and felt that it was in the interests of good governance to take some form of other action.

Potential Breaches of the Code of Conduct Identified

The Sub-Committee identified below the paragraphs of the Code of Conduct which may apply to the alleged breach. No conclusion has been made on whether the subject member failed to comply with the Code of conduct.

- Failing to treat others with respect

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made and the clerk to Duddon Parish Council.

What happens now?

- Other Action – The taking of other action means that the Assessment Sub-Committee cannot reopen this case for investigation.
- The Assessment Sub-Committee directs the Monitoring Officer to ask Duddon Parish Council to assess the decisions they have made with regard to the proposed car park in Broughton to consider whether the decisions have been properly communicated and to consider whether there are any improvements that can be made in the communication of their decision making processes and procedures. It is hoped that this will lead to a clearer understanding within the parish with regard to the Parish Council and its Members, and their decision making processes, promoting openness and transparency in the process.

Terms of Reference

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001 as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

Additional Help

If you need additional support in relation to this or future contact with us, please let the Monitoring Officer know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed: **Date:**

Mr Peter Smith

Chairman of the Standards Assessment Sub-Committee

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