

STANDARDS COMMITTEE (SPECIAL)

(Civic Centre, Port Talbot)

Members Present:

26th August, 2005

Chairman: Mr.R.Gwyn Davies

Vice Chairman: Mr. D. Pickrell

Independent Member: Mrs.J.Burgess

Neath Port Talbot Councillors J.Dinham and J.D.Edwards
County Borough
Members:

Officers in Attendance: Mrs.C.A.John, Miss.A.M.Farrell and Mrs S.Rayer

Report of the Head of Legal Services/Monitoring Officer

1. **REFERRED MATTER FROM THE OMBUDSMAN UNDER SECTION 71(2) OF THE LOCAL GOVERNMENT ACT 2000 – COUNCILLOR R.BROOKS OF COEDFFRANC COMMUNITY COUNCIL**

The Committee received the report of the Local Government Ombudsman regarding his investigation into an allegation against Councillor R.Brooks of Coedffranc Community Council, relative to a complaint made to the Ombudsman from Mr.N.Collins that Councillor Brooks had breached the Community Council's Code of Member Conduct. Full details of the Ombudsman's findings were contained in Appendix 1 of the Report of the Head of Legal Services/Monitoring Officer as circulated to the Committee.

Councillor R.Brooks was invited to attend and was present at the meeting to give his oral representations to the Standards Committee.

RESOLVED: that, taking into account the findings of the Local Government Ombudsman in respect of this case, and upon hearing and considering the oral representations made by Councillor R.Brooks at this meeting, the Standards Committee is satisfied that there is evidence of Councillor Brooks' failure to comply with Coedffranc Community Council's Member Code of Conduct and that therefore the Committee's decision be as follows:-

- (a) With regard to Paragraph 3 on Page 2 of the Ombudsman's Report of 15th February 2005, as Councillor Brooks admitted that by not making an appropriate declaration in accordance with the requirements of Coedffranc Community Council's Code of Member Code he was in clear contravention of the Code, the Committee therefore finds Mr Brooks to be in breach of Paragraphs 11(a) and 16(3) of the said Code;
- (b) From the evidence provided to the Committee it is concluded that, on the balance of probabilities weighing Councillor Brooks' explanation against the written representations made by the Complainant in his complaint to the Ombudsman, there was undue influence exhibited in Councillor Brooks' conduct, being a breach of Paragraph 7(a) of the said Code;
- (c) The Standards Committee also wished to record that it agrees with the Ombudsman's statement in his Report that said:

“Members are accountable generally for their actions and for the way they carry out their responsibilities as Members and must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities”.

Hence the Standards Committee was likewise disappointed that Councillor Brooks had failed to respond to the Ombudsman and to the Council's Monitoring Officer.

- (d) In the light of the breaches of the said Code given in (a) and (b) above, the Committee determines that the following sanction shall apply to Councillor Brooks:

“Suspension from his office of being a member of the Coedffranc Community Council for a period of two months”

this suspension from office not to commence until the day after the expiration of the period of 21 days allowed to lodge a notice of appeal or as in other circumstances under the Regulations as will be notified to Councillor Brooks in his confirmation letter;

- (e) Furthermore, the Committee requests Councillor Brooks to write a letter of apology to the Ombudsman for his conduct in not responding to the correspondence relative to the Ombudsman’s investigation of the complaints, and it also recommends that Councillor Brooks attends a refresher course of training on the Member Code of Conduct to be organised by the Monitoring Officer of Neath Port Talbot County Borough Council.

CHAIRMAN