

LOCAL GOVERNMENT LAWYER

Independent report expresses regret at attack by councillor on monitoring officer.

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An independent report into allegations against a councillor at Fenland District Council has expressed “some surprise and regret” that the member pursued allegations concerning the monitoring officer and her actions as a complaint against her.

Law firm Wilkin Chapman was asked by the deputy monitoring officer to carry out an investigation into whether Cllr Simon King, who was first elected to the council in May 1999, had breached Fenland’s Code of Conduct.

Carol Pilson, the council’s monitoring officer, had alleged that Cllr King might have submitted overinflated mileage claims and attempted to claim for journeys outside the scope of the members’ allowance scheme.

Cllr King has always denied wrongdoing.

In its report, which can be [viewed here](#), Wilkin Chapman said it had considered the wording of the scheme and was of the view that a member may only make a claim for mileage (a) incurred to attend meetings in respect of one or more of eight types of official duties set out in the scheme and (b) which is for a journey wholly and necessarily incurred in pursuance of those eight duties.

It added that the scheme permitted claims from a councillor’s normal place of residence. It also did not require the shortest route to be used but an excessively indirect route would, in the law firm’s view, call into question whether the journey was wholly and exclusively in pursuance of one or more of the eight duties.

Wilkin Chapman said it had inspected a number of claim forms submitted by Cllr King between 2011 and 2017, and these had highlighted a significant difference in the actual mileage between his place of residence and the council offices and the mileage claimed. There were claims for travel expenses for journeys which were not covered by the members’ allowance scheme adopted by Fenland.

“We have concluded that in some cases there is insufficient evidence to show that claims for mileage between Cllr King’s normal place of residence and the council offices were not wholly and exclusively in pursuance of one or more of the eight duties,” the report said.

“However, we have also considered claims made for journeys which were clearly not covered by the members’ allowance scheme. We have concluded that there is

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evidence that Cllr King should have been aware that some of these claims were not justified.

“Our conclusion is that there has been a breach of the code of conduct of the authority by Councillor King.”

Commenting also on the allegations made by Cllr King against the monitoring officer, Wilkin Chapman said: “Though all the allegations were dismissed, there was a risk that such a process had the appearance of a collateral attack on the complaint against him and the officer making them.”

It added that such actions risked being a breach in themselves of part of the council’s code of conduct that relates to intimidation or attempts at intimidation. The report will be considered by Fenland’s conduct committee this week (31 October).