



MEETING : STANDARDS SUB-COMMITTEE
VENUE : ROOM 1.13, WALLFIELDS, PEGS LANE, HERTFORD
DATE : TUESDAY 29 NOVEMBER 2016
TIME : 10.00 AM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE SUB COMMITTEE

Councillors P Boylan, B Deering and C Woodward

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
 - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
 - participate in any discussion or vote on a matter in which a Member has a DPI;
 - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Public Attendance

East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a “first come first served” basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a “first come, first served” basis, to view the meeting via webcast.

If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing committee.services@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

AGENDA

1. Appointment of Chairman

To appoint a Chairman for this meeting.

2. Apologies

To receive any apologies for absence.

3. Chairman's Announcements

To receive any Chairman's announcements.

4. Declarations of Interest

5. Minutes (Pages 7 - 18)

To approve the Minutes of the meeting held on 25 April 2016

6. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

7. Exclusion of the Press and Public

To move that under Section 100 (A) (4) of the Local Government Act 1972 the press and public be excluded from the meeting during the discussion of item 8 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the said Act:

It is for the Sub-Committee to determine whether or not this item should be considered in public and the report made available for public information. Until a decision is taken, please regard the report as confidential.

8. Investigation under the Localism Act (Pages 19 - 32)

9. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

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MINUTES OF A MEETING OF THE
STANDARDS SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 25 APRIL 2016,
AT 9.30 AM

PRESENT: Councillor B Deering (Chairman).
Councillors G McAndrew and C Woodward.

ALSO PRESENT:

Councillor A Alder

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Catherine Whitehead	- Interim Head of Democratic and Legal Services

ALSO IN ATTENDANCE:

Philip Copland - Independent Person

30 APPOINTMENT OF CHAIRMAN

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

31 CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced Members of the Sub-Committee and Mr P Copland, the Independent Person. In acknowledgement of the fact that this would be Mr Copland's last meeting, the Chairman on behalf of Members, thanked him for his valuable contribution to the work of the Standards Sub-Committee.

32 MINUTES – 28 JANUARY 2016

RESOLVED – that the Minutes of the Standards Sub-Committee meeting held on 28 January 2016, be confirmed as a correct record and signed by the Chairman.

33 EXCLUSION OF THE PRESS AND PUBLIC

The Sub-Committee considered whether or not to pass a resolution to exclude the press and public from the meeting during the discussion of items at Minutes 34 to 41 below on the grounds that they involved the likely disclosure of exempt information as define in provisions of the Local Government Act 1972.

The Sub-Committee also considered whether or not to make the associated reports publically available.

The Sub-Committee determined not to exclude the press and public from the meeting during the discussion of the matters recorded at Minutes 34 to 41 below and that the associated reports be made publically available.

34 COMPLAINT IN RESPECT OF DISTRICT COUNCILLOR J CARTWRIGHT (1)

The Monitoring Officer submitted a report on the complaint alleging that Councillor James Cartwright had breached the Council's Code of Conduct. The complaint was the first of three complaints before the Sub-Committee, alleging misconduct by Councillor J Cartwright.

The Sub-Committee noted the detail of the complaint and the evidence provided by the complainant in support of his allegation

The Monitoring Officer confirmed that, having consulted the Independent Person, she did not consider the complaint could be resolved informally.

The Monitoring Officer invited the Sub-Committee to consider

the complaint against the (published) assessment criteria of the Authority's Complaints Procedure. The Monitoring Officer invited Members to focus their consideration on whether the Member was acting as a Councillor, whether it was in the public interest to investigate this matter; whether the complaint was substantially the same as a previous complaint and whether, if proven, the circumstances of this particular case were capable of being a breach of the Code of Conduct.

The Sub-Committee retired to a separate room to consider the complaint.

On return, the Chairman referred to the time, the fact that there were two other complaints alleging that Councillor Cartwright had breached the Code of Conduct and that there were three Members of the public in attendance to hear five other Parish Council complaints on the agenda. The Chairman suggested that, with Members' consent, the item be adjourned until the Parish Council complaints had been determined. This was supported.

At 12.45pm, Members continued their deliberations in relation to this complaint.

After careful consideration of the complaint made by David Bromage, in consultation with the Independent Person and taking into account the Council's assessment criteria, the Sub-Committee determined that they were concerned at the evidence presented and had formed the view that Councillor J Cartwright's conduct could be capable of a breach of the Code of Conduct. The Sub-Committee agreed that on balance, with a degree of regret and mindful of the costs which would accrue, that the complaint should go forward for investigation.

The Sub-Committee was mindful of the other two complaints on the agenda alleging a breach of the Code of Conduct by Councillor J Cartwright; each complaint would be considered on its merits and that if there were any common threads, the Sub-Committee would take appropriate action.

RESOLVED – that the complaint now detailed, be investigated.

COMPLAINT IN RESPECT OF DISTRICT COUNCILLOR J CARTWRIGHT (2)

The Monitoring Officer submitted a report on the complaint alleging that Councillor James Cartwright had breached the Council's Code of Conduct. The complaint was the second of three complaints alleging misconduct by Councillor J Cartwright to be considered.

The Sub-Committee noted the detail of the complaint and the evidence provided by the complainant in support of his allegation.

The Monitoring Officer confirmed that, having consulted the Independent Person, she did not consider the complaint could be resolved informally.

The Monitoring Officer invited the Sub-Committee to consider the complaint against the (published) assessment criteria of the Authority's Complaints Procedure. The Monitoring Officer invited Members to focus their consideration on whether the Member was acting as a Councillor, whether it was in the public interest to investigate this matter; whether the complaint was substantially the same as a previous complaint and whether if proven, the circumstances of this particular case were capable of being a breach of the Code of Conduct.

The Sub-Committee retired to a separate room to consider the complaint.

After careful consideration of the complaint made by Adrian McNeece, in consultation with the Independent Person and taking into account the Council's assessment criteria, the Sub-Committee determined that they were concerned at the evidence presented and had formed the view that Councillor J Cartwright's conduct could be capable of a breach of the Code of Conduct and should go forward for investigation.

RESOLVED – that the complaint now detailed, be investigated.

36 COMPLAINT IN RESPECT OF DISTRICT COUNCILLOR J
CARTWRIGHT (3)

The Monitoring Officer submitted a report on the complaint alleging that Councillor James Cartwright had breached the Council's Code of Conduct. The complaint was the third of three complaints alleging misconduct by Councillor J Cartwright to be considered.

The Sub-Committee noted the detail of the complaint and the evidence provided by the complainant in support of his allegation.

The Monitoring Officer confirmed that, having consulted the Independent Person, she did not consider the complaint could be resolved informally.

The Monitoring Officer invited the Sub-Committee to consider the complaint against the (published) assessment criteria of the Authority's Complaints Procedure. The Monitoring Officer invited Members to focus their consideration on whether the Member was acting as a Councillor, whether it was in the public interest to investigate this matter; whether the complaint was substantially the same as a previous complaint and whether if proven, the circumstances of this particular case were capable of being a breach of the Code of Conduct.

The Sub-Committee retired to a separate room to consider the complaint.

After careful consideration of the complaint made by Scott Ramsay, in consultation with the Independent Person and taking into account the Council's assessment criteria, the Sub-Committee determined that on balance, because of the continuing nature of the complaints, the public interest and the similarities between the complaints submitted to the Sub-Committee today and at a previous meeting, the complaint should go forward for investigation.

The Sub-Committee referred to the "tweet" issued shortly after a previous determination. The Sub-Committee felt that it was necessary for an investigation to consider all three complaints

under one “umbrella” complaint, as expeditiously as possible.

The Sub-Committee also urged all individuals concerned to meet to resolve their differences.

The Sub-Committee expressed concern about the “tweet” which referred to East Herts District Council and formally stated that it did not condone the kind of behaviour referred to in the “tweet”.

RESOLVED – that the complaint now detailed, be investigated as one of three complaints submitted under one “umbrella” investigation.

37 COMPLAINT IN RESPECT OF PARISH COUNCILLOR I HUNT (1)

The Monitoring Officer submitted a report on the complaint alleging that Much Hadham Parish Councillor I Hunt had breached the Council’s Code of Conduct.

The Sub-Committee noted the detail of the complaint and the evidence provided by the complainant in support of his allegation.

The Monitoring Officer confirmed that, having consulted the Independent Person, she did not consider the complaint could be resolved informally.

The Monitoring Officer invited the Sub-Committee to consider the complaint against the (published) assessment criteria of the Authority’s Complaints Procedure.

The Sub-Committee retired to a separate room to consider the complaint.

After careful consideration of the complaint made by Rodney Key against Much Hadham Parish Councillor I Hunt in consultation with the Independent Person and taking into account the Council’s assessment criteria, the Sub-Committee determined that no further action be taken as there was insufficient evidence to warrant an investigation. In reaching

this determination, the Standards Sub-Committee expressed a view that organisations such as Much Hadham Parish Council should be encouraged to conduct themselves in a collegiate manner which achieved and encouraged contributions from all members of the community.

RESOLVED – that no further action be taken, for the reasons now detailed, in respect of the complaint by Rodney Key against Much Hadham Parish Councillor I Hunt.

38 COMPLAINT IN RESPECT OF PARISH COUNCILLOR I HUNT (2)

The Monitoring Officer submitted a report on the complaint alleging that Much Hadham Parish Councillor I Hunt had breached the Council's Code of Conduct.

The Sub-Committee noted the detail of the complaint and the evidence provided by the complainant in support of his allegation.

The Monitoring Officer confirmed that, having consulted the Independent Person, she did not consider the complaint could be resolved informally.

The Monitoring Officer invited the Sub-Committee to consider the complaint against the (published) assessment criteria of the Authority's Complaints Procedure.

The Sub-Committee retired to a separate room to consider the complaint.

After careful consideration of the complaint made by Richard Key in consultation with the Independent Person and taking into account the Council's assessment criteria, the Sub-Committee determined that no further action be taken as there was insufficient evidence to warrant an investigation. In reaching this determination, the Sub-Committee expressed a view that all Parish Councils should conduct their affairs in a collegiate manner which encouraged a contribution from all.

RESOLVED – that no further action be taken, for the reasons now detailed, in respect of the complaint by Richard Key against Much Hadham Parish Councillor I Hunt.

39 COMPLAINT IN RESPECT OF PARISH COUNCILLORS I HUNT AND P TAYLOR (1)

The Monitoring Officer submitted a report on the complaint alleging that Much Hadham Parish Councillors I Hunt and P Taylor had breached the Council's Code of Conduct.

The Sub-Committee noted the detail of the complaint and the evidence provided by the complainant in support of his allegation.

The Monitoring Officer confirmed that, having consulted the Independent Person, she did not consider the complaint could be resolved informally.

The Monitoring Officer invited the Sub-Committee to consider the complaint against the (published) assessment criteria of the Authority's Complaints Procedure.

The Sub-Committee retired to a separate room to consider the complaint.

After careful consideration of the complaint made by Anthony Baxter in consultation with the Independent Person and taking into account the Council's assessment criteria, the Sub-Committee determined that no further action be taken as there was insufficient evidence to warrant an investigation. In reaching this determination, the Sub-Committee acknowledged what was a "glitch" in the procedures at Much Hadham Parish Council and of the need to address this via general house-keeping within the parish council procedures. The Sub-Committee did not feel that the information not appearing on their website was a material consideration for investigation.

RESOLVED – that no further action be taken, for the reasons now detailed, in respect of the complaint by

Anthony Baxter against Much Hadham Parish
Councillors P Taylor and I Hunt.

40 COMPLAINT IN RESPECT OF PARISH COUNCILLORS I
HUNT AND P TAYLOR (2)

The Monitoring Officer submitted a report on a complaint alleging that Much Hadham Parish Councillors P Taylor and I Hunt had breached the Council's Code of Conduct. The Monitoring Officer stated that the report in the agenda was a duplication of the earlier report and circulated the Sub-Committee with the correct reports and supporting documentation.

The Sub-Committee noted the detail of the complaint and the evidence provided by the complainant in support of his allegation

The Monitoring Officer confirmed that, having consulted the Independent Person, he did not consider the complaint could be resolved informally.

The Monitoring Officer invited the Sub-Committee to consider the complaint against the (published) assessment criteria of the Authority's Complaints Procedure.

The Sub-Committee retired to a separate room to consider the complaint.

After careful consideration of the complaint made by Richard Key in consultation with the Independent Person and taking into account the Council's assessment criteria, the Sub-Committee determined that:

- in relation to the complaint alleging that Much Hadham Parish Councillor I Hunt had breached the Code of Conduct, no further action be taken, as there was insufficient evidence to warrant an investigation.
- in relation to the complaint alleging that Much Hadham Parish Councillor P Taylor had breached the Code of Conduct, no further action be taken, as there was

insufficient evidence to warrant an investigation.

With regard to the information omitted from the website, the Sub-Committee referred to Penny Taylor's email of 8 January 2016 in which she had sincerely apologised. The Sub-Committee referred to the advice sought from the Hertfordshire Association of Parish Town Councils (HAPTC) by the Parish Council and the advice from HAPTC (given orally) to the Parish Council.

In reaching this determination, the Sub-Committee expressed a view that all Parish Councils should conduct their affairs in a collegiate manner which encouraged a contribution from all.

RESOLVED – that that no further action be taken, for the reasons now detailed, in respect of the complaint by Richard Key against Much Hadham Parish Councillors P Taylor and I Hunt.

41 INVESTIGATION REPORT INTO COMPLAINT AGAINST FORMER PARISH COUNCILLORS BANNERMAN AND BAXTER

The Monitoring Officer submitted a report following a formal investigation on a complaint alleging that (former) Parish Councillors S Bannerman and A Baxter had breached the Council's Code of Conduct.

The Monitoring Officer confirmed that, having considered the investigation report and having consulted with the Independent Person, the Monitoring Officer had concluded that it was not in the public interest to take any further action in relation to the matter.

The Monitoring Officer referred to the fact that one of the former Councillors was standing again in the forthcoming by-election in May 2016 and that it was important that her name should be cleared.

The Sub-Committee retired to a separate room to consider the complaint.

The Sub-Committee agreed that it was not in the public interest to take any further action and supported the suggestion that the documents be made available on the public website but that specific redactions should remain in place.

RESOLVED – that no further action be taken in relation to complaints made against former Much Hadham Parish Councillors S Bannerman and A Baxter.

The meeting closed at 1.05 pm

Chairman

Date

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