

MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE HELD IN
THE COUNCIL CHAMBER,
WALLFIELDS HERTFORD ON
WEDNESDAY, 9 JUNE 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 W Ashley, D A A Peek

OFFICERS IN ATTENDANCE:

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

Standards Board Representatives

Mr D Abrahams and Ms A Rehill

76 APOLOGY

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

77 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that he proposed to vary the order of business on the agenda for the meeting. With the consent of the Committee, Item 7 (Complaint in respect of a Little Hadham Parish Councillor) of the agenda would be considered before Item 5 (Members' Planning Code of Good Practice).

The Chairman welcomed to the meeting the representatives of the Standards Board. He advised Members that Mr Abrahams specifically represented the Ethical Standards Officer whose report on a complaint against a Parish Councillor formed part of Agenda Item 7.

78 EXCLUSION OF PRESS AND PUBLIC

The Committee considered whether or not to exclude the press and public from the meeting during the discussion of Item 7 on the grounds that it involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972. The Committee agreed that this item should be considered in public. The Assistant Director would make available copies of the report with exception of the items now identified. The Committee agreed that these items should remain confidential under the provisions of paragraph 14 of Part 1 of Schedule 12A of the aforementioned Act.

RECOMMENDED ITEMACTION79 MEMBERS' PLANNING CODE OF GOOD PRACTICE

The Monitoring Officer submitted a report reminding the Committee that, at its meeting held on 16 October 2003, it had considered a proposed Members' Planning

ACTION**Code of Good Practice.**

Subject to a number of amendments made by the Committee at that meeting, it had agreed to recommend Council to adopt the code in place of an existing Local Code for Officers and Members on Planning Procedures.

The Monitoring Officer advised that, subsequently, the proposed code had been considered by the Council's Development Control Committee at an informal meeting held on the 28 April following a referral by Council.

A number of amendments to the code had been proposed by the Development Control Committee, as now detailed.

The Monitoring Officer invited the Standards Committee to reconsider the proposed code which had been updated to take account of amendments suggested by the Development Control Committee.

The Standards Committee agreed to recommend Council to adopt the latest version of the Members' Planning Code of Good Practice subject to the following amendments:

- In relation to paragraph 7.3 - final sentence - addition of the phrase "and send a copy to officers" after the word "meeting".**
- In relation to paragraph 10.4 - final sentence - insertion of the phrase "invite the Development Control Committee to" between the words "necessary" and "deferred".**

In response to comments from a Member, the Assistant Director (Law and Control) undertook to provide advice to Members of the Development Control Committee on a recommended process to be

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followed at meetings to form a concluding view (as an individual) on an application.

RECOMMENDED - that the Members' Planning Code of Good Practice, as now amended, be adopted in place of the Local Code for Officers and Members on Planning Application Procedures.

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RESOLVED ITEMS80 MINUTES

RESOLVED - that the Minutes of the meeting of the Standards Committee held on 14 April 2004 be confirmed as a correct record and signed by the Chairman.

81 COMPLAINT IN RESPECT OF A LITTLE HADHAM PARISH COUNCILLOR

The Monitoring Officer submitted a report on the complaint received by the Standards Board in respect of a member of Little Hadham Parish Council (Councillor M Fairchild).

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 the Parish Councillor had failed to comply with paragraph 10(b) of Little Hadham Parish Council's Code of Conduct.

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 Monitoring Officer advised that a copy of the Ethical Standards Officer's report on the complaint was appended to his report.

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The Monitoring Officer outlined the process to be followed to consider this matter.

The Monitoring Officer stated that Councillor Fairchild had indicated that he did not wish to attend this meeting. However, he had submitted his comments on the case in writing. Correspondence from Councillor Fairchild was also appended to the Monitoring Officer's report.

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

The Committee, after due consideration, was satisfied, based on the findings within the Ethical Standards Officer's report and also statements within Councillor Fairchild's correspondence, that there had been a failure to comply with the Code of Conduct for Little Hadham Parish Council.

The Standards Committee concluded that Councillor Fairchild had a personal and prejudicial interest in the matter. At a subsequent meeting, and in spite of the fact that the Ethical Standards Officer had issued a draft report indicating the nature of Councillor Fairchild's interest, the Councillor had failed to declare an interest at a subsequent Parish Council meeting.

Having come to the conclusion that Councillor Fairchild had a personal and prejudicial interest in the matter, the Committee considered whether or not to impose sanctions.

The Monitoring Officer highlighted the sanctions available to the Committee.

The Committee agreed that it would wish to issue a letter of censure to Councillor Fairchild in respect of his failure to disclose a personal and prejudicial interest in the matter at a Parish Council meeting held in February 2003. Councillor Fairchild should, it was felt, be reminded of the

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duties placed upon him following his undertaking to comply with the Parish Council's Code of Conduct.

The Committee further agreed that as a consequence of Councillor Fairchild failing to declare a personal and prejudicial interest on a matter at a subsequent Parish Council meeting held in December 2003, a sanction of suspension for three months from the Parish Council with effect from the 1 September 2004 should be imposed.

The Committee agreed to request the Monitoring Officer to write to Little Hadham Parish Council Members reminding all of them of their duty to comply with their Local Code of Conduct.

RESOLVED - that (A) for breaching the Code of Conduct of Little Hadham Parish Council, Councillor M Fairchild be issued a letter of censure for failing to declare a personal and prejudicial interest at a Parish Council meeting held in February 2003 and in respect of a similar failure to disclose a personal and prejudicial interest at a meeting in December 2003, he be suspended for a period of three months from that Authority with effect from 1 September 2004,

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(B) the Monitoring Officer be requested to advise all Members of Little Hadham Parish Council of their duty to comply with the provisions of their Authority's Code of Conduct, and

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

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ACC

The meeting closed at 9.20 pm.