



*Alison Stuart  
Head of Legal and  
Democratic Services*

**MEETING** : STANDARDS SUB-COMMITTEE  
**VENUE** : ROOM 27, WALLFIELDS, HERTFORD  
**DATE** : TUESDAY 26 JUNE 2018  
**TIME** : 3.00 PM

**PLEASE NOTE TIME AND VENUE**

**MEMBERS OF THE SUB-COMMITTEE**

Councillors P Boylan, B Deering, C Woodward

**INDEPENDENT PERSON**

Mr Nicholas Moss

**CONTACT OFFICER:  
PETER MANNINGS  
Tel: 01279 502174  
[peter.mannings@eastherts.gov.uk](mailto:peter.mannings@eastherts.gov.uk)**

## **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 [democraticservices@eastherts.gov.uk](mailto:democraticservices@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 - 14 February 2018 (Pages 7 - 12)

*To approve as a correct record the Minutes of the meeting held on 14 February 2017.*

### 6. 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 7 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.***

7. Code of Conduct Complaints (Pages 13 - 76)

8. Urgent Business

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

MINUTES OF A MEETING OF THE  
STANDARDS SUB-COMMITTEE HELD IN  
THE ROOM 28, WALLFIELDS, HERTFORD  
ON TUESDAY 14 FEBRUARY 2017, AT  
1.00 PM

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PRESENT: Councillor B Deering (Chairman)  
Councillors P Boylan and C Woodward

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Victoria Clothier	- Legal Services Manager
Kevin Williams	- Acting Head of Legal and Democratic Services

ALSO IN ATTENDANCE:

Nicholas Moss	- Independent Person
Alison Stuart	- Head of Legal and Democratic Services (designate)

10 APPOINTMENT OF CHAIRMAN

It was moved by Councillor C Woodward and seconded by Councillor P Boylan that Councillor B Deering be appointed Chairman of the Sub Committee for the meeting.

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

11 MINUTES

Councillor C Woodward referred to Minute 9 (Investigation of a complaint against a former District Councillor) and asked for

an update in relation to resolution (D) regarding the wording of the censure motion. The Monitoring Officer assured the Member that he would discuss the wording of the censure motion with the Chairman of that (previous) meeting and submit this to Council.

RESOLVED – that the Minutes of the meeting held on 13 December, 2016 be approved as a correct record and signed by the Chairman.

## 12 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Alison Stuart, the newly appointed Head of Legal and Democratic Services to the meeting.

## 13 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 discussion of Minutes 14 and 15 below on the grounds that they involved the likely disclosure of exempt information as defined in the 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 to exclude the press and public from the meeting during the discussion of the matters at Minutes 14 and 15 below and that the supporting papers should continue to be confidential.

## 14 COMPLAINT UNDER THE LOCALISM ACT 2011 – WARE TOWN COUNCIL (1)

The Council's Monitoring Officer provided a summary of the report. He explained the background to the complaint, the detail of which was set out in the report. He sought Members' advice on how to progress the matter. A way forward was discussed at length, including how best to encourage mediation with an independently approved mediator. This



was supported.

The Independent Person (IP) explained the need to ensure that all those involved were fully engaged with the mediation process and the reputational and personal consequences which could follow, if such engagement was ignored. The IP also referred to the expectations of local citizens in appointing their town councillors.

Members supported the suggestion that the Monitoring Officer write to both the Town Councillor and Ware Town Council:

- a) requiring the Town Council to appoint an independent mediator from an approved list, such those offered via the Local Government Association; and
- b) Explaining to the Town Councillor and the complainant the reputational and personal consequences of not engaging in the mediation process, including progression to a full hearing.

Members also considered the issue of “gender balance” on the Sub-Committee which had been raised by a Member. The IP commented that there was no statutory requirement for gender balance for Pre Hearing meetings and that it was undesirable that someone whose conduct was being tested, should have a say in the composition of a sub-committee. He stated that to change the composition to satisfy someone who might have an interest, could open up the Council to criticism for complying with such a demand and set a precedent in relation to future complaints.

Members noted the advice and agreed that a sub-committee should continue to be selected from those trained and available in a wholly objective manner. This was supported.

RESOLVED – that the Monitoring Officer be requested to write to (A) Ware Town Council requiring it to appoint an independent mediator from an approved list of mediators such as those offered via the Local

Government Association; and

(B) The Town Councillor and complainant, explaining the reputational and personal consequences of not engaging in the mediation process, including the possibility of progression to a full hearing.

15 COMPLAINT UNDER THE LOCALISM ACT 2011 – WARE TOWN COUNCIL (2)

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The Council's Monitoring Officer provided a summary of the report. He explained the background to the complaint and the fact that two medical certificates had been submitted by the subject of the complaint. In noting the receipt of the certificates, Members empathised with the Member's health. The Chairman referred to the need to acknowledge the medical certificate. This was supported.

The Independent Person (IP) explained the expectations of all concerned in ensuring that the issue was dealt with fairly, not only to the complainant, but to the person complained of.

Given the circumstances, Members considered at length, the options available. The IP sought Members' views on the findings of fact if the medical certificate(s) had not been submitted. Members agreed that from the evidence, there was a case to answer and that a hearing should be arranged at a date to be determined.

The Monitoring Officer felt that Members should exercise caution and felt that an initial telephone call explaining the Sub-Committee's decision might be more empathetic followed up by a letter. This was supported.

RESOLVED – that (A) the Monitoring Officer telephone the Town Councillor to outline the views of the Sub Committee's Pre Hearing on the findings of fact; and

(B) the Monitoring Office write formally to the Town Councillor detailing the views of the Sub Committee Pre Hearing.

The meeting closed at 2.55 pm

Chairman .....
Date .....

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of the Local Government Act 1972.

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