

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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