

## **HEARINGS SUB- COMMITTEE OF THE EPPING FOREST STANDARDS COMMITTEE**

### **Pre hearing process summary**

**Name of Authority:** Epping Forest District Council

**Name of member who the allegation has been made about:**

District Councillor Jonathon Collier

**Name of the person who made the original allegation:**

Mr Robert Palmer, Director of Finance and ICT, Epping Forest District Council

**Council Case Reference Numbers:** EFDC 1/2010

**Name of the Standards Committee Member who will chair the hearing:**

Mr Richard Crone

**Name of the Monitoring Officer:** Miss Colleen O'Boyle.

**Name of the Investigating Officer:** Ms Hazel Salisbury, Consultant, Wilkin Chapman Goolden

**Name of the Administrative Officer for the Hearing:** Mr Graham Lunnun

**The date the pre-hearing process summary was produced:** 20 December 2010

**The date, time and place of the hearing:** 25 January 2011 at 7.30 pm in Committee Room 2, Civic Offices, High Street, Epping

### **Summary of the Allegation:**

During the course of contact with NNDR and Council Tax, Councillor Collier provided a false address which resulted in the Council sending correspondence for Councillor Collier to someone that had no knowledge of either Councillor Collier or the Epping Forest District Council. During a visit to Councillor Collier on 25 November 2009 by Council staff, Councillor Collier used inappropriate language. In a letter dated 11 January 2010 about his entitlement to Council Tax Benefit, Councillor Collier stated "I will certainly take advice as to whether this matter can be brought up at the next full Council meeting with the relevant portfolio holder". The letter was signed as J F Collier, Epping Forest District Councillor and Waltham Abbey Town Councillor. When Councillor Collier's application for Council Tax Benefit was refused, he wrote to the Benefits Section saying that he thought the refusal was improper and was caused by an officer, who was deliberately preventing him from receiving what he was entitled to.

### **Relevant Sections of the Code of Conduct:**

Section 3(1) – Must treat others with respect.

Section 3(2)(b) – Must not bully any person.

Section 3(2)(d) – Must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

Section 5 – Must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Section 6(a) – Must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

**The findings of fact in the Investigating Officer's report that are agreed:**

The facts are not disputed but regard should be had to the comments made in the following section.

**The findings of fact in the Investigating Officer's report in respect of which Councillor Collier has commented:**

Councillor Collier has not disputed the facts but has made the following comments:

(a) he cannot be expected to remember every house number of every relative when challenged in the street by a Council officer; the officer had been unaware of a request to Royal Mail for post to be redirected, and as a result there had been no need to seek a forwarding address;

(b) the use of inappropriate language was in his own house, the officer had not made a prior appointment, no inappropriate language was directed at the officer, every hospitality was offered to the officer;

(c) any resident has the right to speak to any Portfolio Holder on any matter, any resident can attend full Council meetings and can raise any matter by way of a question; his letter head was a standard format which has since been changed.

In response the Investigating Officer has stated that it is not alleged that Councillor Collier's failure to provide an accurate forwarding address is evidence of failing to treat any person with respect or of any other breach of the Code of Conduct or impropriety but that it is relevant in explaining why the officers took the actions they did in trying to establish Councillor Collier's temporary address.

In relation to (b) the Investigating Officer has stated that Councillor Collier's comments are contradictory. Also it is not alleged in the report that Councillor Collier's use of abusive language was in his official capacity or that it was a breach of the Code of Conduct. It is however evidence of the course of events that led to the writing of the letter dated 11 January which is the subject of the complaint.

The Investigating officer further points out that it is for the Sub-Committee to decide whether in sending the letter of 11 January, Councillor Collier was acting in his official capacity.

**Member to attend or be represented:**

Councillor Collier has stated that he will not be present to put his case as he feels there is no case against him.

**Names of witnesses to give evidence:**

No witnesses are being called.

**Outline of proposed procedure for the hearing:**

(a) Introductions.

(b) To consider representations, if any, about the exclusion of press and public and the withholding of documents from the public (Councillor Collier has stated that he does not want any part of the hearing to be held in private session).

(c) The Investigating Officer to make submissions regarding findings of facts. The Sub-Committee to consider the facts set out in the Investigating Officer's report, and make findings about the facts.

(d) The Investigating Officer to make submissions on whether or not Councillor Collier has breached the Code of Conduct. The Sub-Committee to determine whether the facts represent a breach of the Code.

(e) If the Sub-Committee decides there has been a breach, to decide whether no action needs to be taken or whether to impose a penalty and, if so, what that penalty should be - after considering further submissions of the Investigating Officer.

(f) The Sub-Committee to consider whether it is minded to make any recommendations to the Council with a view to promoting high standards of conduct among Councillors.

Richard Crone  
Chairman of the Hearings Sub-Committee

Miss Colleen O'Boyle  
Monitoring Officer