



Standards Committee

Date: 27 March 2012
Time: 6.15 pm
Venue: Council Chamber
District Council Offices, Queen Victoria Road, High Wycombe Bucks

Membership

Chairman Councillor Mrs E Springford
Vice Chairman Councillor Mr D Sainsbury

Councillors: D J Carroll, Mrs G A Jones, J A Savage and Ms J D Wassell

Independent Members: Revd G Hargrove and Mr B Morgan-Timms

Parish Council Members: Parish Cllr D Banfield, Parish Cllr J Sherlock and Parish Cllr Mrs V Smith

Agenda

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**For further information, please contact Peter Druce 01494 421210,
peter_druce@wycombe.gov.uk**

Agenda Item 1

APOLOGIES FOR ABSENCE

To receive apologies for absence.

Agenda Item 2

DECLARATIONS OF INTEREST

To receive any declarations of personal or prejudicial interest by Members relating to the Agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting.

Members are reminded that if they are declaring an interest, whether personal or personal and prejudicial, then (subject to paragraph 14 of the Code of Conduct) they should state the nature of that interest, whether or not they leave the meeting.

Agenda Item 3

MINUTES OF PREVIOUS MEETING – 24 JANUARY 2012

To confirm the Minutes of the meeting held on 24 January 2012

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Agenda Item 4

THE LOCALISM ACT 2011 – THE NEW STANDARDS REGIME

Officer Contact: David Ruddock DDI: 421252
Email: david_ruddock@wycombe.gov.uk

What is the Committee being asked to do?

To note the verbal report to be given by the District Solicitor in respect of the model arrangements for dealing with standards issues under the Localism Act 2011.

Corporate Implications

This report further outlines the new Standards Regime coming into force under the Localism Act 2012 Sections 26-37 and Schedule 4.

Sustainable Community Strategy/Council Priorities - Implications

A robust and effective standards regime to ensure high standards of conduct amongst elected Members both at District and Parish Council level, is essential to ensure probity in all decision making of the authorities of the District. Such probity underlies all the work of the Council and Parishes in attaining the 5 common themes of both the Sustainable Community Strategy of:

- Thriving economy
- Sustainable environment
- Safe communities
- Health and wellbeing
- Cohesive and strong communities

Agenda Item 5

Appointment of Independent Persons

It is recommended that:

- (1) the advertisement for and appointment of two Independent Persons is delegated to the Monitoring Officer in consultation with the Chairman of the Standards Committee,
- (2) each Independent Person is to be awarded an annual allowance of £200 and an allowance of £25 plus expenses for each meeting of any Committee, Sub-Committee or Panel which he or she is required to attend.

Under section 28 of the Localism Act 2011 the Council will be required to appoint one or more Independent Persons. They are to be appointed by advertisement and application and there are very strict rules preventing a person from being appointed if they are a friend or relative of any member or officer of the authority or of any Parish Council within the District Council's area. They can they be paid a fee and/or expenses and the Act provides that a person does not cease to be independent merely because such payments are made.

The Independent Person:

- must be consulted and his or her views taken into account before the District Council takes a decision on any allegation it has decided to investigate
- may be consulted by the District Council in respect of a standards complaint at any other stage
- may be consulted by a District or Parish councillor against whom an allegation has been made.

Legal advice obtained by ACSeS has confirmed that a person cannot be appointed as an Independent Person if he or she has within the past 5 years been a co-opted voting member of a Committee of the Council. Unfortunately this means that all existing independent co-opted members of the Standards Committee are ineligible to be appointed as Independent Persons.

It is advisable that two Independent Persons are appointed, so that in any matter one can act as consultee for the Council and the other can act as consultee for the member(s) against whom a complaint has been made, in order to avoid any conflict of interest.

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Agenda Item 6

EXTENSION OF APPOINTMENTS OF INDEPENDENT AND PARISH COUNCIL REPRESENTATIVE MEMBERS ON STANDARDS COMMITTEE

Contact Officer: David Ruddock Ext: 3252

Email:

david_ruddock@wycombe.gov.uk

RECOMMENDATIONS

The Committee is advised to RECOMMEND to Council that:

The appointment of the following independent members on the Standards Committee be extended until the 30 June 2012 or, if later, the date upon which Standards Committees formed under existing legislation are abolished:

*Revd G Hargrove
Mr B Morgan-Timms
Mr D G Sainsbury
Mrs E Springford*

The appointment of the following Parish Council Representative Members on the Standards Committee be extended until 30 June 2012 or, if later, the date upon which Standards Committees formed under existing legislation are abolished:

*Parish Councillor D Banfield
Parish Councillor J Sherlock
Parish Councillor Mrs V Smith*

Corporate Implications

The procedure for appointment of independent members is set out in The Standards Committee (England) Regulations 2008.

Generally speaking, appointments must be approved by full Council following advertisement in one or more newspapers circulating in the authority's area and in such other publications or websites as the Council considers appropriate. Appointments can generally only be made of a person who has not been a member or officer of the Council during the past 5 years and of a person who has submitted an application to the Council.

Standards for England have issued guidance to the effect that given the current uncertainty concerning the future of the current standards regime, the term of office of existing independent members can be extended, provided they were appointed in accordance with the above legislative requirements at the time, and provided the extension is granted before the expiry of their existing term of office.

Authorities have much greater flexibility in how they go about appointing Parish Council Member representatives on the Standards Committee.

Detailed Report

The terms of office of all independent members on the Standards Committee and all Parish Council Member representatives on the Standards Committee come to an end at the Annual Council meeting in May 2011, at which meeting they were re-appointed until Annual Council May 2012 or, if earlier, the date upon which the Standards Committees under existing legislation are abolished. This abolition has not yet occurred but is scheduled for 30th June 2012.

In light of this, the Committee is advised to recommend to the Full Council at its meeting on 11 April 2011 that the appointments of:

Revd G Hargrove
Mr B Morgan-Timms
Mr D G Sainsbury
Mrs E Springford
Parish Councillor D Banfield
Parish Councillor J Sherlock
Parish Councillor Mrs V Smith

be extended until the 30th June 2012 or, if later, the date upon which Standards Committees formed under existing legislation are abolished. The Members concerned have indicated a willingness to continue for such period.

Agenda Item 7

DRAFT ANNUAL STANDARDS REPORT

RECOMMENDATION

The Committee is advised to resolve to approve the Annual Report attached at Appendix 7.

Corporate Implications

The annual report is authorised by Part III of the Local Government Act 2000 and section 111 of the Local Government Act 1972.

There are no financial implications arising from this report.

Detailed Report

Each year, the Chairman of the Standards Committee presents the annual report of the Committee to the Annual Council meeting.

The draft report at Appendix reflects an interesting year in the life of the Committee and is commended for approval.

Agenda Item 7 Appendix 7

DRAFT

WYCOMBE DISTRICT COUNCIL - STANDARDS COMMITTEE

Annual Report 2011/12

1. The Complaints Initial Assessment Sub-Committee has dealt with the assessment of 6 complaints this year, compared with 22 complaints the previous year. It was decided in 4 of these matters that no action should be taken, notwithstanding 5 requests for a review, which were considered by the Complaints Review Sub-Committee. In the only matter in which the original decision was for no action, but was referred for investigation by the Review Sub-Committee, further guidance from the Standards Board was submitted to the Review Sub-Committee, which was not originally available to the Monitoring Officer. The investigation into this matter has been carried out and it is shortly expected to reach a conclusion. Of the two matters referred for investigation the previous year, one has been concluded. The other case has been the subject of a more lengthy and detailed investigation but it is expected to reach a conclusion very shortly. In four cases, the complaints were referred to the Monitoring Officer for "other action", namely with a view to training sessions being arranged. All Councillors agreed to attend the sessions, which were successful. The relevant Standards Sub-Committee has received reports on the outcome in all four cases and has expressed its satisfaction with the outcome.

2. Throughout the year, the Committee has also continued to monitor the handling of complaints unrelated to standards of Member conduct. The overall picture has been one of good performance in terms of meeting the corporate targets. A number of service improvements have also been made as a result of complaints, so that the system appears to be working well.

3. I would also like to express my thanks to ex Parish Councillor David Davies who stepped down from the Committee after May last year. Mr Davies was an invaluable parish council representative on the Committee and is thanked for his extensive input and his selfless availability, some times at short notice, to sit on panels, assessments, reviews etc.

4. The Localism Act 2011 has of course introduced a new standards regime, although at the time of writing much of it still awaits implementation. Every authority will be under a duty to promote and maintain high standards of conduct by elected and co-opted members. The Government is abolishing Standards for England, which since 31 January has lost its regulatory role and has ceased to accept new referrals from local standards committees. The Government intend that the remaining elements of the current regime, including the current statutory standards committees with the power to suspend councillors, will be abolished on 1 July 2012.

5. From that date, or from such later date on which the legislation comes into force, all standards matters will be the responsibility of the Council, and to be handled under new arrangements, which the Council will need to adopt. These arrangements will include a new Code based on the seven Nolan principles of conduct in public life, and which must also include provisions relating to the registration and disclosure of interests. The wilful failure to comply with these requirements will constitute a criminal offence. Work is under way to try and establish a common Code for all Councils in Buckinghamshire.

stds-1

6. This meeting will therefore be asked to re-appoint the Committee in its present form until the date of abolition of the Committee as it is currently constituted. Beyond that date the Council may choose to adopt a voluntary Standards Committee. This will be an ordinary Council Committee or Sub-Committee and will be able to censure Members, but will not be able to suspend or disqualify Members from Council membership.

7. This meeting will also be asked to approve arrangements for the appointment of two Independent Persons who can be consulted at any stage by the Council or by the Member against whom the complaint has been made, and who must be consulted before the Council takes a decision on any matter it has decided to investigate. Unfortunately, the legislation provides that a person cannot be appointed as an Independent Person if he or she has within the last 5 years been a co-opted voting member of a Council Committee, the irrational result of which is that all our existing independent members of the Standards Committee are ineligible to be appointed as Independent Persons, which can hardly be what the Government can have intended.

8. Finally, as the Committee approaches abolition I would like to end by expressing my thanks to all Members of the Committee, and also to officers for their hard work during the past year.

Mrs E Springford

Independent Member and Chairman of the Standards Committee

Agenda Item 8

Complaints/Comments/Compliments - Information and Improvements

Contact Officer: Jean Roberts
Ext: 3202

Recommendation

The Standards Committee is asked to:

Note the attached data and charts for the periods 1 October – 31 December 2011 (Quarter 3).

Corporate Implications

The establishment and maintenance of complaints procedures is conducive to the discharge of the Council's various functions and as such are authorised by Section 111 of the Local Government Act 1972.

There are no financial implications.

A robust complaints procedure assists in minimising the risks to the Council arising from complaints.

Policy/Community Plan Implications

This report is relevant to the Council's organisational focussed priority of 'delivering value for money' and the sub section in respect of transforming the way we deliver services to ensure they are customer focused and perform well. This report proves an effective and important auditing tool in ensuring this priority is delivered.

Background

Quarterly information is supplied to all business units which record complaints, comments or compliments on ServiceMail, and after consultation with managers, composite information for each Management Team and the Strategic Management Board. Further complaints statistics are also incorporated as Local Performance Indicators by the Policy and Research Unit.

Report

The information and charts for the quarters are attached herewith and additional information has been added to the graphs to show the targets in place for the relevant time periods, as well as a spreadsheet showing a comparison with the quarters in the previous year for key indicators.

The information and charts for the quarter are attached herewith and additional information has been added to the graphs to show the targets in place for the relevant time periods. In addition a summarised report on LG Ombudsman complaints is also attached. The target in place for complaints responded to in target is 90% for this year, and feedback on customer satisfaction with response, customer satisfaction with outcome, and satisfaction with complaint handling are also now all 90%. The following are the priority areas for improvement and the results for this quarter for all business units within the Council:

1. Answering complaints within our corporate timescale of 10 working days

This quarter there was a total percentage of complaints within target of 92.5%, above target and an improvement of 6% from the last quarter.

2. Review of Complaints by business units to “Learn Lessons” and Improvements Made

For this quarter 53 complaints were received with 13 complaints reviewed by business units, but only 1 improvement logged. It is still disappointing not to have more improvements as a result of complaints.

3. Customer Feedback Cards - Complaints

The numbers of customer feedback responses will always be lower than the number of complaints received as these are sent out after our response. This quarter has seen feedback logged for 27 out of the 53 items received. Feedback for this quarter with regard to outcome stands at 77% satisfaction, complaint handling 81%, and speed of response stands at 86%. The speed of response percentage is disappointing as this is usually considerably higher. The speed of response does also have an impact on general complainant satisfaction as nationally it has been shown that customers are more satisfied with the outcome of the complaints if the response is quick.

4. Complaints to the LG Ombudsman

There have been no findings of maladministration. There are 2 current ongoing Ombudsman enquiries.

5. Compliments Logging

The total for compliments logged is 60 for this quarter, a reduction from Q2, but still more compliments than complaints. The single service area with the most compliments for this quarter is Development Management with 10, then the CSC with 9, and Environmental Health with 7.

Comments from Management Teams

No comments received this quarter from management teams other than Environmental Services, where it was noted that there were no trends emerging from the complaints recorded.

Comments from Strategic Management Board

The quarter 3 report was reviewed. There were more compliments than complaints and congratulations were extended to development management for the highest number of compliments this quarter (10). AGREED that all Services be reminded of the need to (1) log complaints (highlighted in the quarter 3 service performance report) and (2) review complaints to identify whether improvements are required.

Conclusion/Future Work

It will be interesting to see the impact of the removal of most of Housing services from the Council complaints statistics in the forthcoming months which should, of course, result in a reduction of complaints. However, there are still issues to be

resolved concerning the dealing of complaints for the residual Housing functions and there are concerns also with regard to the impact of Plan B reorganisations.

Background Papers

“Have We Got It Right” leaflet for the public.

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Agenda Item 8 Appendix 8

Council: Items by Type by Business Unit by In Target Responses between 01/10/2011-31/12/2011

Business Unit	In/Out of Target (Target: 10 working days)	Total
Comments		
Customer Service Centre	In Target	1
Green Space Contracts	In Target	1
Tourism	In Target	1
Total for Comments		3
Complaints		
Community Safety	In Target	1
Council Tax	Out of Target	1
	In Target	6
Customer Service Centre	In Target	2
Development Management	In Target	6
Elections/Land Charges	In Target	1
Environmental Health	Out of Target	2
	In Target	6
Housing Applications	In Target	2
Housing Benefit	Out of Target	1
Housing Development	In Target	1
Housing Management	In Target	5
Housing Repairs	In Target	2
Housing Services	In Target	1
Housing Welfare	In Target	2
Human Resources	In Target	1
Legal Services	In Target	1
Parking - Off-street	In Target	5
Parking - On-street	In Target	1
Ranger Services	In Target	1
Refuse	In Target	1

Council: Items by Type by Business Unit by In Target Responses between 01/10/2011-31/12/2011

Business Unit	In/Out of Target (Target: 10 working days)	Total
Spatial Planning	In Target	1
Sports Centres Client	In Target	3
Total for Complaint		53
Compliment		
Cleansing	In Target	2
Cohesion	In Target	2
Community Safety	In Target	5
Corporate Administration	In Target	2
Council Tax	In Target	2
Customer Service Centre	In Target	9
Demo & Legal HoS & PA/Complaints Officer	In Target	1
Development Management	In Target	10
Environmental Health	In Target	7
Green Space Contracts	In Target	1
Homelessness	In Target	1
Housing Applications	In Target	2
Housing Benefit	In Target	1
Housing Management	In Target	2
Housing Welfare	In Target	5
Parking - Off-street	In Target	4
Ranger Services	In Target	4
Total for Compliment		60

Complaints in target from 01/10/11 to 31/12/11

Team: I WESTGATE TEAM

Business Unit	In Target	Out of Target
Community Safety	1	0
Development Management	6	0
Environmental Health	6	2
Housing Applications	2	0
Housing Development	1	0
Housing Management	5	0
Housing Repairs	2	0
Housing Services	1	0
Housing Welfare	2	0
Parking - Off-street	5	0
Parking - On-street	1	0
Ranger Services	1	0
Refuse	1	0
Spatial Planning	1	0
Sports Centres Client	3	0

Total for I WESTGATE TEAM

In target: 38

Out of target: 2

Team: L SMITH TEAM

Business Unit	In Target	Out of Target
Council Tax	5	2
Customer Service Centre	2	0
Elections/Land Charges	1	0
Housing Benefit	1	0
Human Resources	1	0
Legal Services	1	0

Total for L SMITH TEAM

In target: 11

Out of target: 2

TOTAL FOR WYCOMBE DC

In target: 49 92.5%

Out of target: 4 7.5%

Complaint Feedback from 01/10/11 to 31/12/11

Business Unit: Council Tax

Speed - Yes:	5	Speed - No:	0
Easily Understood - Yes:	5	Easily Understood - No:	0
Outcome - Yes:	5	Outcome - No:	0
Complaint Handling - Yes:	5	Complaint Handling - No:	0

Business Unit: Customer Service Centre

Speed - Yes:	1	Speed - No:	0
Easily Understood - Yes:	1	Easily Understood - No:	0
Outcome - Yes:	0	Outcome - No:	1
Complaint Handling - Yes:	1	Complaint Handling - No:	0

Business Unit: Development Management

Speed - Yes:	0	Speed - No:	2
Easily Understood - Yes:	1	Easily Understood - No:	1
Outcome - Yes:	0	Outcome - No:	2
Complaint Handling - Yes:	0	Complaint Handling - No:	2

Business Unit: Elections/Land Charges

Speed - Yes:	1	Speed - No:	0
Easily Understood - Yes:	1	Easily Understood - No:	0
Outcome - Yes:	1	Outcome - No:	0
Complaint Handling - Yes:	1	Complaint Handling - No:	0

Business Unit: Environmental Health

Speed - Yes:	6	Speed - No:	1
Easily Understood - Yes:	7	Easily Understood - No:	0
Outcome - Yes:	4	Outcome - No:	3
Complaint Handling - Yes:	4	Complaint Handling - No:	3

Business Unit: Housing Management

Speed - Yes:	5	Speed - No:	0
Easily Understood - Yes:	5	Easily Understood - No:	0
Outcome - Yes:	5	Outcome - No:	0
Complaint Handling - Yes:	5	Complaint Handling - No:	0

Business Unit: Housing Welfare

Speed - Yes:	1	Speed - No:	0
Easily Understood - Yes:	1	Easily Understood - No:	0
Outcome - Yes:	1	Outcome - No:	0
Complaint Handling - Yes:	1	Complaint Handling - No:	0

Business Unit: Legal Services

Speed - Yes:	1	Speed - No:	0
Easily Understood - Yes:	1	Easily Understood - No:	0
Outcome - Yes:	1	Outcome - No:	0
Complaint Handling - Yes:	1	Complaint Handling - No:	0

Business Unit: Parking - Off-street

Speed - Yes:	3	Speed - No:	0
Easily Understood - Yes:	3	Easily Understood - No:	0
Outcome - Yes:	3	Outcome - No:	0
Complaint Handling - Yes:	3	Complaint Handling - No:	0

Business Unit: Parking - On-street

Speed - Yes:	1	Speed - No:	0
Easily Understood - Yes:	1	Easily Understood - No:	0
Outcome - Yes:	1	Outcome - No:	0
Complaint Handling - Yes:	1	Complaint Handling - No:	0

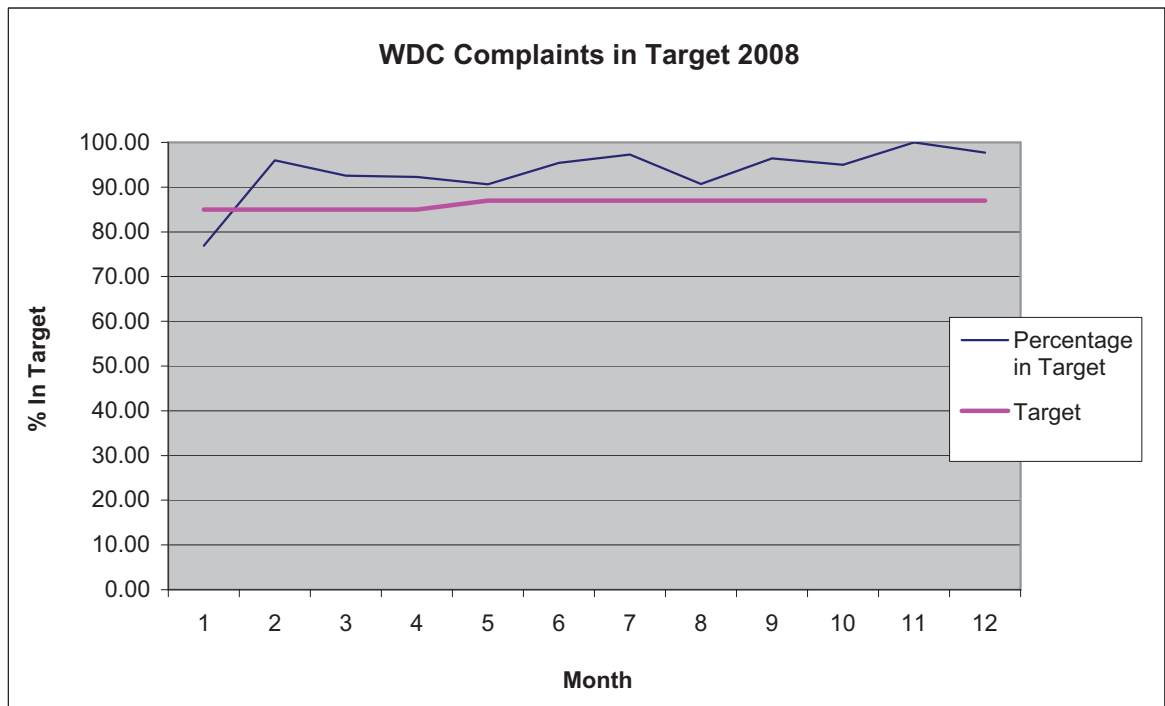
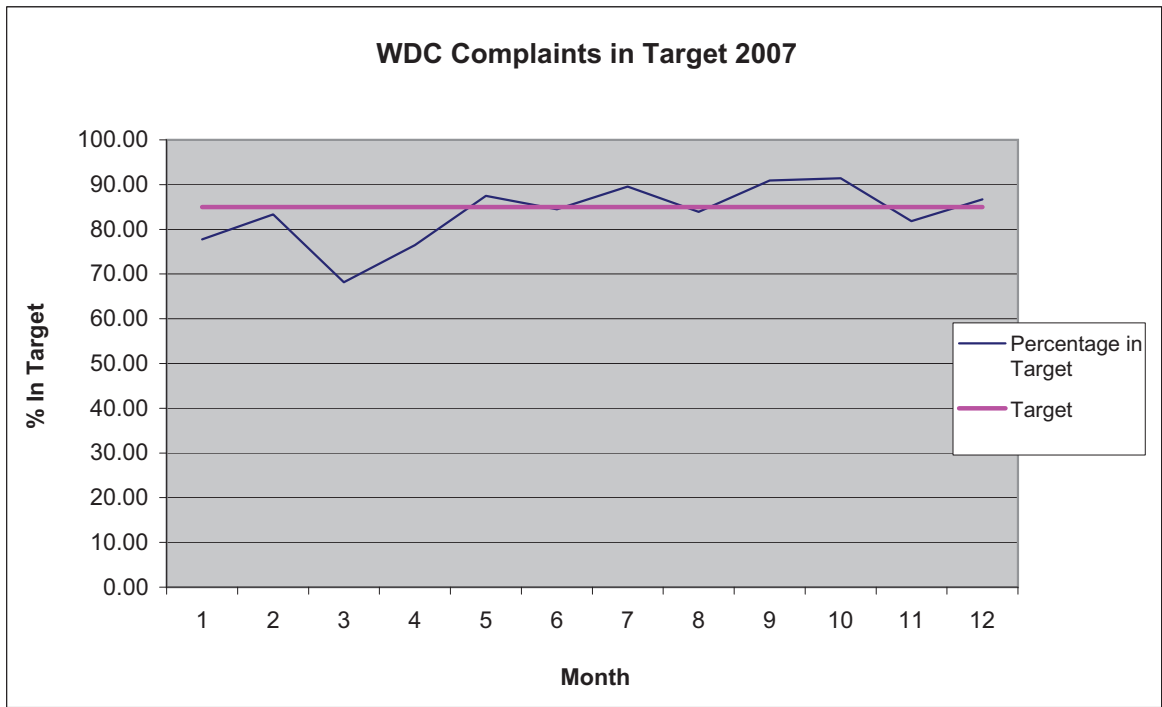
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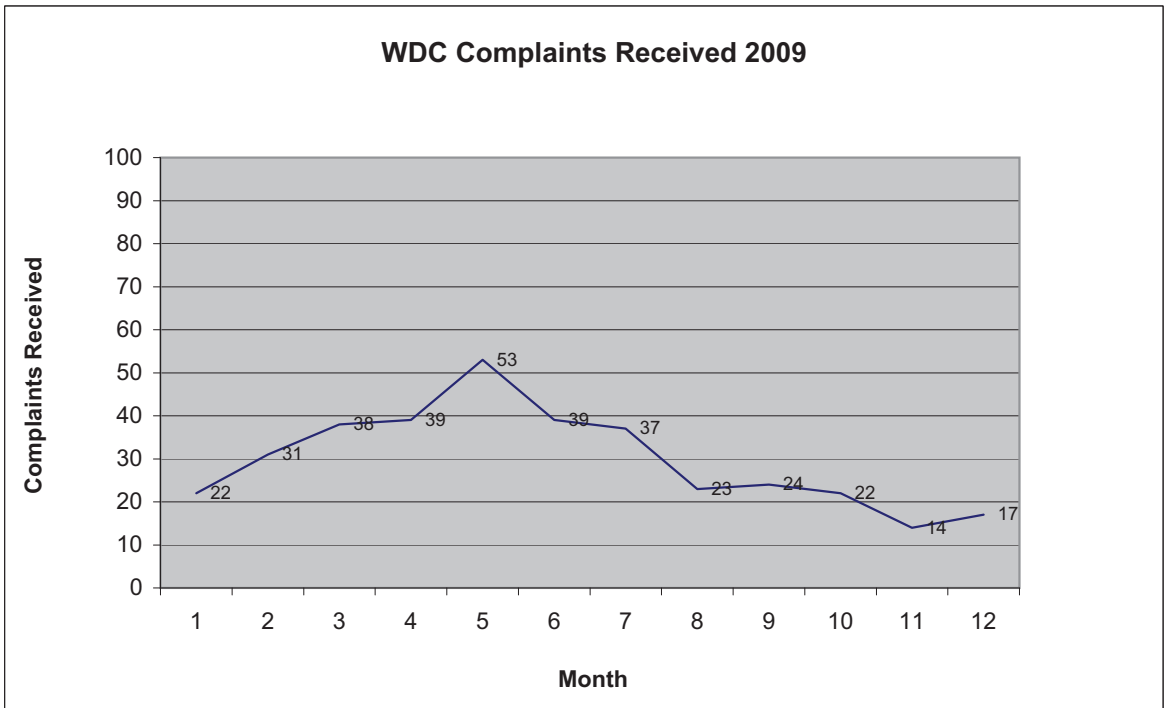
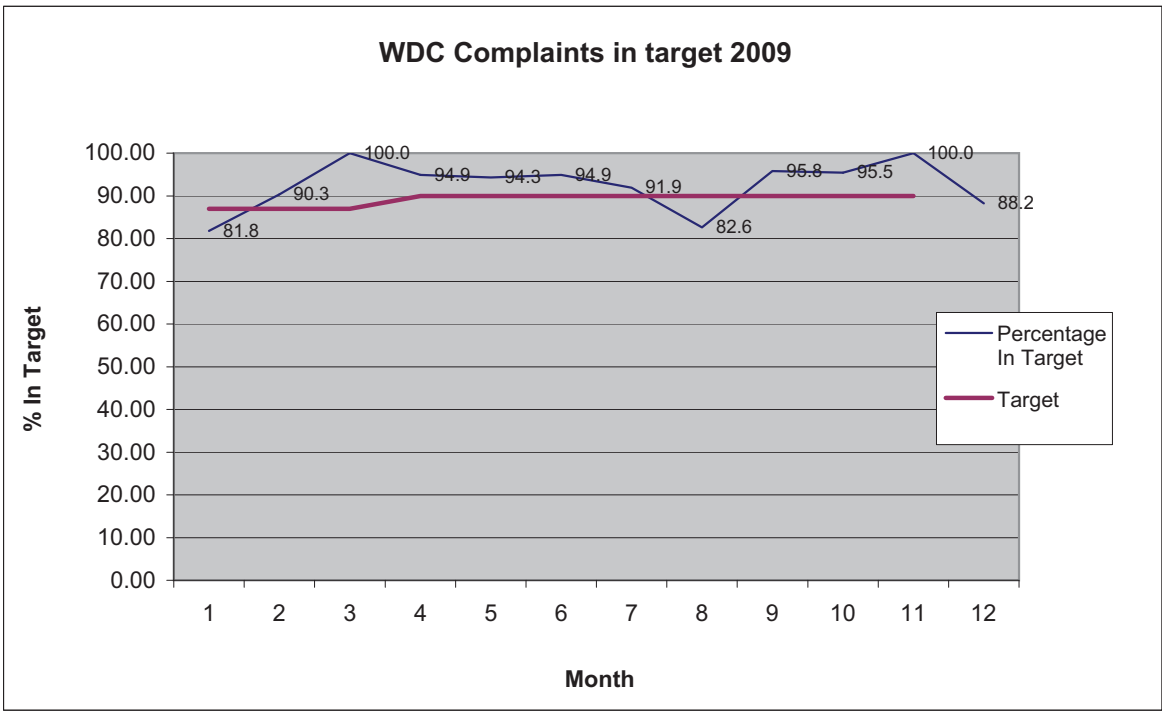
Speed - Yes:	24	Speed - No:	3
Easily Understood - Yes:	26	Easily Understood - No:	1
Outcome - Yes:	21	Outcome - No:	6
Complaint Handling - Yes:	22	Complaint Handling - No:	5

Total %:

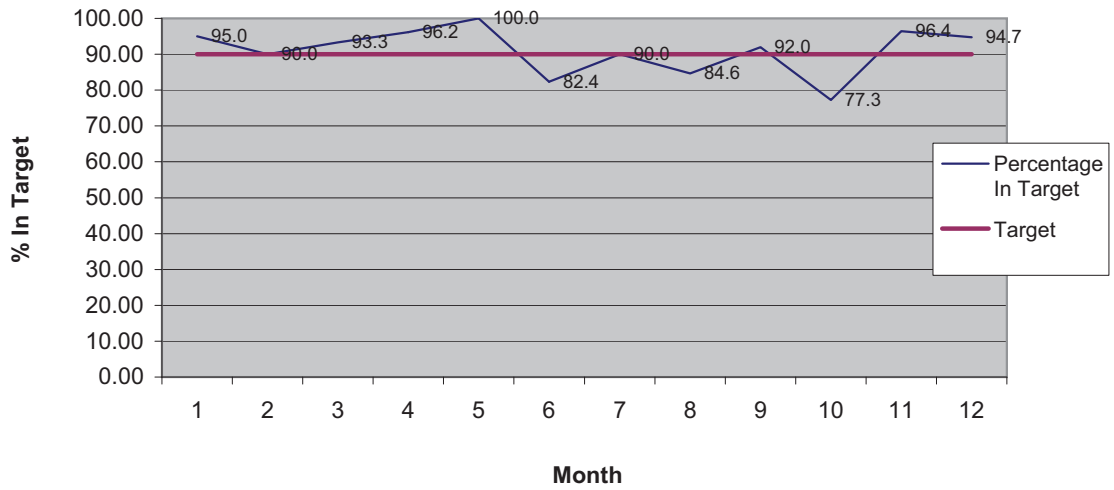
Speed - Yes:	86%	Speed - No:	14%
Easily Understood - Yes:	96%	Easily Understood - No:	4%
Outcome - Yes:	77%	Outcome - No:	22%
Complaint Handling - Yes:	81%	Complaint Handling - No:	19%

Service Improvements from 01/10/11 to 31/12/2011				
Service	Item Type	ServiceMail No	Subject	Improvement
Environmental Health	Complaint	9316	Noise Pollution	Discussion with Officer confirming need to reply in writing

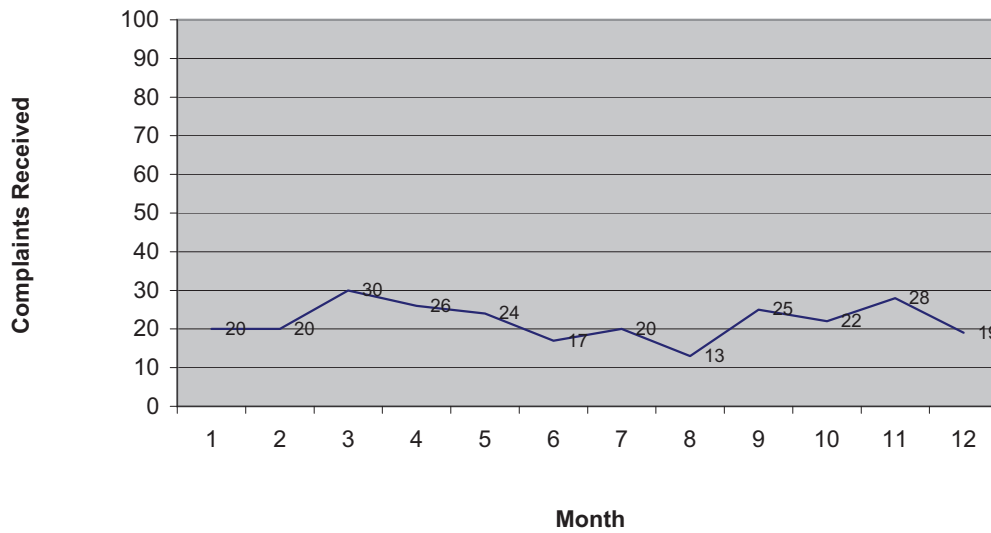


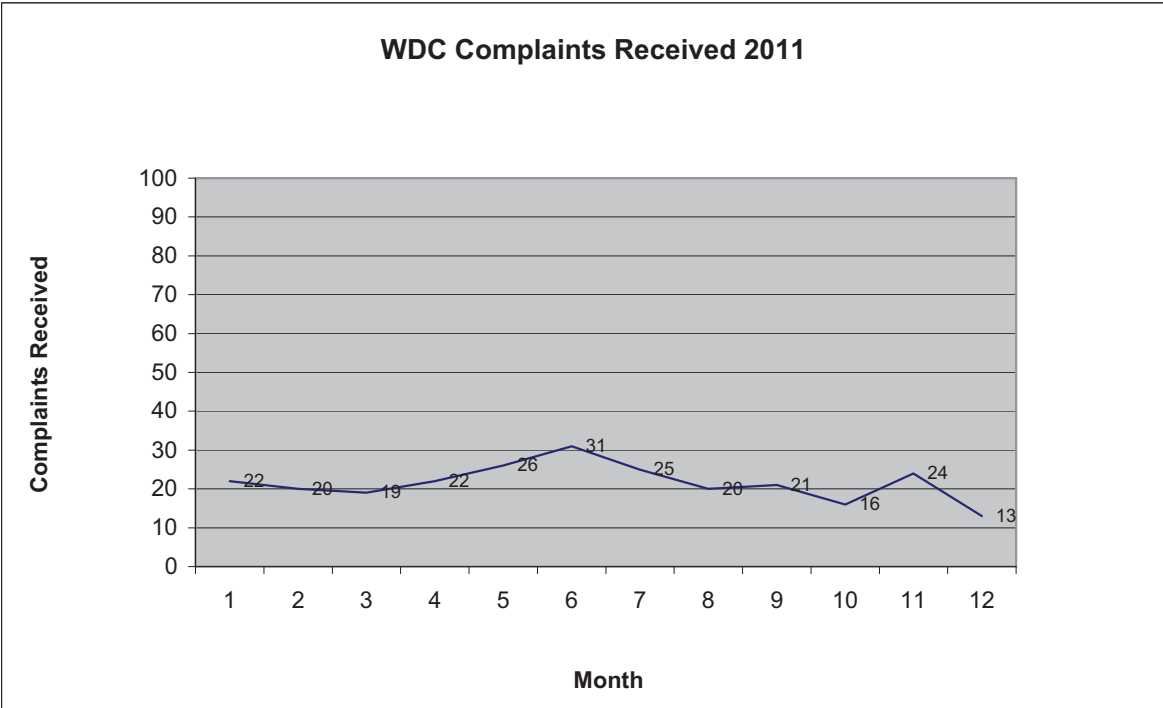
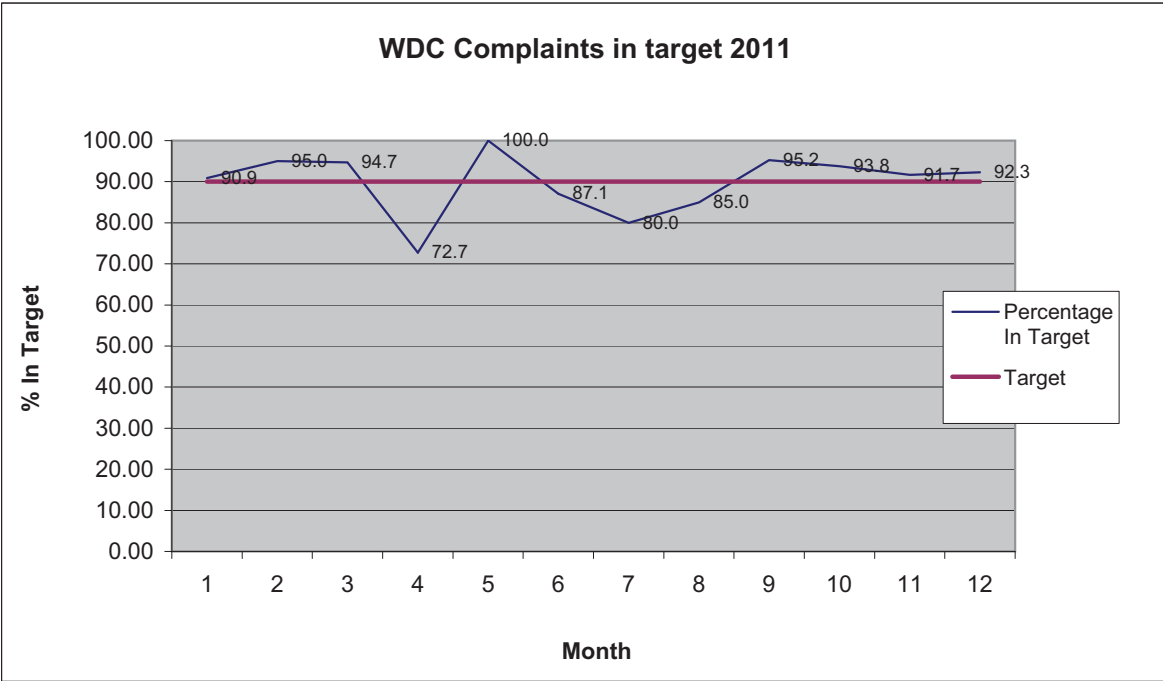


WDC Complaints in target 2010

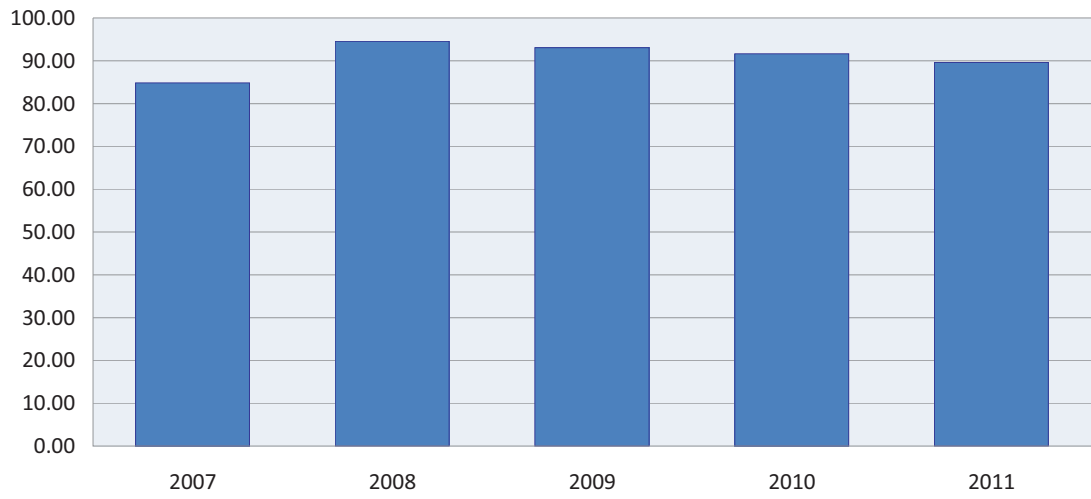


WDC Complaints Received 2010





WDC Complaints In Target 2007 - 2011



**Wycombe District Council
Complaints/Compliments - Year on Year
Comparison**

	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Year to date	% variance against target	▲ ● ★
	Target for Q1	Outturn Apr - Jun	Target for Q2	Outturn Jul - Sep	Target for Q3	Outturn Oct - Dec	Target for Q4	Outturn Jan-Mar			
Compliments and Compliments											
2010-11 Year	n/a	97	n/a	74	n/a	87	n/a	n/a	88	n/a	n/a
2011-12 Year	n/a	79	n/a	94	n/a	60	n/a	n/a	233		
2010-11 Year	n/a	65	n/a	54	n/a	69	n/a	n/a	64	n/a	n/a
2011-12 Year	n/a	79	n/a	67	n/a	53	n/a	n/a	199		
2010-11 Year	90%	93.85%	90%	90.74%	90%	88.41%	90%	90%	91.62%	1.62%	●
2010-11 Year		61		49		61			60		
2010-11 Year		65		54		69			64		
2011-12 Year	90%	87.34%	90%	86.57%	90%	92.45%	90%	90%	88.44%		●
2011-12 Year		69		58		49			176		
2011-12 Year		79		67		53			199		

**Wycombe District Council
Complaints/Compliments - Year on Year
Comparison**

	Quarter 1	Outturn Apr - Jun		Quarter 2	Outturn Jul - Sep		Quarter 3	Outturn Oct - Dec		Quarter 4	Outturn Jan-Mar	Year to date	% variance against target	
	Target for Q1			Target for Q2			Target for Q3			Target for Q4				
2010-11 Year	90%	96.77%		90%	86.21%		90%	91.67%		90%	100.00%	94.12%	4.12%	
2010-11 Year		30			25			22			35	112		
2010-11 Year		31			29			24			35	119		
2011-12 Year	90%	96.43%		90%	100.00%		90%	88.89%		90%		94.44%		
2010-12 Year		27			17			24				68		
2011-12 Year		28			17			27				72		
2010-11 Year	90%	90.32%		90%	75.86%		90%	79.17%		90%	88.57%	84.03%	-5.97%	
2010-11 Year		28			22			19			31	100		
2010-11 Year		31			29			24			35	119		
2011-12 Year	90%	96.43%		90%	82.35%		90%	77.78%		90%		86.11%		
2011-12 Year		27			14			21				62		
2011-12 Year		28			17			27				72		

**Wycombe District Council
Complaints/Compliments - Year on Year
Comparison**

	Quarter 1	Outturn Apr - Jun	Quarter 2	Outturn Jul - Sep	Quarter 3	Outturn Oct - Dec	Quarter 4	Outturn Jan-Mar	Year to date	% variance against target	
	Target for Q1		Target for Q2		Target for Q3		Target for Q4				
2010-11 Year	90%	96.77%	90%	75.86%	90%	83.33%	90%	94.29%	88.24%	-1.76%	
2010-11 Year		30		22		20		33	105		
2010-11 Year		31		29		24		35	119		
2011-12 Year	90%	96.43%	90%	95.56%	90%	81.48%	90%		92.00%		
2010-12 Year		27		43		22			92		
2011-12 Year		28		45		27			100		

Symbols Used:



Exceeds target by more than 5%



Within +/- 5% of target



More than 5% below target

Agenda Item 9

LOCAL STANDARDS HEARING PANELS

To receive the minutes of the Local Standards Hearing Panels held on 19 January 2012 (**appendix 9**).

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Local Standards Hearing Panel Minutes

Date: Thursday, 19th January, 2012

Time: 2.00 - 4.00 pm

PRESENT:

Mr Barry Morgan-Timms, Cllr John Savage and Parish Councillor John Sherlock

Also Present:

Mr J Osman (Investigating Officer – Messrs Wansbroughs), the Subject Member and Witness (called by Subject Member).

1 APPOINTMENT OF CHAIRMAN

RESOLVED: That Mr B Morgan-Timms be appointed Chairmen of the Meeting.

Mr Morgan-Timms in the Chair

2 APOLOGIES FOR ABSENCE

There were no apologies for absence.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 QUORUM

The Chairman confirmed that the meeting was quorate.

5 DETERMINATION OF ALLEGATIONS AGAINST A COUNCILLOR (CASE REF: IA40)

The Chairman received confirmation from all present that they were aware of the procedure which the Panel would be following in determining the matter.

After consulting the Subject Member, the Investigating Officer and the Monitoring Officer, all of whom were present, the Panel agreed to exclude the Press and Public

from its consideration of this matter as it appeared likely that exempt information would be disclosed in the course of its consideration.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED : That pursuant to Section 100B(2) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of minute 5 which contains exempt information under paragraphs 3 & 7C of Part 1 of Schedule 12A to the Local Government Act 1972.

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Information presented to a standards committee, or sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of The Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000.

Minute No.5 – Determination of Allegations against a Councillor (Case Ref IA40).

This is on the basis that the public interest in maintaining the exemption outweighs the public interest in disclosure because the distress caused to the individual would outweigh the public interest in disclosure.

The Chairman received confirmation from the Subject Member that he maintained the position as set out in the Pre-Hearing Summary report.

Following this, the Monitoring Officer then presented her Pre-Hearing Summary Report, pointing out that the papers featured at pages 101 to 124 did not relate to this complaint, but to another unconnected complaint considered at the same initial

assessment sub-committee meeting as this complaint, as a result those papers should be discounted.

The Investigating Officer then took the Panel through his report, outlining the key points. A short history to the background to the complaints was explained, at the time of the incidents Councillors on Hughenden Parish Council were under intense scrutiny.

The Investigating Officer took Members through his reasoning as to whether there had been a failure to comply with the code of conduct in respect of each of the 5 allegations (1,2,3,4a and 4b).

The Officer outlined his findings in that he believed that the Subject Member had:

- **Breached** Section 9 of the Code in respect of his failure to disclose his personal interests in relation to his land holdings and his close personal association with a connected third party when rural affordable housing was discussed, however did **not** breach Section 9 in relation to his membership of outside organisations at such discussions;
- **Breached** Section 12 in that he had participated in deliberations as to specific sites in the consideration of rural affordable housing where he technically had a prejudicial interest;
- **Breached** Section 13 in that he failed to correctly register his interests on outside bodies;
- **Not** lobbied on behalf of a close associate in respect of a specific site considered for rural affordable housing; and
- **Not** benefitted himself or any organisation by his actions or membership of said organisation.

The Investigating Officer then summarised making the important point that the breaches identified though technical breaches had not involved any financial benefit to the subject member, no evidence of such had been found. This the Investigating officer felt should be considered as powerful mitigation in respect of any finding and penalty considered by the Panel.

The Meeting then asked the Subject Member to present his response to the Investigating Officer's report.

The Subject Member emphasised that in respect of the undeclared interests he genuinely did not believe that they were to be declared, he indicated that he doubted whether any Councillor across the District declared such interests to the required level of accuracy outlined in the report.

In response to the Subject Member's explanation that he was always keen to serve on outside bodies as a Council representative or as an individual, the Investigating Officer did acknowledge the Subject Member's admirable volunteering spirit.

The Subject Member explained that he felt the Complainant had motives as to why he did not wish the rural affordable housing being discussed to go ahead, which influenced the decision to make the complaints now before the Panel.

It was noted by the Subject Member and confirmed by the Investigating Officer that ironically that in respect of any permission to effect a rural affordable housing scheme it would ultimately be the District Council's decision rather than the Parish's.

The Panel at this point did remark on the obvious need to contact Hughenden Parish Council in respect of its overall policy in ensuring interests are properly declared and registered.

The Panel then called the witness proposed by the Subject Member, the former clerk of Hughenden Parish Council.

The witness was welcomed to the Panel hearing and was asked whether she had helped the Subject Member prepare his response to the pre-hearing enquiries. This was confirmed, to which the witness added that the opinions stressed in this response; that the Subject Member did not feel that any breaches had occurred, was similarly held by her.

The witness filled in the Panel on the background to events as had previously been referred to by the Investigating Officer. The Witness also confirmed that Parishes had previously operated prior to the current Standards regime without a Code of Conduct; compliance with such a stringent series of declarations and registers of interest was difficult for the majority of Members.

The witness emphasised that she felt that the Subject Member had at no point intended to mislead any other party in his actions.

The Witness left the meeting, and in response to a question from the Panel the Investigating Officer indicated that he felt it was important that the Panel acknowledged the different interpretations of the requirements in respect of interests, that the Subject Member and he held.

The Panel then retired to consider the matter.

Upon returning to the Committee Room the Chairman indicated that the panel felt that the breaches of Sections 9,12 and 13 of the Members Code of Conduct as indicated in the Investigating Officer's report had occurred.

The Panel also felt that it wished to make a recommendation to the Parish Council that comprehensive training in respect of the declaration and register of interests at the Council be effected forthwith.

The Panel then invited the Investigating Officer to give his opinion as to whether the Panel should now impose a sanction, and if so what would be the appropriate sanction.

The Panel then retired again to consider whether or not a sanction should be imposed.

Upon returning again to the Committee Room the Panel confirmed to all present that it did not feel a sanction in this case was appropriate. A copy of the Summary Notice of this finding (with reasons) would be circulated to all relevant parties as soon as reasonably possible after the Hearing.

RESOLVED: That in respect of Investigation IA 40 the Subject Member had failed to comply with paragraphs 9, 12 & 13 of the Code of Conduct for Members of the authority concerned but that no action needed to be taken in respect of the matters which were considered at the hearing.

The Chairman thanked all present for their patience in respect of the hearing which had been completed in a polite and businesslike fashion.

The following officers were in attendance at the meeting:

Peter Druce - Democratic Services
Kiran Khanna - Principal Solicitor

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Agenda Item 10

SUPPLEMENTARY ITEMS (IF ANY)

Agenda Item 11

URGENT ITEMS (IF ANY)

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