

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Monitoring Officer
to

The Standards Hearing Sub Committee

on

3rd September 2010

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

Hearing into a Complaint against Councillor A 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 Councillor Alan Crystall alleging that he has breached the Members' Codes of Conduct 2006 and 2007. ("the Codes").

2. Recommendation

That the Hearing Sub-Committee holds a Hearing and makes findings in respect of a complaint against Councillor Alan Crystall (Reference 08/09) pursuant to Regulations 18-20 of the Standards Committee (England) Regulations 2008.

3. Background

3.1 A complaint has been made against Councillor Alan Crystall by Mr Kevin Fell that he 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 Alan 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 and the relevant minutes of the Development Control Committee.

3.4 Councillor Alan 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 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 and the relevant minutes of the Development Control Committee

Appendix D – Factors submitted by Councillor Alan 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