

STANDARDS COMMITTEE

27 SEPTEMBER 2017

REPORT OF THE MONITORING OFFICER

A.1 FAILURE TO COMPLY WITH THE MEMBERS' CODE OF CONDUCT

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

In accordance with the District Council's Complaints Procedure, the Monitoring Officer will report to the Standards Committee, where there is evidence of a failure to comply with the Members' Code of Conduct.

EXECUTIVE SUMMARY

On 1st August 2017, Councillor Jack Parsons enquired whether he could refer himself to the Standards Committee following his criminal conviction, which he acknowledged brought the Council into disrepute, the Monitoring Officer advised that due to the seriousness of the conviction, the matter would be reported to the next meeting of the Committee in any event.

Subsequently, a Complaint has been received from Mr William Hones under the Members' Code of Conduct and Complaints Procedure (**Appendices 1 & 2**), which was adopted by full Council on 26 November 2013, following the actions of District Councillor Parsons as reported in the media.

The Complaint alleged that Councillor Parsons had breached the Tendring District Council Members' Code of Conduct. The alleged breaches relate to the following paragraphs of the Code:

- (i) 3.1 – Six of the Seven Principles of Public Life as follows:
 - Selflessness
 - Leadership
- (ii) 3.4(a) – a Councillor must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.

Councillor Parsons acknowledged his conviction brought the Council into disrepute and therefore, in breach of the Members' Code of Conduct, in addition a written apology has been received and these statements are referred to within the body of this report. Due to Councillor Parson's acceptance, an investigation into the matter was not required. Under the Complaints Procedure once there is a finding that evidence exists of a failure to comply with the Code of Conduct, there are two options available.

The first option is to consider an informal resolution (paragraph 7.1.1 of the Complaints Procedure) and in this matter the Monitoring Officer does not consider that informal resolution is appropriate. A formal apology has been given by Councillor Parsons however, it is considered necessary and in the public interest for a referral to the

Standards Committee due to the seriousness of the conviction and upon the specific request.

The second option available (paragraph 7.1.2) is for the Monitoring Officer to report the outcome of any investigation to the Standards Committee to conduct a hearing before deciding whether the Member has failed to comply with the Code of Conduct and if so, whether to take any action in respect of the Member. In this case, Councillor Parsons has already admitted that he has failed to comply with the Code of Conduct therefore the Standards Committee has the power to take action in respect of individual Members as may be relevant and proportionate, and necessary to promote and maintain high standards of conduct. Accordingly, the Standards Committee may consider the sanctions set out in paragraph 8 of the Complaints Procedure.

All parties have had the opportunity to comment on the Monitoring Officer's decision to refer the matter to the Standards Committee to determine the sanction in respect of Councillor Parsons.

The Council's Independent Person has been consulted and their comments are included within the body of the Report.

RECOMMENDATION

That the Standards Committee:

- (a) Notes that Councillor Parsons has received a criminal conviction for possession of a bladed article, namely a Carving knife, contrary to section 139(1) and (6) of the Criminal Justice Act 1988;**
- (b) notes in addition to the Monitoring Officer reporting this matter to the Standards Committee, a formal complaint concerning the conduct of Councillor Parsons has also been received;**
- (c) welcomes the acknowledgement by Councillor Parsons that he has breached the Code of Conduct;**
- (d) notes Councillor Parsons written apology sent to the Monitoring Officer;**
- (e) notes the comments of both Independent Persons;**
- (f) endorses the referral to the Committee to consider the sanctions; and**
- (g) determines what action to take in respect of Councillor Parsons, as may be relevant and proportionate, and necessary to promote and maintain high standards of conduct.**

BACKGROUND - SUMMARY OF THE MONITORING OFFICER'S CONCLUSIONS:

On 1st August 2017, Councillor Parsons sent an email addressed to the Monitoring Officer, Leader of the Council and the Chief Executive stating:

"... on the 27th July, I attended Colchester Magistrates Court and pleaded guilty to being in possession of a bladed article in a public place.

There is obviously a back story to this which I will advise you of in due course.

As a result of this, I regretfully and humbly submit my own referral to the standards committee for bringing the Council into disrepute."

On 29th August 2017, a Complaint was received from Mr William Hones, which is attached

as **Appendix 2**. Within the Complaint it is stated:

“reported on the on-line version of the Clacton Gazette that Cllr Parsons pleaded guilty to a charge of possession of a bladed article and handed a 12 month Community Order and must carry out 70 hours of unpaid work.

This is an extraordinarily lenient sentence for possession of a knife in public. Worse it seems Cllr Parsons was brandishing the knife at the time of his arrest.

Whether this was due to drunkenness, mental health issues or both, Cllr Parsons has failed to show Leadership in his criminal behaviour and in not seeking help for one of more long standing mental health and/or dependency issues. From his behaviour leading to arrest and conviction it is clear that his Code of Conduct has brought his office and that of the Council into disrepute”.

The complaint received from Mr Hones also makes reference to Cllr Parsons allegedly failing to represent his residents by not belonging to a political group (in particular one of the non-aligned groups) on the Council and consequently is not allocated any committee seats. It is a matter of choice whether an elected member wishes to belong to a group. The Council (at its meeting in March 2017) considered whether it wished to allocate committee seats to councillors who are not part of a group and decided it would not do so. This part of the complaint does not fall within the remit of the Standards Committee.

Prior to the Complaint being received from Mr Hones, the Monitoring Officer had already requested details of the incident, criminal conviction and sentence from Cllr Parsons, so that the matter could be reported to the next meeting of the Standards Committee. The offence was that *on 26/06/2017, Cllr Parsons had without good reason or lawful authority, in a public place Church Road, Clacton, Essex an article which had a blade or was sharply pointed, namely a Carving knife, contrary to section 139(1) and (6) of the Criminal Justice Act 1988*. In addition to the reported sentence, Cllr Parsons was ordered to undertake 10 Rehabilitation Days.

This is a serious offence and it is understood the sentence reflected early admission by Cllr Parsons and by entering a Guilty Plea at the first opportunity before the Magistrates' Court.

No notification of the incident or arrest had been received prior to the email sent on 1st August 2017, and although the incident did not take place whilst Cllr Parsons was acting in an official capacity, paragraph 2.2 of the Code confirms that the rules of conduct apply (d) at all times and in any capacity, in respect of conduct identified in paragraphs 3.4(a) and 3.5.

Cllr Parsons has provided the Monitoring Officer with copies of the prosecution notes, which should not be placed in the public domain but Cllr Parsons has already made the public aware through reports in the media, that he was drunk at the time of the incident, been suffering from alcohol and mental health issues for sometime and thought he would cause a scene to receive attention as he wanted help. Cllr Parsons has stated he had no intention of hurting himself or others and although there maybe some sympathy in respect of his mental health issues, he knew exactly what he was doing and why.

Cllr Parson is not just an individual, he has been elected to represent the residents of St. Paul's Ward and sit on Tendring District Council. This is not the standard of behaviour an

elected member should be exhibiting to the general public, and knife crime is very serious and under no circumstances, was this acceptable. It is abundantly clear that Cllr Parsons actions have breached the Code of Conduct which Councillors sign up to upon their election as members of Tendring District Council. The Code exists to ensure Councillors fulfil the statutory duty to promote and maintain high standards of conduct in public life.

The Leadership Principle of Public Life requires holders of public office to exhibit the other principles in their own behaviour and actively promote and robustly support the principles.

Although not referred to in the complaint, Cllr Parsons has also failed to comply with the law and consequently, has contravened paragraph 3.7(a) of the Code of Conduct.

It is necessary for the Standards Committee to determine the breach as against the Principles of Public Life and Code of Conduct and their power to take action in respect of individual Members as may be relevant and proportionate, and necessary to promote and maintain high standards of conduct.

SANCTIONS

Section 8 of the Complaints Procedure sets out what action the Standards Committee can take where a Member has failed to comply with the Code of Conduct.

- 8.1 The Standards Committee has the power to take action in respect of individual Members as may be relevant and proportionate, and necessary to promote and maintain high standards of conduct. Accordingly the Standards Committee or Sub-Committee may:-
 - 8.1.1 Publish its findings in respect of the Member's conduct on the Council's website;
 - 8.1.2 Report its findings to Council for information;
 - 8.1.3 Recommend to the Member's Group Leader that they are removed from any or all Committees or Sub-Committees of the Council;
 - 8.1.4 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - 8.1.5 Instruct the Monitoring Officer to arrange training for the Member;
 - 8.1.6 Recommend to the relevant Group Leader that the Member be removed from all outside appointments to which they have been appointed or nominated by the authority;
 - 8.1.7 Recommend to the relevant Group Leader the withdrawal of facilities provided to the Member by the Council, such as a computer, website and/or email and internet access; or
 - 8.1.8 Recommend to the relevant Group Leader the exclusion of the Member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 8.2 In each circumstance, where the Member subject of the complaint is the Group Leader, appropriate alternative arrangements will be required. This will be dependent upon whether the Group has allocated a Deputy to undertake this role, involve the Group Leader directly or an independent individual or suitable alternative, depending upon the circumstances.
- 8.3 In each circumstance, where the Standards Committee or Sub-Committee

recommend the Group Leaders take action, it is expected that the Group Leader will within 6 weeks of the referral to them, or as soon as reasonably practicable thereafter, submit a report back to the Standards Committee or Sub-Committee giving details of the action taken or proposed to comply with the Committee's direction.

- 8.4 The Standards Committee or Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' special responsibility allowances.

The Standards Committee should note that Councillor Parsons does not sit on any Committees because he does not belong to any political group on the Council and therefore, accordingly has not been allocated any seats. Any sanction considered must be necessary, relevant and proportionate to the matter of the complaint and breach of the Code of Conduct.

COUNCILLORS RESPONSE

In accordance with the Complaint Procedure, a copy of the complaint is provided to the Councillor to comment on and provide the Monitoring Officer with any response they wish to be taken into account, when deciding upon the next stage in the process. In this instance, upon receipt of the complaint, Councillor Parson submitted the following to the Monitoring Officer:

"I feel that all aspects of the offence I committed are encompassed with my self refers to the standards committee."

Councillor Parsons provided confirmation that he is in contact with the professionals and now under the care of the specialist mental health team and receiving care for his needs together with prescribed medication.

Councillor Parsons also stated *"In addition to the medication, I also attend group sessions at Phoenix Alcohol Project and I see a private Psychotherapist once a fortnight.*

This only leaves me to add that I am truly sorry for the offence that I committed and for bringing the Council into Disrepute. No words can forgive what I have done, and the guilt will haunt me forever."

CONSULTATION WITH THE INDEPENDENT PERSONS

(i) Clarissa Gosling, has responded:

"On the complaint that Councillor Parsons is not a member of any committees. I understand that it is the council's decision that only members of a group may serve on committees, and I cannot comment on that. I do not believe that a councillor should be forced to join a group which he feels does not reflect his values or the values of those who elected him.

All things being equal, I imagine a councillor would prefer to be on a committee, which comes with influence and a financial allowance, though does have a time commitment. I believe a councillor should be allowed to follow his conscience in whether or not to join a group, and that this part of the complaint is not justified.

Councillor Parsons has admitted that his actions, resulting in a conviction, have brought the council into disrepute and I do not believe that there is any doubt about this.

However, having made this appalling mistake it appears that he is making every possible effort to address the situation. His apology acknowledges the offence very openly and shows he has understood and deeply regrets his actions – it does not appear to be not just formal words. It takes courage to do that. He has received a sentence and will have to serve his punishment. He has taken steps to address his medical problems and is undertaking ongoing therapy.

If he carries out these actions fully, and is able to rehabilitate himself, then I think that that would be an example to others that it is possible, and the council would no longer be in disrepute.

I do not read the newspaper reports, not living locally, nor do I know the personalities of councillors. I came to these views having read the papers provided.”

(ii) John Wolton, has responded:

“it is unfortunate that Councillor Parsons created the situation he finds himself in, however it is acknowledged that in his response he is fairly remorseful for his actions and receiving professional advice and treatment. The residents choose Councillor Parsons to be the elected member for their ward and assume would stand by their selection.

We have to accept the Magistrates’ Court decision and the sentence he has received, but Councillor Parsons should also be reminded of his obligations to Tendring District Council and the Code of Conduct. I trust that Councillor Parsons will stick to his treatment and prove himself to be a good councillor. I am aware that the Committee is unable to remove Councillor Parsons from any committees, as he does not sit on any and he must not be prevented from undertaking ward work as an elected member.

APPENDICES

- Appendix 1 – Code of Conduct and Complaints Procedure
- Appendix 2 – Complaint received