

MINUTES OF A MEETING OF THE
STANDARDS SUB-COMMITTEE HELD IN
THE ROOM 27, WALLFIELDS, HERTFORD
ON THURSDAY 19 FEBRUARY 2015, AT
6.30 PM

PRESENT: Councillor G Jones (Chairman)
Councillors L Haysey and P Phillips

ALSO PRESENT:

Councillors D Andrews, W Ashley, K Crofton
and P Moore

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Monitoring Officer
Jeff Hughes	- Head of Democratic and Legal Support Services

ALSO IN ATTENDANCE:

Philip Copland	- Independent Person
Denis Cooper	- Investigating Officer

13 APPOINTMENT OF CHAIRMAN

RESOLVED – that Councillor G Jones be appointed
Chairman for this meeting of the Sub-Committee.

14 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that he was currently a Member of the Authority's Development Management Committee. This membership was not, in itself, a disclosable pecuniary interest in the matter recorded at Minute 17 below.

15 MINUTES

The Chairman advised that neither he nor any other Member of the Sub-Committee was present at its meeting held on 4 June 2014.

When invited to confirm the accuracy of the Minutes of this meeting, Members abstained from voting.

It was agreed that the motion to confirm the accuracy of the Minutes of the Standards Sub-Committee meeting held on 4 June 2014 be deferred on the basis that no Members now present were in attendance.

RESOLVED – that consideration of the motion to confirm the accuracy of the Minutes of the Standards Sub-Committee meeting held on 4 June 2014 be deferred on the basis that no Members now present were in attendance at that meeting and therefore determined to abstain from voting thereon.

16 EXCLUSION OF THE PRESS AND PUBLIC

The Sub-Committee considered whether or not to exclude the press and public from the meeting during consideration of the matter recorded at Minute 17 below. Members noted the statutory provision that provided for this exclusion.

The Sub-Committee also considered whether or not the associated report be made available for public information.

The Sub-Committee agreed that the matter should be considered in public and that the report be made publically available.

RESOLVED – that the press and public be not excluded from the meeting during the discussion of the matter detailed in Minute 17 below and the associated report be made available for public information.

17 COMPLAINT IN RESPECT OF COUNCILLOR W ASHLEY

The Monitoring Officer submitted a report on the complaint alleging that Councillor W Ashley had breached the Authority's Code of Conduct.

Standards Sub-Committee, at its meeting held on 4 June 2014, had referred the complaint to the Monitoring Officer for investigation (Minute 12 refers).

Members noted that the Monitoring Officer had appointed Denis Cooper as the independent Investigating Officer.

The Investigating Officer's report on his investigation was appended to the Monitoring Officer's report.

The Chairman welcomed Mr Cooper to the meeting and invited him to present his report and summarise the conclusions reached following his investigation of the complaint.

Mr Cooper outlined the allegation and highlighted matters that were relevant to the conduct of the investigation.

Members noted that there were a number of substantive issues raised in the complaint and supporting papers about various planning applications and enforcement notices. These were not, however, within the remit of the Investigating Officer for the reasons now detailed.

Mr Cooper detailed the evidence obtained from relevant parties during the course of the investigation. He stated that he had carefully reviewed all documents supplied and representations received before reaching conclusions on the allegation. The conclusions as to facts had been reached on the basis of reasonable probability.

Standards Sub-Committee considered the Investigating Officer's conclusions.

Where the Investigating Officer had concluded that Councillor

Ashley had breached the Authority's Code of Conduct in relation to the matters identified, Members agreed to hold a hearing meeting of the Standards Sub-Committee. That meeting would determine whether or not Councillor Ashley had failed to comply with the Code and, if so, what action to take as a consequence.

In relation to the elements of the allegation where the Investigating Officer had concluded that no breach of the Code had occurred, the Sub-Committee decided to defer a decision thereon. Members agreed to request the Investigating Officer to report further on 2 aspects, namely the allegation in paragraph:

- (1) 5.9 of the report (within the section of the report containing the complainant's evidence) that "During the course of dealing with this issue, Cllr Ashley had unsuccessfully sought to obtain a Certificate of Lawful Use for the site and in so doing, the complainant alleged, had secured affidavits about past use which he knew to be incorrect", and
- (2) 6.4 of the report (the section of the report containing the third party evidence) that "She (Cllr 1) also questioned whether the appropriate pre-application fee had been paid for each of Cllr Ashley's applications as is the correct procedure."

Members expressed a wish for the further report now requested to be completed promptly.

Mr Cooper drew Members' attention to a number of recommendations he had made in his report on procedural aspects of processing a Code of Conduct complaint. Members agreed to request the Monitoring Officer to consider (and subsequently report thereon to a future meeting) the following recommendations of the Investigating Officer:

- the initial comments of the subject Member be sought before a decision is taken on whether or not to investigate a complaint unless to do so

- would prejudice any formal investigation;
- a review be undertaken of the procedure to ensure that if the complainant requests not to be identified then that request is met until the appropriate officer or committee has considered the request;
- a review be undertaken of the Code of Conduct complaint procedures generally as provided for by the provisions of the Localism Act 2011;
- all Members be reminded of the conditions the Authority has in place regarding its provision to them of IT facilities (including 'e'-mail accounts), and
- allegations that other Disclosable Pecuniary Interests were not disclosed should be investigated further.

RESOLVED – that (A) for those matters where the Investigating Officer had concluded that Councillor Ashley had breached the Authority's Code of Conduct in relation to the matters identified, a hearing meeting of the Standards Sub-Committee be held to determine whether or not that Member had failed to comply with the Code and, if so, what action should be taken as a consequence;

(B) consideration of the elements of the allegation against Councillor Ashley where the Investigating Officer had concluded that no breach of the Code had occurred, be deferred to enable the Investigating Officer to report further on 2 aspects, namely the allegation in paragraph:

- (1) 5.9 of the report (within the section of the report containing the complainant's evidence) that "During the course of dealing with this issue, Cllr Ashley had unsuccessfully sought to obtain a Certificate of Lawful Use for the site and in so doing, the complainant alleged, had secured affidavits about past use which he knew to be incorrect", and

(2) 6.4 of the report (the section of the report containing the third party evidence) that “She (Cllr 1) also questioned whether the appropriate pre-application fee had been paid for each of Cllr Ashley’s applications as is the correct procedure”, and

(C) the Monitoring Officer be requested to consider the recommendations of the Investigating Officer, as detailed in the report now submitted, on procedural aspects of processing a Code of Conduct complaint and other matters identified, and report thereon to a future meeting.

The meeting closed at 8.00 pm

Chairman
Date