

CONDUCT COMMITTEE

21 AUGUST 2012

REPORT OF THE HEAD OF RESOURCE MANAGEMENT

A.1 ALLEGATION OF FAILURE TO COMPLY WITH THE CODE OF CONDUCT COMPLAINT NUMBERS 01/2012 and 02/2012

(Report prepared by Mike Gibson-Davies)

1.0 PURPOSE OF THE REPORT

To refer the above complaints to the Conduct Committee so the Committee can decide how the complaints are to be investigated and how the Independent Panel will be involved.

2.0 THE COMPLAINTS

Three complaints were received in late May and early June 2012, making allegations against a TDC Councillor. They concern alleged conduct relating to the issue of the Willow Tree Day Nursery question raised by a Councillor at the full council meeting on 22 May 2012. Two complaints concern what happened during the council meeting and during the adjournment when the Councillor who is the subject of the complaints had left the Princes Theatre. The third complaint makes allegations only regarding what happened in the Princes Theatre during the council meeting.

3.0 BACKGROUND

The Nursery is a private nursery school. Its owner and sole proprietor owns the freehold premises which The Nursery occupies, having previously leased and subsequently purchased them from TDC. The question raised at the full council meeting related to a decision of the Cabinet at its meeting on 18 April 2012 not to make some more land owned by TDC available to the Nursery for use as a car park.

4.0 REFERRAL FOR INVESTIGATION

On 28 June 2012, the Referrals Sub-Committee of the (now) former Standards Committee met and decided (by a decision notice dated 29 June 2012) to refer the complaints to the Monitoring Officer for investigation. The standards regime under the Local Government Act 2000 ended on 30 June 2012 and was replaced on 1 July 2012 by new arrangements under the Localism Act 2012 made by the full council in 22 May 2012, which put in place a new code of conduct for TDC councillors and made arrangements for dealing with complaints alleging misconduct by district and/or parish councillors. The Officer Conduct Panel met on 12 July 2012 and decided:

“That, in accordance with the decision of the Referrals Sub-Committee, there is a case to answer and that the complaints be referred to the Conduct Committee.”

5.0 CONCLUSION

Under the new arrangements for dealing with complaints against Councillors alleging a breach of the code of conduct, the next step countenanced by the new arrangements which the full council put in place is for the Conduct Committee to refer the complaints to the Independent Panel for investigation.

RECOMMENDATION

That the complaints be referred to the Independent Panel for investigation in such manner as the Independent Panel considers appropriate.

KAREN NEATH
HEAD OF RESOURCE MANAGEMENT