

REPORT OF THE MONITORING OFFICER ON A REFERRAL BACK TO THE STANDARDS ASSESSMENT SUB-COMMITTEE

Complaint reference no' 2009/25

Confidential

1. Background

- 1.1 On the 11 March 2009 an Assessment Sub-Committee of the Council's Standards Committee considered a complaint by Mr W Cheetham that Cllr G Siddall-Butchers of Bonby Parish Council had breached the members' Code of Conduct. In essence, the complaint centred on a leaflet that had been distributed prior to the annual parish meeting in May 2008, in which Mr Cheetham contended Cllr Siddall-Butchers had made comments which were designed to discredit and intimidate him.
- 1.2 After careful consideration the Assessment Sub-Committee determined that the complaint be referred for investigation and directed that Investigating Officer address whether paragraphs 3 (1) failure to treat with respect, 3 (2) (b) bullying and 5 disrepute of the Members' Code of Conduct had been breached.
- 1.3 Richard Mell was duly appointed as the Investigating Officer.

2. Purpose of this report

- 2.1 Mr Mell following an initial delay arising from a jurisdictional issue concerning Standards for England commenced his investigation and following an exchange of correspondence with Mr Cheetham was requested in July 2010 to adjourn his investigation pending the completion of another investigation of which Mr Cheetham was the complainant involving another member of Bonby Parish Council.
- 2.2 That investigation (ref no'2009/24) was finally completed on the 9th November 2011 following which Mr Mell was invited by the Monitoring Officer to review this investigation with a view to it being progressed to conclusion.
- 2.3 In carrying out a review, Mr Mell drew to the Monitoring Officer's attention that Cllr Siddall-Butchers is no longer a member of Bonby Parish Council and as such invited the Monitoring Officer to consider whether this matter should be referred back to the Assessment Sub-Committee pursuant to Regulation 16 of the Standards Committee (England) Regulations 2008.

3. The Standards Committee (England) Regulations 2008.

3.1 Regulation 16 provides:

Where a matter is referred to a monitoring officer under section 57A (2) (a) of the Act for investigation, the monitoring officer may, subject to paragraph (4), refer that matter back to the standards committee concerned if.....

(b) the person who is the subject of the allegation-

(i) had died; or

(ii) is seriously ill; or

(iii) has resigned from the authority concerned, and the monitoring officer is of the opinion that in the circumstances it is no longer appropriate to continue with an investigation.....

(4) Where a standards committee considers a matter referred back to it under this regulation, it may direct that the matter should not be referred back a further time.

4. Views of the parties

4.1 On the instruction of the Monitoring Officer, Mr Mell sought Mr Cheetham's views on whether this matter should be referred back to the Assessment Sub-Committee pursuant to Paragraph 16. In summary, Mr Cheetham believes that Cllr Siddall-Butchers resigned his position prior to the Assessment Sub-Committee determining that the matter be investigated and 'in the interests of confidence in the standards of local democracy and government' the investigation should proceed.

4.2 On the same basis, the views of (ex) Cllr Siddall-Butchers were similarly sought. In summary, he confirmed that he had resigned from Bonby Parish Council over two years ago and had no intention of seeking re-election and pointed to what he considered an unreasonable delay in progressing the investigation which he contended may well, in any event, prejudice his ability to defend his conduct. Although (ex) Cllr Siddall-Butchers did not specify the date of his resignation, the Monitoring Officer has seen minutes of Bonby Parish Council which confirm he remained in the Chair certainly until June 2009, therefore after the date of the Assessment Sub-Committee decision to investigate.

5. Views of the Monitoring Officer

5.1 On careful consideration the Monitoring Officer considers that is no longer appropriate to continue with this investigation given that Cllr Siddall-Butchers resigned his position on Bonby Parish

Council after consideration of the matter by the Assessment Sub-Committee and in light of the amount of time that has now elapsed since the matter was first complained of.

6. Issue for determination

- 6.1 In view of the foregoing the Assessment Sub-Committee is asked to consider whether this investigation should proceed or be terminated.

Will Bell
Monitoring Officer
29th December 2011