

MINUTES OF A MEETING OF THE
STANDARDS SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 23
JANUARY 2013, AT 2.30 PM

PRESENT: Councillor M Wood (Chairman)
Councillors M Carver and M Newman.

ALSO PRESENT:

Councillor M Tindale

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
Maria Memoli	- Investigating Officer

6 APPOINTMENT OF CHAIRMAN

RESOLVED – that Councillor M Wood be appointed
Chairman for this meeting of the Standards Sub-
Committee.

7 CHAIRMAN'S ANNOUNCEMENTS

Councillor M Wood welcomed all present to the meeting,
particularly the Independent Person, Mr P Copland.

At the conclusion of the meeting, Councillor Wood expressed

the Sub-Committee's great concern over the length of time taken for the complaints detailed in the following Minutes to come before it for determination.

He also emphasised the Sub-Committee's request that officers report on proposals to regularise the protocols (Planning Code of Good Practice and the Code of Conduct) with regards to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning Council assets were to be considered.

8 MINUTES

RESOLVED – that the Minutes of the Standards Sub-Committee meeting held on 18 December 2012 be confirmed as a correct record and signed by the Chairman.

9 COMPLAINT IN RESPECT OF A COUNCILLOR, REFERENCE EHDC/07/2011

The Monitoring Officer submitted a report on a complaint by Mr M Hurford alleging that Councillor M Tindale's actions at a meeting of the Authority's Development Control Committee had breached the Councillors Code of Conduct.

The complaint was the subject of an investigation by an independent Investigating Officer appointed by the Monitoring Officer.

The Sub-Committee considered the report of the Investigating Officer's findings on the complaint in accordance with its approved procedure.

Insofar as the allegation related to a breach of paragraph 3.1 of the Code – failing to treat others with respect - the Sub-Committee agreed with the Independent Investigating Officer's finding that Councillor Tindale was not in breach of this provision.

Insofar as the allegation related to a breach of paragraph 5 of

the Code – bringing the office of councillor or authority into disrepute - the Sub-Committee agreed with the Independent Investigating Officer’s finding that Councillor Tindale had failed to comply with this provision. The Sub Committee considered that it had been inappropriate for Councillor Tindale to attend and speak at the Development Control Committee meeting when his contribution had not been a material planning consideration and he was known especially as being intimately involved in the Henderson negotiations. As such, there had been a technical breach of this provision of the Code of Conduct.

The Sub-Committee considered, in consultation with the Independent Person, what action, if any, should be taken consequent upon its finding that Councillor Tindale had breached the Authority’s Code of Conduct on the basis now detailed.

It agreed to recommend that:

- (1) its decisions on this allegation be published on the Council’s website as per normal procedure;
- (2) officers be requested to report on recommended best practice proposals for inclusion within the relevant protocol/code (Planning Code of Good Practice and the Code of Conduct) addressing the general role and conduct of councillors dealing with planning matters and in particular with regard to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning Council assets were to be considered, and
- (3) a letter be sent to Councillor Tindale advising him of the Sub-Committee’s decisions on this complaint.

RESOLVED – that (A) insofar as the allegation related to a breach of paragraph 3.1 of the Code – failing to treat others with respect - Councillor Tindale was not in breach of this provision;

(B) insofar as the allegation related to a breach of paragraph 5 of the Code – bringing the office of councillor or authority into disrepute - Councillor Tindale had failed to comply with this provision as that it had been inappropriate for Councillor Tindale to attend and speak at the Development Control Committee meeting when his contribution had not been a material planning consideration and he was known especially as being intimately involved in the Henderson negotiations – as such, there had been a technical breach of this provision of the Code of Conduct, and

(C) Council be recommended to:

- (1) publish the decisions on this allegation on its web site as per normal procedure,
- (2) request officers to report on recommended best practice proposals for inclusion within the relevant protocol/code (Planning Code of Good Practice and the Code of Conduct) addressing the general role and conduct of councillors dealing with planning matters and in particular with regard to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning Council assets are to be considered, and
- (3) send a letter to Councillor Tindale advising him of the Sub-Committee's decisions on this complaint.

10 COMPLAINT IN RESPECT OF A COUNCILLOR,
REFERENCE EHDC/08/2011

The Monitoring Officer submitted a report on a complaint by Mr P Elliot alleging that Councillor M Tindale's actions at a meeting of the Authority's Development Control Committee had breached the Councillors Code of Conduct.

The complaint was the subject of an investigation by an independent Investigating Officer appointed by the Monitoring Officer.

The Sub-Committee considered the report of the Investigating Officer's findings on the complaint in accordance with its approved procedure.

Insofar as the allegation related to a breach of paragraph 3.1 of the Code – failing to treat others with respect - the Sub-Committee agreed with the Independent Investigating Officer's finding that Councillor Tindale was not in breach of this provision.

Insofar as the allegation related to a breach of paragraph 5 of the Code – bringing the office of councillor or authority into disrepute - the Sub-Committee agreed with the Independent Investigating Officer's finding that Councillor Tindale had failed to comply with this provision. The Sub Committee considered that it had been inappropriate for Councillor Tindale to attend and speak at the Development Control Committee meeting when his contribution had not been a material planning consideration and he was known especially as being intimately involved in the Henderson negotiations. As such, there had been a technical breach of this provision of the Code of Conduct.

The Sub-Committee considered, in consultation with the Independent Person, what action, if any, should be taken consequent upon its finding that Councillor Tindale had breached the Authority's Code of Conduct on the basis now detailed.

It agreed to recommend that:

- (1) its decisions on this allegation be published on the Council's website as per normal procedure;
- (2) officers be requested to report on recommended best practice proposals for inclusion within the relevant protocol/code (Planning Code of Good Practice and the

Code of Conduct) addressing the general role and conduct of councillors dealing with planning matters and in particular with regard to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning Council assets were to be considered, and

- (3) a letter be sent to Councillor Tindale advising him of the Sub-Committee's decisions on this complaint.

RESOLVED – that (A) insofar as the allegation related to a breach of paragraph 3.1 of the Code – failing to treat others with respect - Councillor Tindale was not in breach of this provision;

(B) insofar as the allegation related to a breach of paragraph 5 of the Code – bringing the office of councillor or authority into disrepute - Councillor Tindale had failed to comply with this provision as it had been inappropriate for Councillor Tindale to attend and speak at the Development Control Committee meeting when his contribution had not been a material planning consideration and he was known especially as being intimately involved in the Henderson negotiations – as such, there had been a technical breach of this provision of the Code of Conduct, and

(C) Council be recommended to:

- (1) publish the decisions on this allegation on its web site as per normal procedure,
- (2) request officers to report on recommended best practice proposals for inclusion within the relevant protocol/code (Planning Code of Good Practice and the Code of Conduct) addressing the general role and conduct of councillors dealing with planning matters and in particular with regard to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning

Council assets are to be considered, and

- (3) send a letter to Councillor Tindale advising him of the Sub-Committee's decisions on this complaint.

11 COMPLAINT IN RESPECT OF A COUNCILLOR,
REFERENCE EHDC/10/2011

The Monitoring Officer submitted a report on a complaint by Ms U Harrington alleging that Councillor M Tindale's actions at a meeting of the Authority's Development Control Committee had breached the Councillors Code of Conduct.

The complaint was the subject of an investigation by an independent Investigating Officer appointed by the Monitoring Officer.

The Sub-Committee considered the report of the Investigating Officer's findings on the complaint in accordance with its approved procedure.

Insofar as the allegation related to a breach of paragraph 3.1 of the Code – failing to treat others with respect - the Sub-Committee agreed with the Independent Investigating Officer's finding that Councillor Tindale was not in breach of this provision.

Insofar as the allegation related to a breach of paragraph 5 of the Code – bringing the office of councillor or authority into disrepute - the Sub-Committee agreed with the Independent Investigating Officer's finding that Councillor Tindale had failed to comply with this provision. The Sub Committee considered that it had been inappropriate for Councillor Tindale to attend and speak at the Development Control Committee meeting when his contribution had not been a material planning consideration and he was known especially as being intimately involved in the Henderson negotiations. As such, there had been a technical breach of this provision of the Code of Conduct.

The Sub-Committee considered, in consultation with the Independent Person, what action, if any, should be taken consequent upon its finding that Councillor Tindale had breached the Authority's Code of Conduct on the basis now detailed.

It agreed to recommend that:

- (1) its decisions on this allegation be published on the Council's website as per normal procedure;
- (2) officers be requested to report on recommended best practice proposals for inclusion within the relevant protocol/code (Planning Code of Good Practice and the Code of Conduct) addressing the general role and conduct of councillors dealing with planning matters and in particular with regard to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning Council assets were to be considered, and
- (3) a letter be sent to Councillor Tindale advising him of the Sub-Committee's decisions on this complaint.

RESOLVED – that (A) insofar as the allegation related to a breach of paragraph 3.1 of the Code – failing to treat others with respect - Councillor Tindale was not in breach of this provision;

(B) insofar as the allegation related to a breach of paragraph 5 of the Code – bringing the office of councillor or authority into disrepute - Councillor Tindale had failed to comply with this provision as that it was inappropriate for Councillor Tindale to attend and speak at the Development Control Committee meeting when his contribution was not a material planning consideration and he was known especially as being intimately involved in the Henderson negotiations – as such, there had been a technical breach of this provision of the Code of Conduct, and

- (C) Council be recommended to:
 - (1) publish the decisions on this allegation on its web site as per normal procedure,
 - (2) request officers to report on recommended best practice proposals for inclusion within the relevant protocol/code (Planning Code of Good Practice and the Code of Conduct) addressing the general role and conduct of councillors dealing with planning matters and in particular with regard to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning Council assets are to be considered, and
 - (3) send a letter to Councillor Tindale advising him of the Sub-Committee’s decisions on this complaint.

The meeting closed at 4.55 pm

Chairman
Date