

Decision Notice

This Decision records the outcome of Tendring District Council's Standards Committee on 27th September 2017 in accordance with the District Council's arrangements for dealing with complaints against Councillors.

The Complaints Procedure was approved by full Council on 26th November 2013.

COMPLAINT:

An allegation that a Member of District Council has failed to comply with the Members' Code of Conduct.

Date of Committee:	Wednesday 27 th September 2017
Subject Member:	District Councillor Jack Parsons (did not attend)
Complainant:	Mr William Hones
Membership of Standards Committee:	District Councillors R Heaney (Chairman), P Honeywood, F Nicholls, R Bucke, G Steady, A Davis and T. Whitmore;
Independent Persons:	Mrs Clarissa Gosling and Mr J Wolton
Monitoring Officer:	Mrs Lisa Hastings
Summary of Complaint:	<p>The alleged breaches related to:</p> <p>(i) Paragraph 3.1:</p> <p>Selflessness and Leadership Principles of Public Life;</p> <p>(ii) Paragraph 3.4(a):</p> <p>A Councillor must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute; and</p> <p>(iii) Paragraph 3.7(a):</p> <p>A Councillor must comply and observe the law.</p> <p>On 27th July 2017, Councillor Parsons received a criminal conviction for an incident which occurred on 26/06/2017, in that Cllr Parsons had without</p>

	<p><i>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. Councillor Parsons was sentenced to 70 hours of Community Service and ordered to undertake 10 Rehabilitation Days.</i></p>
Any declarations of interest:	None
Availability of relevant documents for public inspection:	The Committee meeting to consider the sanctions was held in public and agenda papers were made available.
Written Representations received:	Councillor Parsons was not present at the meeting but had previously sent a written apology which was included within the Standards Committee Report (pages 6 and 9).
Council's Standards Committee decision on whether or not there has been a failure to comply with the Code of Conduct and reasons for their decision:	<p>Councillor Parsons acknowledged that his criminal 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 were referred to within the body of the Committee report.</p> <p>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.</p> <p>The first option is to consider an informal resolution (paragraph 7.1.1 of the Complaints Procedure) and in this matter the Monitoring Officer did not consider informal resolution was appropriate. A formal apology has been given by Councillor Parsons however, it was 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.</p> <p>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</p>

	<p>Conduct and if so, whether to take any action in respect of the Member. In this case, Councillor Parsons had already admitted that he had failed to comply with the Code of Conduct therefore the Standards Committee had 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 considered the sanctions set out in paragraph 8 of the Complaints Procedure.</p> <p>In addition to bringing the Council into disrepute, the Monitoring Officer brought to the Committee's attention that Paragraph 3.7(a) of the Code states "<i>a Councillor must comply and observe the law</i>", which had been compromised due to the conviction.</p>
<p>Any mitigating circumstances taken into account:</p>	<p>Councillor Parsons was not at the meeting however, the Committee did take into account the written apology contained within the body of the Committee and Investigation Report.</p>
<p>Sanctions imposed:</p>	<p>The Committee considered the range of sanctions available under Section 8 of the District Council's Complaints Procedure and that any sanctions must be relevant and proportionate and necessary to promote and maintain high standards of conduct.</p> <p>The Committee:</p> <ul style="list-style-type: none"> (i) acknowledged that Councillor Parsons is suffering from personal health problems; (ii) encourages Councillor Parsons to review his position as an elected Member due to the circumstances surrounding his conviction and whether he is able to effectively represent his Ward and residents; (iii) strongly encourages Councillor Parsons to continue with the professional advice and medical treatment he now has access to and that; (iv) requests the Monitoring Officer to publish the findings in respect of the Councillor Parsons conduct on the Council's website and

	(v) requests that the Committee's findings be reported to Council for information.
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Approved by: Councillor Rosemary Heaney

Chairman of the Standards Committee

Date: 5th October 2017

Background Paper – Published Report to Standards Committee and the minutes of the meeting held on 27.09.17