

MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE HELD IN
THE WAYTEMORE ROOM, COUNCIL
OFFICES, THE CAUSEWAY, BISHOP'S
STORTFORD ON WEDNESDAY,
14 APRIL 2004 AT 7.30 PM

PRESENT:

District Council Members

Councillor J Warren (Chairman).
Councillor M Wood.

Parish Council's Representative:

Mr B Taylor.

Town Council's Representative:

Mrs E Woods.

Independent Members:

Mr J Morphew, Mr A Walker.

ALSO IN ATTENDANCE:

Councillors R Gilbert, D A A Peek, P A Ruffles.

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Assistant Director (Law and Control)
Jeff Hughes	- Head of Democratic Services

759 APOLOGY

An apology for absence was submitted on behalf of
Councillor A L Burlton.

760 CHAIRMAN'S ANNOUNCEMENTS

The Chairman, in response to comments from Members, confirmed that the Monitoring Officer was considering the issue of training for both Members of the Committee and Members of the Authority and Parish/Town Councils generally on ethical standards and associated matters.

The Committee suggested that the Monitoring Officer should write to all Town/Parish Councils within the District of East Hertfordshire inviting them to attend a presentation on ethical standards issues on a specific date to be identified. It was possible that this training event could be held on an annual basis.

The Committee further suggested that a specific training session should be arranged for its Members on the procedure for local standards hearings. It was felt by Members that a "dummy hearing" could form the basis of this training session.

In response to a question from a Member on the number of cases being considered by the Standards Board, the Chairman commented that he was aware that a new Chief Executive of the Standards Board had recently been appointed. The Monitoring Officer confirmed that a new Chief Executive had been appointed and had been tasked with, amongst other things, developing a system for identifying and "weeding out" complaints against Councillors that were "trivial" in nature. It was understood that any system would likely involve minor complaints being dealt with by the Local Authority concerned.

761 EXCLUSION OF PRESS AND PUBLIC

The Committee passed a resolution pursuant to Section 100(A)(4) of the Local Government Act 1972 to exclude the press and public during consideration of the business referred to in Minute 763 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 16 of Part 1 of Schedule 12A of the said Act.

RESOLVED ITEMSACTION762 MINUTES

In relation to the appendices to the Minutes of the meeting held on 23 February 2004, the Assistant Director (Law and Control) advised of an amendment to the Member/Officer and Statutory Officer protocol. He stated that the amendment had been requested by the external auditor. The amendment took the form of defining the key roles of the Chief Finance Officer within the protocols.

The Committee noted and supported the amendment to the protocols as now detailed.

RESOLVED - that the Minutes of the meeting of the Standards Committee held on 23 February 2004 be confirmed as a correct record and signed by the Chairman.

763 COMPLAINT IN RESPECT OF COUNCILLOR WARMAN

The Monitoring Officer submitted a report on a complaint received by the Standards Board in respect of a former Member of Ware Town Council (Councillor Warman).

The Committee noted that the Standards Board had decided that the complaint should be investigated. Following an investigation, the Board's Ethical Standards Officer had concluded that there was evidence that Councillor Warman had a personal interest in the matter the subject of the complaint and that the interest was also prejudicial. The Ethical Standards Officer had decided to refer the matter to the District Council's Monitoring Officer for a report to and determination by the Standards Committee.

The Committee noted that a copy of the Ethical Standards Officer's report on the complaint was appended to the Monitoring Officer's report now submitted.

ACTION

The Monitoring Officer advised that he had met with Councillor Warman to discuss any points in the Ethical Standards Officer's report which he did not accept.

The Monitoring Officer advised that Councillor Warman had indicated that he did not wish to attend this meeting. However, he had submitted a statement in respect of the complaint (a copy of which was tabled at the meeting).

The Monitoring Officer drew Members' attention to a further appendix to his report which detailed the procedure to be followed to conduct a hearing into a complaint referred to it by the Ethical Standards Officer in respect of a Member of a Local Authority within its remit.

The Committee confirmed that it was satisfied that it should proceed to consider the complaint in the absence of Councillor Warman on the basis that he did not contest the findings of fact within the Ethical Standards Officer's report.

The Committee was satisfied, based on the statement from Councillor Warman and also the findings within the Ethical Standards Officer's report, that there has been a failure by Councillor Warman to comply with the code of conduct for Ware Town Council.

The Standards Committee concluded that Councillor Warman knew he had a personal and prejudicial interest in the matter. He had, however, chosen not to disclose this interest and did not leave the room when the matter was being considered. The Committee further concluded that, because Councillor Warman had remained in the meeting and had spoken on the matter under consideration, he had sought improperly to influence a decision on the matter and had accordingly failed to comply with Ware Town Council's code of conduct.

Having come to this conclusion, the Committee considered whether or not to impose sanctions against Councillor Warman.

ACTION

The Monitoring Officer reminded the Committee that Councillor Warman was no longer a Member of Ware Town Council. Accordingly, the sanctions available to the Committee were limited. Following consultation with the Standards Board, the Monitoring Officer advised that, if the Committee was so minded, it would be able to impose a sanction of censure.

The Committee agreed that it would wish to issue a letter of censure to Councillor Warman. It was also agreed that he should be reminded of the obligation of Local Authority Members to comply with the provisions of a code of conduct. The Committee further agreed that, if Councillor Warman was still a Member of Ware Town Council, it would likely have imposed a heavier sanction than that now available to it for the reasons now detailed.

The Committee requested the Monitoring Officer to issue a press release on its decision in respect of Councillor Warman.

RESOLVED - that (A) the Monitoring Officer be requested to issue a letter of censure to Councillor Warman for breaching the code of conduct of Ware Town Council when he was a Member of that authority (this letter to contain a reminder of the need for local authority Members to comply with the provisions of a code of conduct). MO

(B) the Monitoring Officer be requested to advise Councillor Warman in the letter of censure referred to in (A) above that the Committee, if it had been able to, would have likely imposed a more severe sanction for his breach of the code of conduct, and MO

(C) a press release be issued on behalf of the Committee detailing its determination in respect of the complaint now detailed against Councillor Warman. MO

The meeting closed at 8.30 pm.