

Monitoring Officer

Decision Notice

This Decision records the outcome of the Decision taken by the District Council's Monitoring Officer on 23rd August 2017 in accordance with the Tendring District Council's arrangements for dealing with an allegation that an elected member has failed to comply with the Members' Code of Conduct.

These arrangements were approved by full Council on 26th November 2013.

Councillor:	Lis Bennison – Tendring District Council
Complainant:	Mr A. Chandler and Mr W. Hones 2 separate complaints received
Relevant Paragraph(s) of the Members' Code of Conduct:	The Complaints considered that the following paragraphs were contravened: <ul style="list-style-type: none"> • 3.1 – The Leadership Principle of Public Life; • 3.2 – in fulfilling the Duties and Responsibilities, a Councillor must not: <ul style="list-style-type: none"> (b) disrespect others; and (c) bully or harass any person • 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. • Clause 3.7(a) A Councillor must comply and observe the law
Summary of Complaint:	On 17 th July 2017, Councillor Bennison was convicted of assault at Southend Magistrates Court.
Complaints dated 19th & 25th July 2017	The incident occurred at the Clacton Airshow in August 2016, whereby Councillor Bennison whilst acting as a steward on behalf of the District Council assaulted a member of the public. Councillor Bennison failed to show the quality of Leadership expected by a member and by virtue of the criminal conviction has clearly brought the office of elected members and Tendring District Council into disrepute.
Councillors Response:	The Gazette did not send a reporter and phoned me to ask me to let them know the verdict. My Barrister rang them and gave them all the information that was required, including the Judge's

	<p>summing up.</p> <p>The Gazette saw fit not to report the summing up in which the Judge heavily criticised the police and the CPS for bringing the case to court. The CPS consistently withheld evidence, including the details of my independent witness which had been taken from me by the police on the day of the incident. The PCSO's pocket book was not made available until around 11.30am on the morning and I had not seen it since the day of the incident, although I had signed it whilst still in a state of shock. The PCSO had, incidentally, written that I had provided her with the registration number of the car, which was not the case, I had not written it down although others had.</p> <p>The Judge was also highly critical of the complainant, who has a history of GBH with weapons and which was read out in court. He had argued with the prosecution, the defence and the Judge whilst on the witness stand. The Judge also questioned why my original complaint of dangerous driving endangering lives had not been followed up and commended me for taking action when others stood by.</p> <p>I have applied to the court for a copy of the transcript for when I appear before the Standards committee.</p> <p>I should be grateful for the opportunity to speak to an Independent Person.</p>
<p>Monitoring Officer Recommendation</p>	<p>The Complaints Procedure (paragraph 4) allows the Monitoring Officer to review every complaint received and, may consult with one of the Independent Persons before taking a decision as to whether the complaint:</p> <p>4.1.1 Merits no further action 4.1.2 Merits early informal resolution or mediation 4.1.3 Merits further investigation</p> <p>Due to the criminal conviction it is not appropriate to take no further action or seek informal resolution or mediation. However, it is not considered that detailed further investigation is required, as the conviction is the outcome of criminal proceedings before the Magistrates Court.</p> <p>The Monitoring Officer will therefore undertake a light touch investigation and referral to the Standards Committee. To carry out a detailed investigation would be an unnecessary use of resources, in both cost and time and prolong determination of this matter.</p>
<p>Consultation</p>	<p>This will take place prior to the Standards Committee and be</p>

<p>with Independent Person</p>	<p>included within the Monitoring Officer's report.</p> <p>Councillor Bennison has seen and spoken to an Independent Person therefore, the Monitoring Officer will consult a different one.</p>
<p>Relevant Paragraph of Complaints Procedure and assessment criteria:</p>	<p>4.2</p>
<p>Reasons for Decision:</p>	<p>A light touch investigation will include any information received from either the complainant or the member the subject of the complaint. This information will be sought by the Monitoring Officer and included within the report to the Standards Committee. It is proposed that the Report will follow the usual investigation format, as this will give the opportunity for all parties to provide any additional comments when the draft is shared.</p> <p>If the parties agree an investigation could be dispensed with, the Monitoring Officer will simply report the conviction to the Standards Committee as evidence of a failure to comply with the Code of Conduct, with the parties representations included in the Report and allow the Committee to decide whether the breach has occurred and if so, the appropriate sanctions.</p>



Signed:

Dated: 23rd August 2017

Monitoring Officer

