



MEETING : STANDARDS SUB-COMMITTEE
VENUE : ROOM 28, WALLFIELDS, HERTFORD
DATE : TUESDAY 14 FEBRUARY 2017
TIME : 1.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE SUB-COMMITTEE

Councillors P Boylan, B Deering and C Woodward

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
 - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
 - participate in any discussion or vote on a matter in which a Member has a DPI;
 - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Public Attendance

East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a “first come first served” basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a “first come, first served” basis, to view the meeting via webcast.

If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing committee.services@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

AGENDA

1. Appointment of Chairman

To appoint a Chairman for this meeting.

2. Apologies

To receive any apologies for absence.

3. Minutes (Pages 7 - 10)

To approve the Minutes of the meeting held on 13 December 2016

4. Declarations of Interest

5. Chairman's Announcements

To receive any Chairman's announcements.

6. Exclusion of the Press and Public

To move that under Section 100 (A) (4) of the Local Government Act 1972 the press and public be excluded from the meeting during the discussion of items 7 and 8 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the said Act:

It is for the Sub-Committee to determine whether or not these items should be considered in public and the report made available for public information. Until a decision is taken, please regard the report as confidential.

7. Complaint under the Localism Act 2011 (Pages 11 - 24)

8. Complaint under the Localism Act 2011 (Pages 25 - 192)

9. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

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MINUTES OF A MEETING OF THE
STANDARDS SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 13 DECEMBER
2016, AT 7.00 PM

PRESENT: Councillor C Woodward (Chairman)
Councillors P Boylan and B Deering

ALSO PRESENT:

Councillor G McAndrew

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Kevin Williams	- Acting Head of Legal and Democratic Services

ALSO IN ATTENDANCE:

Nicholas Moss	- Independent Person
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6 APPOINTMENT OF CHAIRMAN

It was moved by Councillor B Deering and seconded by Councillor P Boylan that Councillor C Woodward be appointed Chairman of the Sub- Committee for the meeting.

RESOLVED – that Councillor C Woodward be appointed Chairman of the Sub- Committee for the meeting.

7 MINUTES

RESOLVED – that the Minutes, of the meeting held on 29 November 2016, be approved.

8 EXCLUSION OF THE PRESS AND PUBLIC

The Sub-Committee considered whether or not to pass a resolution to exclude the press and public from the meeting during discussion of the item of Minute 9 below on the grounds that it involved the likely disclosure of exempt information as defined in the provision of the Local Government act 1972.

The Sub-Committee also considered whether or not to make the associated report publically available.

The Sub-Committee determined not to exclude the press and public from the meeting during the discussion of the matters at Minute 9 below and to make the associated report publically available.

RESOLVED – that (A) the press and public not be excluded from the meeting; and

(B) the report associated with the business recorded in Minute 9 below, be made public.

9 INVESTIGATION ON A COMPLAINT AGAINST A FORMER DISTRICT COUNCILLOR

The Council's Monitoring Officer provided a summary of the report and stated that former Councillor J Cartwright was now living in East Africa. He explained that the Investigating Officer had offered to interview Mr Cartwright by Skype which had been declined. Also, no comments had been received in terms of the draft report but that comments had been subsequently received via email on 13 December 2016. These were circulated to Members of the Sub-Committee.

The Chairman stated that the nature of the former Councillor's comments were disappointing and following advice from the Monitoring Officer, Members supported the suggestion that Mr Cartwright's comments be made publically available.

The Monitoring Officer drew Members' attention to the Investigator's Report and recommendations. The Independent Person (IP) explained that, as a matter of formal

record, Members needed to consider why the meeting should proceed in the absence of Mr Cartwright. Councillor B Deering commented that Mr Cartwright's email to the Monitoring Officer should provide sufficient validation. Councillor P Boylan added that Mr Cartwright had responded quickly to the Monitoring Officer's email and he had already made a decision not to respond to the Investigator's draft report citing that it was "a complete waste of time".

The IP explained that having considered the evidence, he was satisfied that former Councillor Cartwright was acting in an "official capacity" and there had been a breach of the Council's Code of Conduct. He referred Members to paragraphs 5.20, 5.26 and 5.34 of the report as evidence that the code had been breached and which served to aggravate matters over a long period and that his conduct fell below the expectations the public would have of a Member.

The IP explained that in relation to the breaches of the code, he had also been criticised for other breaches and had failed to attend, as requested, training on the use of Social Media. In mitigation, the IP explained that the breaches were at the "lower end of appropriateness" and that Mr Cartwright did not deny what he had said, that there was some evidence of "pro-action" on his part but that this did not justify the former Councillor's actions. In terms of risk, the IP explained that as he was no longer a Member, the risk he posed of other offences was diminished.

The Monitoring Officer asked Members whether they felt that the former Councillor was acting in an official capacity and whether there had been a breach of the Code of Conduct. He explained that if they agreed that he had acted in an official capacity and that there had been a breach, then the only sanction now available was a motion to censure the former Member at Council. This was supported.

The IP stated that a motion to censure would have no impact on Mr Cartwright personally, but that it was right to let the public at large know.

The Sub-Committee received the report and agreed that Mr

Cartwright had acted in an official capacity and in doing so, had failed to comply with the Code of Conduct. The Sub-Committee agreed that he be censured for his conduct.

RESOLVED - that (A) the report of the investigating officer be received;

(B) former Councillor J Cartwright was acting in his official capacity and in doing so, had failed to comply with the Council's Code of Conduct;

(C) former Councillor J Cartwright be censured for his conduct in respect of the matter detailed in the Investigating Officer's report now submitted; and

(D) the wording of the censure motion be delegated to the Monitoring Officer in consultation with the Chairman of Standards Sub-Committee.

The meeting closed at 7.25 pm

Chairman
Date

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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