MINUTES OF A MEETING OF THE STANDARDS SUB-COMMITTEE HELD IN THE ROOM 27, WALLFIELDS, HERTFORD ON FRIDAY 13 MARCH 2015, AT 2.30 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	- Director of Neighbourhood Services
Jeff Hughes	- Head of Democratic and Legal Support Services

ALSO IN ATTENDANCE:

Philip Copland	- Independent Person
Denis Cooper	- Investigating Officer

18 APPOINTMENT OF CHAIRMAN

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

19 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that, together with the other Sub-Committee Members, he had received ‘e’-mail communication and papers from the complainant concerning the allegation against Councillor W Ashley. The Chairman stated that no Sub-Committee Member had read the papers and ‘e’-mail and that these documents would not be taken into account in

relation to the allegation.

20 MINUTES

In response to comments from Councillor P Phillips in relation to Minute 17(C), the Monitoring Officer advised that it was intended to report on the review of the Code of Conduct and associated procedures to a meeting of the Standards Committee following the Annual Council meeting on 20 May 2015.

RESOLVED – that the Minutes of the meeting of the Standards Sub-Committee held on 19 February 2015 be confirmed as a correct record and signed by the Chairman.

21 COMPLAINT IN RESPECT OF COUNCILLOR W ASHLEY - SUPPLEMENTAL REPORT

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

He reminded the Sub-Committee that, at its meeting held on 19 February 2015 (Minute 17 refers), it had agreed to defer consideration of the elements of the allegation against Councillor Ashley where the Investigating Officer had concluded that no breach of the Code had occurred to enable that Officer to report further on two aspects, namely the allegation in paragraph:

(1) 5.9 of the report (within the section 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 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 considered the content of the Investigating Officer's further report on the matters now detailed that was appended to the Monitoring Officer's report.

In relation to the allegation regarding affidavits, the Investigating Officer stated that regardless of whether or not they were correct, no evidence had been produced to show that Councillor Ashley perpetrated any deceit. The Investigating Officer had noted that Councillor Ashley had given no direct evidence from his own knowledge. Clear evidence that he had done so was needed for the Investigating Officer to reach a conclusion to support the allegation. Accordingly, the Investigating Officer advised that he had concluded that he did not believe that Councillor Ashley had acted in a manner which breached the Code of Conduct.

In relation to the issue of pre-application advice and the payment of associated fees, the Investigating Officer stated that no pre-application discussions took place without payment of the proper fees save possibly in relation to one application. He further stated that evidence concerning that application raised doubt as to the extent of pre-application discussions. Council was unclear, however, whether or not a fee had been paid. In such circumstances the Investigating Officer commented that he could not be satisfied that there was pre-application support for which no fee had been paid. There had therefore been no breach of the Authority's Code of Conduct.

The Sub-Committee questioned the Investigating Officer on a number of aspects of his further report, particularly in terms of the evaluation of evidence in relation to pre-application advice and Council records and also the application of the provisions of the Code of Conduct.

Following deliberation, the Sub-Committee agreed to accept

the Investigating Officer's conclusion that there had been no (further) breach of the Code of Conduct beyond the matters identified at the Sub-Committee meeting on 19 February 2015. In so doing, the Sub-Committee requested the Monitoring Officer to address the following points:

(i) to consider whether or not, under the current Code of Conduct, there was an appropriate distinction between the role of a councillor and the role of such an office holder as a businessman;

(ii) to undertake a review of the procedures relating to pre-application advice to provide clarity on what constituted such advice, and

(iii) to consider strengthening the existing Code of Conduct provisions in order to meet public expectations of higher conduct standards for Councillors.

RESOLVED – that (A) the Investigating Officer's conclusions, following further investigation, on the two matters detailed in the report now submitted be accepted, namely that there had been no breach of the Code of Code in both cases, and

(B) the Monitoring Officer be requested to address the points as now detailed.

The meeting closed at 3.08 pm

Chairman .....

Date .....