

**AGENDA ITEM NO.6**
**CONDUCT COMMITTEE**

|              |                               |
|--------------|-------------------------------|
| <b>Date</b>  | <b>12 DECEMBER 2012</b>       |
| <b>Title</b> | <b>INVESTIGATION PROPOSAL</b> |

**1. PURPOSE/SUMMARY**

To obtain members affirmation to the investigation of a Complaint under the Code of Conduct in respect of Councillor French.

**2. KEY ISSUES**

- A complaint was made about the conduct of Councillor French; which was assessed by the Initial Assessment Panel of the Standards Committee.
- The Panel considered that the complaint was appropriate to be referred for Investigation.
- Before the Investigation commenced the new conduct framework was introduced.
- It is therefore appropriate for the Conduct Committee to consider the position before the commencement of the formal investigation.
- It is proposed that the investigation be conducted by an external solicitor with experience of conducting this type of investigation.

**3. RECOMMENDATION(S)**

That members affirm the Initial Assessment Panel of the Standards Committees view that the matter requires investigation and that further the proposed investigation process is appropriate.

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| <b>Wards Affected</b>                                | All   |
| <b>Forward Plan Reference No.</b><br>(if applicable) | NA  |
| <b>Portfolio Holder(s)</b>                           |   |
| <b>Report Originator</b>                             | Alan Pain, Corporate Director and Monitoring Officer<br>Ian Hunt, Chief Solicitor |
| <b>Contact Officer(s)</b>                            | Alan Pain, Corporate Director and Monitoring Officer<br>Ian Hunt, Chief Solicitor |
| <b>Background Paper(s)</b>                           |   |

## **1. BACKGROUND/INTRODUCTION**

An email of complaint was received on the 17 April 2012 by Mr Bill Tilley an Enforcement Officer within the Planning Enforcement Team copy attached.

The email relates to concerns about the behaviour of Councillor Jan French who at the time was the Portfolio Holder with responsibility for planning enforcement.

It was alleged that she acted inappropriately by advising a business operating in the area to enable them to avoid the actions of the planning enforcement team. It is alleged this undermined the team creating difficulties for their work.

Three specific issues arise:

1. Email communication form a complaint which indicated that the decision of planning committee was known in advance of the meeting.
2. A telephone conversation with a complainant who made allegations surrounding the content of a conversation between Councillor French and the business person.
3. Conversations on site during the service of a notice which indicated Councillor French had a close involvement with the business owner.

With respect to the email at 1 and the conversation at point 2 the person making the telephone call has been approached but refuses to cooperate with any investigation or further consideration of the complaint. They have further requested that they not be involved and that their details are kept confidential.

In considering the complaint it is appropriate that this information be kept confidential at this stage so not to prejudice the individual. Their details are held and will be available to an investigating officer.

## **2. CONSIDERATIONS**

The Initial Assessment Panel considered that the complaint raised allegations which if proven would disclose a potential breach of the Code of Conduct.

An independent Solicitor Stephen Pearson of Freeth Cartwrights has been approached to undertake the investigation. The cost of the investigation will be no more than £1980, an additional sum will be payable should a hearing become necessary.

## **3. CONCLUSIONS**

Members are asked to affirm the investigation of the complaint and the appointment of the Investigating Officer.

**Ian Hunt**

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**From:** Bill Tilley

**Sent:** 17 April 2012 11:11

**To:** Ian Hunt

**Subject:** RE: Complaint. PLEASE ACCEPT THIS AS MY FINAL COMPLAINT I HAVE ALTERED SOME THINGS AND ADDED OTHER IAN.

I have spent the last few days trawling over how I feel and the repercussions that the actions of a member have caused me personally, the team within Planning Compliance and the Council as a whole, not to forget the members of the public.

I have thought long and hard about making a formal complaint to you for refer to the standards Committee. I do not take this action lightly, and can state categorically that that this issue that needs addressing.

Person whom complaint is about: Cllr Jan French, Portfolio Holder for Planning Compliance, and Cabinet Member of Fenland District Council.

The complaint are:

1. Emails received by myself from the one of the main complainants in this case show that things have been mentioned before the event. i.e. hat the decision dealing with the site would be deferred again ( a second time on the planning committee meeting on 7th march 2012) this was asked to be deffred by Cllr French, but, the defferment was overturned and the decision to refuse was instead taken. The complainant had been informed the day before that the decion was going to be deferred! There was a dsicussion that took place outside the building ( Fenland Hall) between Cllr French and Mr Villas regarding the request to defer the decison being refused. I also took a phone call from the complainant that states he weas present when the discussion took place between Cllr French and Mr Villas. This shows that the Cllr hasundermined the Compliance Team, myself as an individual, and the Council as a whole.

I wish the above to be investigated by the Standards Committee ( or whoever is standing in fro them during this period of uncertainty). I am of course willing to be interviewed with regards the allegation and I aslso wish to be kept fully updated of anything done within the process.

2. That Cllr Jan French ( Enforcvment Portfolio Holder for fenland District Council, and cabinet memembr) has acted beyond her remit, that is to say, been personally involved in the actions taken by the Compliance Team against people for running a motor sport activity without the current permissions. The Cllr concerned has undermined the team and the Council by giving personal advice regarding actions being taken by the Team and by being involved with the operators of the motor sports and by asking the members of the busines to contact her directly should any enforcement notices be issued to them. I have first hand knowledge of this taking place as I issued a notice to the operators of teh motor sports and when i handed to notice to Mr Villas he said" what notice is this Mr Tilley?" I stated that it was a legally binding notice that had to be completed within 21 days and returned to the council completed with teh information requested within it. I then said it was a Planning Contravention Notice (PCN) he replied, ' ok I have been asked to contact Cllr Fench as soon as I receive it' This was aodd as my colleague had requested that Cllr French not be notified of the impending issuing of the notice because the operators may not be easy to find if they are aware if the issue.! No sooner had I handed the notice to Mr Villas than my work mobile began to ring and I noticed that it was Cllr French ringing me. My Colleague was also reeiving calls from Cllr French. I did not answer as I was in teh act of issuing a very important legal document.

I also consider that all the actions have been insulting, demeaning and have ridiculed me as an individual and as a member of the Compliance Team. I see the interference as 'unfair' treatment of an employee of the council. I feel that the actions are those of an overbearing member of teh council who has misused the power given to them by the Council Constitution and abused their position. I

23/04/2012

also feel very strongly that they have deliberately undermined myself and the Team both as a competent worker and Team. This bullying and harassment has made me feel anxious and humiliated. I have feelings of anger and frustration at being unable to cope in my work! I have become demotivated. Stressful, I have a loss of self-confidence and self-esteem caused by harassment or bullying! This has left me feeling down and make me feel that I cannot work with this Cllr any more in any arena. This has led to me having feelings about job insecurity, and even resignation! My job performance has been affected and relations in the workplace have suffered too. This is not how I am normally and these things have been caused by the stress and pressure placed on me by the actions I have describe and this has had a direct effect on my family life as well!!!!

Bill

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**From:** Ian Hunt  
**Sent:** 17 April 2012 09:07  
**To:** Bill Tilley  
**Cc:** Alan Pain; Graham Nourse  
**Subject:** RE: Complaint

Dear Bill

Thank you for this complaint I will arrange for this to be taken to the next meeting of the Initial Assessment Panel (part of the Standards Committee).

If you have any questions please let me know.  
Ian

Ian Hunt  
Chief Solicitor  
Fenland District Council  
Tel: 01354 622214

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**From:** Bill Tilley  
**Sent:** 16 April 2012 15:38  
**To:** Ian Hunt  
**Cc:** Alan Pain; Graham Nourse  
**Subject:** Complaint

Good afternoon Ian,

I have spent the last few days trawling over how I feel and the repercussions that the actions of a member have caused me personally, the team within Planning Compliance and the Council as a whole, not to forget the members of the public.

I have thought long and hard about making a formal complaint to you for refer to the standards Committee. I do not take this action lightly, and can state categorically that that this issue that needs addressing.

Person whom complaint is about: Cllr Jan French, Portfolio Holder for Planning Compliance, and Cabinet Member of Fenland District Council.

The complaint are:

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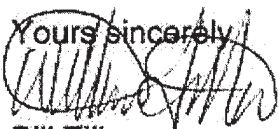
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I have first hand knowledge of this taking place as I issued a notice to the operators of the motor sports and when I handed the notice to Mr Villas he said " what notice is this Mr Tilley?" I stated that it was a legally binding notice that had to be completed within 21 days and returned to the council completed with the information requested within it. I then said it was a Planning Contravention Notice (PCN) he replied, ' ok I have been asked to contact Cllr French as soon as I receive it' This was odd as my colleague had requested that Cllr French not be notified of the impending issuing of the notice because the operators may not be easy to find if they are aware of the issue.!

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I wish the above to be investigated by the Standards Committee ( or whoever is standing in for them during this period of uncertainty).

I am of course willing to be interviewed with regards the allegation and I also wish to be kept fully updated of anything done within the process.

Yours sincerely  


Bill Tilley  
Planning Compliance Officer

## **CODE OF CONDUCT FOR MEMBERS - DECISION NOTICE: REFERRAL TO MONITORING OFFICER FOR INVESTIGATION**

### **INITIAL ASSESSMENT SUB-COMMITTEE**

#### **Reference 20120417/32**

Parties receiving this Decision Notice should take care when acting on this information, as the matter could be the subject of a review and the Review Sub-Committee may come to a different view on the complaint. In addition, some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

#### **Complaint**

On 18 June 2012, the Initial Assessment Sub-Committee considered a complaint from Mr B Tilley concerning the alleged conduct of Councillor Mrs French, a member of Fenland District Council.

A general summary of the complaint appears below:

That Councillor Mrs French acted inappropriately by advising a business operating in the area to enable them to avoid the actions of the Planning Enforcement Team, which allegedly undermined the team creating difficulties for their work.

#### **Decision**

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Initial Assessment Sub-Committee resolved to refer the allegation to the Monitoring Officer for investigation.

#### **Potential breaches of the Code of Conduct identified**

The Sub-Committee identified below the paragraphs of the Code of Conduct which may apply to the alleged breach. The investigator will actually determine which paragraphs are relevant during the course of the investigation and which paragraphs may have been breached.

- failing to treat others with respect
- bullying
- compromising the impartiality of those who work for, or on behalf of, the authority
- bringing an office or authority into disrepute

- using your position as a member improperly to confer or secure an advantage or disadvantage for a third party

This Decision Notice is sent to the person or persons making the allegation, the member against whom the allegation was made.

**What happens now?**

Investigation – the complaint will now be investigated as set out in the attached investigations procedure and you will be informed of the outcome of that investigation in due course.

**Signed** ..... *MH De Linn* ..... **Date** ..... *18th June 2012* .....

**Chairman of the Initial Assessment Sub-Committee**