



STANDARDS COMMITTEE

17TH-20TH JANUARY 2011

AGENDA ITEM (4)

**INVESTIGATION INTO POSSIBLE BREACHES OF THE CODE OF CONDUCT - HEARING
REFERENCE 1/2011 - COMPLAINT AGAINST COTSWOLD DISTRICT COUNCILLOR ESMOND
JENKINS**

Accountable Member	N/A
Accountable Officer	Sara Freckleton Independent Monitoring Officer

Purpose of Report	To consider the Final Report of the Ethical Standards Officer of Standards for England in respect of two complaints received alleging breaches of the Code of Conduct by Cotswold District Councillor Esmond Jenkins.
Recommendations	That the Committee considers the Final Report in the light of the relevant legislation, Standards for England Guidance and relevant representations of the parties and decides: (a) whether to agree or disagree with the Ethical Standards Officer's findings; (b) in the event that the Committee finds that there has been a breach or breaches of the Members' Code of Conduct, to consider what sanction(s), if any, should be applied; N.B. Whatever the Committee's decision(s), it must give reasons for the decision(s) made.
Reason(s) for Recommendation(s)	To comply with Standards Committee (England) Regulations 2008, which are derived from the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007.

Ward Affected	N/A
Key Decision	No
Recommendation to Council	No

Financial Implications	None
Legal and Human Rights Implications	The meeting/hearing must be conducted in accordance with the relevant legislative provisions, having regard to the rules of natural justice.

Environmental and Sustainability Implications	None
Human Resource Implications	None
Key Risks	None
Equalities Impact Assessment	Not required

Related Decisions	None
Background Documents	Ethical Standards Officer's Final Report - see Appendix A
Appendices	<p>Appendix A - Final Report of Ethical Standards Officer (with relevant redactions pending Committee decision as to whether matter will be dealt with in open or closed session)</p> <p>Appendix B - Pre-Hearing Summary (to follow - if available)</p>

Performance Management Follow Up	<p>(i) Notify the Subject Member and Complainant of the decision(s) of the Committee.</p> <p>(ii) Publish notice of outcome in local newspaper.</p>
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<p>Background Information</p> <p>1. By way of letters dated 24th February 2011 and 10th March 2011, the Monitoring Officer received complaint from Mr. Max Thomas and Ms Philippa Lowe respectively regarding alleged breaches of the Members' Code of Conduct by Cotswold District Councillor Esmond Jenkins. The following paragraphs of the Code of Conduct were cited as part of one or both of the complaints:-</p> <ul style="list-style-type: none"> (i) treating others with respect (Paragraph 3(1)); (ii) bullying (Paragraph 3(2)(b)); (iii) intimidating or attempting to intimidate any person who is or is likely to be a complainant or a witness (Paragraphs 3(2)(c)(i) and 3(2)(c)(ii)); (iv) compromising or attempting to compromise the impartiality of those who work for, or on behalf of the authority (Paragraph 3(2)(d)); (v) bringing one's office or authority into disrepute (Paragraph 5); (vi) using or attempting to use a position of authority as a member improperly to confer on or secure an advantage or disadvantage (Paragraph 6); (vii) failing to disclose a prejudicial interest (Paragraph 10(1)). <p>2. In accordance with Standards Committee procedure, the complaints were referred to the Assessment Sub-Committee for consideration on 18th March 2011. The Sub-Committee decided as follows:-</p> <ul style="list-style-type: none"> (i) in respect of the complaint by Mr. Thomas, that the matter be referred to the Monitoring Officer for further action and, if she felt it appropriate, for onward referral to Standards for England; (ii) in respect of the complaint by Ms Lowe, that the matter be referred to Standards for England for investigation (because of the personal and prejudicial interests declared in the matter by both the Monitoring Officer and her Deputy). 	
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3. Given the decision at 2.(ii) above, and the similarities of the allegations, the Monitoring Officer took the view that it would be appropriate for both complaints to be referred to Standards for England for investigation (which she duly did).
4. As interests were declared by both the Monitoring Officer and Deputy Monitoring Officer, an independent Monitoring Officer has been appointed to advise the Committee in this matter.
5. A final copy of the Ethical Standards Officer's Investigation Report (see **Appendix A**) was received on 28th October 2011, and copies have been circulated to all relevant parties. In accordance with Standards Committee procedures, the Final Report was considered by the Consideration and Decision Sub-Committee on 6th December 2011, when the Sub-Committee resolved to hold a local hearing into the matter.
6. In accordance with Standards for England Guidance, a pre-hearing procedure was undertaken, and a copy of the ensuing Pre-Hearing Summary, if available prior to the Meeting, will be circulated as soon as possible.
7. A copy of the Summary Hearing Procedure is enclosed as part of the agenda papers. Members should consider all relevant legislation and guidance, and have regard to any advice provided by the Monitoring Officer/legal adviser, when coming to their decision. The Committee is required to provide reasons in respect of any decision(s) reached.

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