

MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE HELD IN
THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY, 16 SEPTEMBER 2009 AT
7.30 PM

PRESENT: District Council Members

Councillor R L Parker, P A Ruffles, J Warren,
M Wood

Parish Councils' Representative

Mr C Marks

Town Councils' Representative

Mrs E Woods

Independent Members

Mr Bouette
Mr D Farrell
Mr T Vickers (Chairman)

ALSO PRESENT

Councillor D Andrews, D Clark, N P Clark and
J Hedley

OFFICERS IN ATTENDANCE:

Monica Bett	- Legal Officer
Linda Bevan	- Committee Secretary
Simon Drinkwater	- Monitoring Officer

251 APOLOGIES

Apologies for absence were submitted on behalf of
Mr Jones and Mr Morphew.

252 DECLARATIONS OF INTEREST

Councillor P A Ruffles declared a personal and prejudicial interest in Minute 257 - Complaints in Respect of Councillor Ref, EHDC/03 and 04/2008 by virtue of his close association with the Councillor concerned. He left the Council Chamber during discussion of the item.

Councillor N P Clark declared a personal interest in Minutes 258 – Complaint in respect of Councillor Ref, EHDC/01/2009 by virtue of his relationship (husband) with Councillor D Clark.

RESOLVED ITEMSACTION253 APPOINTMENT OF CHAIRMAN

The Committee Secretary invited the Committee to appoint a Chairman for the meeting as apologies had been received from Mr Morphew. The Committee agreed to appoint Mr T Vickers as its Chairman for the meeting.

RESOLVED - that Mr Vickers be appointed Chairman of the Committee for the meeting.

254 EXCLUSION OF PRESS AND PUBLIC

The Committee considered whether or not to exclude the press and public from the meeting during the discussion of the items of business detailed at Minutes 257, 258 and 259 – Complaints in respect of Councillors Ref, EHDC/03 and 04/2008, 01/2009 and 02/2009 below, on the grounds that they 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 these should be considered in public in the interests of transparency.

RESOLVED - that the press and public not be excluded from the meeting during discussion of the items above.

ACTION255 MINUTES

In response to matters arising from the minutes raised by the Chairman, the Monitoring Officer undertook to report back to the Committee on appointing an additional Parish/Town Council representative to the Committee and raise with the Chairman of Development Control Committee whether minutes of that Committee should note Members who spoke at a meeting after making a site visit for a planning application

MO

RESOLVED - that the Minutes of the meeting of the Standards Committee held on 11 August 2009 be confirmed as a correct record and signed by the Chairman, subject to the addition of Mr C Marks (Parish Councils' representative) to the list of those present.

256 CREATION OF CONSIDERATION AND HEARINGS SUB-COMMITTEE

The Committee agreed to defer this item pending a review of the Standards Committee procedures.

RESOLVED - that the report be deferred.

257 COMPLAINTS IN RESPECT OF COUNCILLOR REF, EHDC/03 AND /04/2008

Councillor Ruffles and Simon Drinkwater left the meeting for this item and took no part in its consideration.

The Monitoring Officer submitted a report on two complaints in respect of District Councillor Hedley for a hearing by the Committee as had been agreed at the meeting of the Committee on 11 August 2009 (the consideration meeting). The complaint had been referred to the Monitoring Officer for investigation by the Assessment Sub-Committee.

ACTION

The Chairman introduced all those present for the case and confirmed that the meeting was quorate.

The Legal Officer drew attention to the Investigating Officer's report as now submitted. The Committee noted the details of the complaint and that the complainants considered the Councillor had breached the Code of Conduct by, amongst other things, bullying and failing to treat people with respect at the conclusion of a Council meeting and in a number of telephone calls relating to that incident. The Investigating Officer had found that Councillor Hedley had failed to comply with the Members' Code of Conduct.

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 Chairman asked Councillor Hedley if he maintained the position set out in the report and had any additional points to make. Councillor Hedley said he agreed in general with the findings of fact in the report but did not accept the inferences drawn.

The Committee retired to consider the details of the Investigating Officer's report, the relevant legislation and protocols and evidence gathered. It noted the reasons identified by the Investigating Officer for reaching his decision.

ACTION

Following this the Chairman announced the Committee's decision publicly and asked Councillor Hedley if he had anything to say before the Committee discussed sanctions.

Councillor Hedley referred to his long period of ill health. He said he had already been punished for his actions by being suspended by the Conservative Group.

The Committee retired again to give consideration to the sanctions which should be imposed. Following this the Chairman announced publicly the decision now detailed. The Committee had noted that if the suspension imposed by the Conservative Party had not taken place, it would have been minded to impose a sanction of suspension from office for six months.

Councillor Hedley thanked the Committee for postponing the meeting so that he could be in attendance. He apologised for his behaviour at a previous meeting.

RESOLVED – that:

(A) in relation to complaints reference EHDC/03 and /04/2008 the Committee finds as follows:

- (1) On the occasion of the Council meeting, Councillor Hedley failed to comply with the provisions of the Code of Conduct in Paragraphs 3(1) and 3(2)(B) and 5 (insofar as his own standing as a Councillor was brought into disrepute but as no member of the public or press was present, the Council's own standing was not diminished); and
- (2) In relation to the telephone calls, Councillor Hedley failed to comply with the provisions of 3(1),3(2)(B) and Section 3(2)(C) of the Code of Conduct; and

ACTION

(B) Councillor J Hedley be suspended from the office of Councillor of East Hertfordshire District Council for a period of one month effective from 16 September 2009 and give a written apology, in a form to be approved, to Councillor Hollebon, Mr Hughes and Mr Ibrahim during the month of suspension; and

(C) the Council be asked to avoid lengthy delays such as in this case by referring such cases immediately to the Standards Committee and not dealing with them in other ways.

258 COMPLAINT IN RESPECT OF COUNCILLOR
REF: EHDC/01/2009

The Monitoring Officer submitted a report in respect of a complaint concerning District Councillor D Clark.

The complaint had been referred to the Monitoring Officer for investigation by the Assessment Sub-Committee.

The Committee noted the details of the complaint and that the complainant considered Councillor Clark had breached the Code of Conduct by failing to declare an interest in a planning application.

The Monitoring Officer drew attention to the Investigating Officer's report as now submitted. The Investigating Officer had found no fault on the part of Councillor Clark.

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

(A) that it accepts the finding of no failure to comply with the Code of Conduct;

ACTION

- (B) that the matter should be considered at a hearing of the Standards Committee;
- (C) that the matter should be referred to the Adjudication Panel for England for determination.

The Committee discussed the options open to it and noted that no fault had been found. It decided to accept the Investigating Officer's finding.

RESOLVED – that, in relation to Complaint Ref, EHDC/01/2009, that the Committee accepts the finding of no failure to comply with the Code of Conduct and no further action be taken.

259 COMPLAINT IN RESPECT OF COUNCILLOR REF, EHDC/02/2009

The Monitoring Officer submitted a report on a complaint in concerning District Councillor W Ashley.

The complaint had been referred to the Monitoring Officer for investigation by the Assessment Sub-Committee.

The Committee noted the details of the complaint and that the complainant considered Councillor W Ashley had breached the Code of Conduct by failing to declare an interest in a planning application.

The Monitoring Officer drew attention to the Investigating Officer's report as now submitted. The Investigating Officer had found no fault on the part of Councillor W Ashley.

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

ACTION

- (A) that it accepts the finding of no failure to comply with the Code of Conduct;
- (B) that the matter should be considered at a hearing of the Standards Committee;
- (C) that the matter should be referred to the Adjudication Panel for England for determination.

The Committee discussed the options open to it and commented that it would have been helpful to have the Investigating Officer present. The Committee asked for the Investigating Officer to be present in future cases. It noted that no fault had been found and decided to accept the Investigating Officer’s finding.

MO

RESOLVED – that, in relation to Complaint Ref, EHDC/02/2009, the Committee accepts the finding of no failure to comply with the Code of Conduct, and no further action be taken.

260 CHAIRMAN

At the conclusion of the meeting the Committee asked that it be recorded that it was very grateful to Mr Vickers for taking the Chair at short notice and conducting the meeting so well.

The meeting closed at 10.10 pm.

Chairman
Date

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