

SC/002/11

Committee The Essex County Council and Essex Fire Authority Joint Standards Committee

Consideration and Hearings Sub-Committee

Date Thursday 15 December 2011

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Allegation of Misconduct

1. Purpose of the Report

- 1.1 The report sets out the background to a complaint of misconduct made against a Member of the Council and invites the Sub-Committee to consider the Investigator's report and make a finding upon it.

2. Recommendations

- 2.1 To consider an allegation of misconduct against a Member of Essex County Council and determine whether there has been a breach of the Essex Member Code of Conduct and, if so, to determine what sanction, if any, should be given.

3 Background

- 3.1 In 2010 the Monitoring Officer at the time received a complaint alleging misconduct by an Essex County Councillor. The complaint was made by a member of the public who alleged that the councillor concerned had been disrespectful to him, in breach of the Essex Member Code of Conduct.
- 3.2 On 26th November 2010 the Standards (Assessment) Sub-Committee agreed to refer the allegation to the Monitoring Officer for investigation. The Monitoring Officer appointed Avril Thain, a lawyer in Essex Legal Services, as Investigator.
- 3.3 The Investigator interviewed several witnesses and considered a number of emails between the complainant and the councillor. The Investigator concluded that the councillor had been disrespectful to the member of the

public and made a finding that there was a failure to comply with the Code of Conduct.

- 3.4 The Consideration and Hearings Sub-Committee considered the matter on 24 November 2011 and agreed that the matter should be considered at a Hearing of the Joint Consideration and Hearings Sub-Committee. The Investigator's report and all other relevant information are set out as a confidential Appendix elsewhere on this Agenda.

4. Legal and Other implications

- 4.1 Legal implications have been addressed in the body of the report.

Background Papers

None