

Southend-on-Sea Borough Council

Report of Monitoring Officer
to
The Standards Hearing Sub Committee
on
3rd September 2010

Report prepared by: John Williams,
Head of Legal & Democratic Services

Agenda
Item No.

3

Hearing into a Complaint against Leigh-on-Sea Town Councillor Mrs E Crystall
A Part 1 Public Agenda Item

1. Purpose of Report

To provide the Hearing Sub-Committee with the necessary background information to hold a Hearing and make findings in respect of a complaint against Leigh on Sea Town Councillor Mrs Elaine Crystall alleging that she has breached the Members' Codes of Conduct 2006 and 2007 relating to Town Councillors ("the Codes").

2. Recommendation

That the Hearing Sub-Committee holds a Hearing and makes findings in respect of a complaint against Councillor Mrs Elaine Crystall (Reference 09/09) pursuant to Regulations 18-20 of the Standards Committee (England) Regulations 2008.

3. Background

- 3.1 A complaint has been made against Councillor Mrs Elaine Crystall by Mr Kevin Fell that she has breached the Codes, as detailed in paragraph 11 of the Pre-Hearing Process Summary attached at **Appendix A**.
- 3.2 On 10th September 2009 the complaint was considered by the Assessment Sub-Committee which referred it for investigation.
- 3.3 Attached at **Appendix B** is the report of the Investigator who carried out an investigation into the complaint (with Addendum dated 14th July 2010). The Investigator found that Councillor Mrs Elaine Crystall had breached the Codes.

Attached at **Appendix C** are the documents relating to the complaint which were considered by the Assessment Sub-Committee and the Investigator; namely the complaint form, subsequent e-mails, the 2007 Code, the 2006 Code, a location plan, the relevant minutes of the Town Council's Planning Committee and the relevant minutes of the Town Council's Licensing Sub-Committee

- 3.4 Councillor Mrs Elaine Crystall does not disagree with any of the findings of fact by the Investigator, or his conclusion that there have been breaches of the Codes. Councillor Mrs Elaine Crystall has, however, submitted factors for the Hearing Sub-Committee to take into account when deciding on any sanctions – see **Appendix D**.
- 3.5 A pre-hearing meeting, pursuant to Regulation 17(1) of the Standards Committee (England) Regulations 2008, decided that the matter should be considered at a Hearing conducted under Regulation 18, rather than referred to the First Tier Tribunal.
- 3.6 The Hearing Sub-Committee must now hold a Hearing:
- To establish the key facts;
 - To decide whether there has been a breach of the Codes; and
 - If there has been a breach of the Codes, to determine any sanction.
- 3.7 The Hearing must be conducted in accordance with:
- (a) The Council’s Hearing Procedure Rules in Part 4(i) of the Constitution (**Appendix E**); and
 - (b) Standards Board Guidance on “Standards Committee Determinations” which was updated on 11th March 2010 (**Appendix F**).

In particular, attention is drawn to the guidance on sanctions if the Sub-Committee finds a breach of the Codes on pages 11-14 and the specific guidance on suspension on pages 17-19.

In summary, the Sub-Committee may impose any one or a combination of the following sanctions pursuant to Regulation 19(3) of the Standards Committee (England) Regulations 2008:

- Censure of the Member
- Restriction for up to six months of the Members’ access to Council premises or the Members’ use of the resources of the Council
- Partial suspension for a period not exceeding 6 months (e.g. suspension from a particular Committee or Committee(s))
- Suspension for a period not exceeding 6 months
- That the Member submits a written apology
- That the Member undertakes training
- That the Member participates in conciliation
- Partial suspension for a period not exceeding 6 months, pending apology, training or suspension.
- Suspension for a period not exceeding 6 months, pending apology, training or suspension

4. Appendices

Appendix A – Pre-Hearing Process Summary

Appendix B – Investigator's Report

Appendix C – Documents relating to the complaint which were considered by the Assessment Sub-Committee and the Investigator, namely the complaint form, subsequent e-mails, the 2007 Code, the 2006 Code, a location plan, the relevant minutes of the Town Council's Planning Committee and the relevant minutes of the Town Council's Licensing Sub-Committee.

Appendix D – Factors submitted by Councillor Mrs Elaine Crystall for the Hearing Sub-Committee to take into account when deciding on sanctions.

Appendix E – The Council's Hearing Procedure Rules (Part 4(i) of the Constitution)

Appendix F – Standards Committee Determinations (Standards Board Guidance)

NOTE

Due to the size the appendices are only available from the Civic Centre