

REPORT TO	DATE OF MEETING
STANDARDS COMMITTEE	2 DECEMBER 2010

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
REPORT OF MONITORING OFFICER – OTHER ACTION TAKEN	NOT APPLICABLE	MAUREEN WOOD	

SUMMARY AND LINK TO CORPORATE PRIORITIES

A complaint was received against Councillors Peter Mullineaux, Barrie Yates and Jim Marsh.

The complainant was Councillor Tom Sharratt.

The Standards Assessment Sub-committee that considered the complaint on the 2nd of September 2010 referred the matter to the Monitoring Officer for what is known as other action to be taken.

This report gives details of the action taken.

It is considered that the administration of the new Standards regime will impact on a number of the Corporate priorities – in particular “Efficient, effective and exceptional Council.”

RECOMMENDATION

That Standards committee should consider the report and decide whether it is satisfied with the action taken.

DETAILS AND REASONING

1. The Complaint

On the 11th of August 2010 Councillor Sharratt sent a letter of complaint to the Chief Executive about three fellow councillors – namely councillors Yates, Marsh and Mullineaux.

The complainant stated in his letter:

” All members of South Ribble Borough Council promise every year to observe the code of conduct under its standards policy. Members of the Eastern Area Committee renewed that promise as recently as July 20. One of those undertakings is not to use the council facilities for political purposes, yet three members have recently broken that promise: Conservative propaganda posters have been placed on council notice boards in Hoghton Lane and Gregson Lane on behalf of – and, I suggest, with the knowledge, approval and support of – Councillors Yates, Marsh and Mullineaux.”

The complainant went on to state:

“...the Conservatives do not have the right to display political posters on notice boards erected and maintained by South Ribble Borough Council such as those in Houghton Lane and Gregson Lane. Those notice boards are provided out of public money, and the Conservatives have no right to use them for Conservative political propaganda.”

2. Decision of Assessment Sub-committee

On the 2 September 2010 an Assessment Sub-committee considered this complaint.

The Assessment Sub-committee decided in the circumstances that it was appropriate to refer the allegation to the Monitoring Officer to give appropriate training and advice to the three councillors concerned.

The Assessment Sub-committee decided to refer the matter to the Monitoring Officer as it considered that even if the allegation were fully investigated, and a breach of the Code of Conduct upheld, training or conciliation would be the appropriate remedy.

It must be emphasised that the Assessment Sub-committee made no findings of fact against the three councillors concerned – they decided that it was not appropriate to investigate the matter. Hence for the sake of clarity the three councillors concerned have not been found to be in breach of the Code of Conduct.

3. Action Taken by the Monitoring Officer

Separate discussions were held with each of the three members concerned and it should be stated that all three co-operated fully. The discussions centred on their individual involvement in the production and circulation of the newsletter and involved questioning to ascertain the level of knowledge of each member to the relevant sections of the Code of Conduct in particular paragraph 6(b) which states:-

- “You must, when using or authorising the use by others of the resources of your authority
- a. act in accordance with your authority’s reasonable requirements;
 - b. ensure that such resources are not used improperly for political purposes (including party political purposes).”

It became apparent throughout these discussions that all 3 were conversant with the relevant part of the code and in fact one of the members had recently been trained in this aspect. All were aware that the newsletter had been produced for political purposes. However, they also understood that it was unacceptable to use council facilities for political advantage. All three members were eager to clarify that they had no involvement in putting up the notices on the two Council notice boards referred to.

The Assessment Sub-committee had stated that the Monitoring Officer could use her discretion when dealing with this matter and she considered that it was inappropriate to use further resources to deliver more formal training that was not needed.

This is the first time we have used the “other action” option and there are lessons to be learnt from this approach so that there is a more satisfactory outcome for all parties. Consequently it is intended to undertake a review of the appropriate procedures with a view to strengthening our arrangements further.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these.

FINANCIAL	There are no direct financial implications at this stage.
LEGAL	The Council is under a legal duty to comply with both the Local Government and Public Involvement in Health Act 2007 and the regulations that have been published further to it. Further the Council must also have regard to the guidance that has been published by the Standards Board.
RISK	A failure to comply with the requirements of this Act and to deal with Standards issues in an effective way could lead to the Council's reputation being damaged and tarnished. We must ensure that the public continue to have confidence in the way the Council conducts its business.

OTHER (see below)

<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Efficiency Savings</i>	<i>Equality, Diversity and Community Cohesion</i>
<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>
<i>Respect Agenda</i>	<i>Staffing</i>	<i>Sustainability</i>	<i>Training and Development</i>

BACKGROUND DOCUMENTS

NONE