

MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 8
SEPTEMBER 2010, AT 7.00 PM

PRESENT:

District Council Members:

Councillors R L Parker, P A Ruffles and
M Wood

Parish Councils' Representatives:

Mr J Jones

Independent Members:

Mr S Bouette
Mr D Farrell
Mr T Vickers

ALSO PRESENT:

Councillors M R Alexander, D Andrews, W Ashley, S A Bull,
D Clark, N P Clark, A P Jackson, G E Lawrence, S Rutland-
Barsby, M J Tindale and B M Wrangles

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Jeff Hughes	- Head of Democratic and Legal Support Services
Prabhjit Sobti	- Investigator

242 APOLOGIES

Apologies for absence were submitted on behalf of Councillor J Warren, Mr C Marks and Mrs E Woods.

RESOLVED ITEMS

243 ELECTION OF CHAIRMAN FOR THE MEETING

In the absence of the Committee Chairman, Members elected Mr T Vickers to chair the meeting.

RESOLVED – that Mr T Vickers be elected Chairman for this meeting of the Standards Committee.

244 MINUTES

RESOLVED – that the Minutes of the meeting held on 2 August 2010 be confirmed as a correct record and signed by the Chairman.

245 EXCLUSION OF THE PRESS AND PUBLIC

The Committee considered whether or not to exclude the press and public from the meeting during the discussion of the item of business detailed at Minute 246 below on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 7c of Part 1 of Schedule 12A of the Local Government Act 1972. The Committee agreed that this item should be considered in public.

The Committee also agreed that the report and accompanying papers on the complaint, as now submitted, did not contain any exempt information or personal data and should therefore be made available for public inspection.

RESOLVED – that (A) the matter detailed in Minute 246 below be considered in public, and

(B) as the report and accompanying papers on the complaint, as now submitted, do not contain any exempt

information or personal data they be made available for public inspection.

246 COMPLAINT IN RESPECT OF A COUNCILLOR,
REFERENCE EHDC/01/2010

The Chairman confirmed the meeting was quorate.

The Committee noted the procedure to be followed in determining the matter detailed below.

The Monitoring Officer submitted a report in respect of a complaint (and the elements thereof) concerning District Councillor M Tindale.

The Committee recalled that, at its meeting held on 2 August 2010, it had agreed that the Investigating Officer's findings on the complaint should be considered at a hearing conducted under Regulation 18 of The Standards Committee (England) Regulations 2008.

The Committee noted that it was required to consider the Investigating Officer's report and make one of the following findings:

- (A) that the Member had not failed to comply with the Council's Code of Conduct;
- (B) that the Member had failed to comply with the Council's Code of Conduct but that no action needed to be taken in respect of the matters considered at the hearing;
- (C) that the Member had failed to comply with the Council's Code of Conduct and that a sanction should be imposed.

The subject Member, District Councillor M Tindale, confirmed that he did not disagree with any findings of fact detailed within the Investigator's report.

The Chairman drew the Committee's attention to the submission submitted by the complainant on the Investigator's report.

The Investigator presented his report and summarised his findings in respect of each element of the complaint.

The Committee asked questions of both the Investigator and subject Member and also the complainant (who had been invited by the Committee to attend the meeting as a possible witness).

Each Committee Member, at the invitation of the Chairman, confirmed that he/she was satisfied that they had sufficient information to enable them to determine whether or not the subject Member had failed to comply with the Code of Conduct.

The Committee retired to consider its determination. On its return, the Chairman announced that the instances of conduct variously alleged by the complainant had been proven by the findings of fact stated in the Investigator's report and not challenged by the subject Member. The Chairman stated that the Committee had made no further findings of fact. It was the Committee's view, contrary to that of the Investigator, that the series of occurrences complained of constituted a pattern. However, the Committee had concluded the occurrences did not amount, cumulatively or individually, to any breach or breaches of the Code of Conduct. The Committee's judgment, again contrary to that of the Investigator, was that the majority of the elements of the complaint, whilst helping define the pattern, related to occurrences so long ago that no useful purpose would now be served by further action even had the conduct in question amounted to a breach or breaches at the time.

The Chairman further advised that the Committee was not questioning that the public interest was served by subjecting Council activities to scrutiny. The present case suggested to the Committee that there was a need to ensure that such scrutiny was exercised in ways that yielded value for money

for the council taxpayer. The Committee had therefore agreed to request the Monitoring Officer to consider formulating a protocol that would guide councillors to that end.

RESOLVED – that (A) District Councillor M Tindale has not failed to comply with the Council’s Code of Conduct; and

(B) the Monitoring Officer be requested to consider formulating a protocol to ensure that scrutiny activity as now detailed was exercised in ways that yielded value for money for the council taxpayer.

The meeting closed at 9.40 pm

Chairman
Date