

STANDARDS COMMITTEE – 1ST MARCH 2007

COMPLAINTS INVESTIGATED AND DETERMINED

Report of the: Monitoring Officer

Status: For Information purposes

This report supports the Key Aim of promoting and maintaining high standards of conduct in local government

Portfolio Holder Cllr. Loney

Head of Service Head of Legal and Committee Services – Christine Nuttall

Recommendation: Members are requested to note this report

Background

- 1 On the 6th April 2006 the Ethical Standards Officer (ESO) referred three cases to the Monitoring officer for investigation being SBE 14229.06, 14230.06 and 14228.06. The allegations were investigated by Mr. Doug Williamson. The reports were finalised on the 30th October 2006 and the Standards Committee held determination hearings on the 22nd January 2007.
2. On the 21st December 2006 the Standards Board for England (the Board) having investigated three cases SBE 14013.06, 14014.06 and 14025.06 completed these cases on the 21st December 2006.

Outcomes

- 3 The press releases for SBE 14229.06, 14230.06 and 14228.06 are set out at Appendix 1.
- 4 The case summary for SBE 14013.06, 14014.06 and 14025.06 are set out at Appendix 2.

Financial Implication

- 5 The standards committee in case SBE 14228.06 sanctioned the Member to undertake training on the Code of Conduct within six months. Such training should eliminate further breaches of the code taking place thus creating cost savings for the council.

Conclusions

- 6 The reports set out in the appendices should shortly be published on the Board's website: www.standardsboard.co.uk

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Sources of Information:

Correspondence and case summaries received from the Board.

Investigation Reports and Monitoring Officer Reports and published Press Reports

Contact Officer(s):

Christine Nuttall – ext. 7245

**Corporate Resources Director
Dr. Pav Ramewal**

RISK ASSESSMENT STATEMENT

It is important that Members comply with the code of conduct. Breaches of the code do not only lessen public confidence in the democratic process but a breach could result in successful judicial review proceedings against the Council.

CLLR. ARMSTRONG – 22ND JANUARY 2007 AT 2 P.M.

On 22nd January 2007 the Standards Committee of Sevenoaks District Council determined an allegation into Member misconduct following a complaint against Cllr. Armstrong of Halstead Parish Council that he had breached the Parish Council's Code of Conduct for Members. The Committee resolved the following:

That Cllr. Armstrong at the Halstead Parish Council meeting on the 13th February 2006 had failed to regard himself as having a personal interest and had also failed to disclose a personal interest when consideration was given to Terms of Reference and proposed processes to set up a new Halstead Place School Development Committee. This being a breach of paragraphs 7 – (1) and 8 of the Parish Council's Code of Conduct; and

That Cllr. Armstrong at the Halstead Parish Council meeting on the 13th February 2006 failed to regard himself as having a prejudicial interest and also failed to withdraw from the meeting room when consideration was given to Terms of Reference and proposed processes to set up a new Halstead Place School Development Committee and when considering a number of letters, a note and memorandum in relation to the site. This being a breach of paragraphs 9 – (1) and 10 of the Parish Council's Code of Conduct.

The Committee did not consider it appropriate to impose any sanctions because:

- Cllr. Armstrong exhibited good intentions and no malice in deciding not to declare the interest;
- That the failure to declare the personal and prejudicial interests had not resulted in any harm having been caused;
- Cllr. Armstrong had taken into account the advice received from the Kent Association of Parish Councils but had inadvertently misinterpreted that advice; and
- Cllr. Armstrong had a previous good record regarding declarations of interest in respect of the Halstead Place School site.

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APPENDIX 1

CLLR. COOKE – 22ND JANUARY 2007 AT 2 P.M.

On 22nd January 2007 the Standards Committee of Sevenoaks District Council determined an allegation into Member misconduct following a complaint against Cllr. Cooke of Halstead Parish Council that he had breached the Parish Council's Code of Conduct for Members. The Committee resolved the following:

That Cllr. Cooke at the Halstead Parish Council meeting on the 13th February 2006 had failed to regard himself as having a personal interest and also had failed to disclose a personal interest when consideration was given to Terms of Reference and proposed processes to set up a new Halstead Place School Development Committee. This being a breach of paragraphs 7 – (1) and 8 of the Parish Council's Code of Conduct; and

That Cllr. Cooke at the Halstead Parish Council meeting on the 13th February 2006 had failed to regard himself as having a prejudicial interest and had also failed to withdraw from the meeting room when consideration was given to Terms of Reference and proposed processes to set up a new Halstead Place School Development Committee and when considering a number of letters, a note and memorandum in relation to the site. This being a breach of paragraphs 9 – (1) and 10 of the Parish Council's Code of Conduct.

The Committee only imposed one sanction this being that Cllr. Cooke undertake training on the Code of Conduct within a period of six months having not previously undertaken training. No other sanctions were imposed because:

- Cllr. Cooke exhibited good intentions and no malice in deciding not to declare the interest;
- That the failure to declare the personal and prejudicial interests had not resulted in any harm having been caused;
- Cllr. Cooke had taken into account the advice received from the Kent Association of Parish Councils but had inadvertently misinterpreted that advice; and
- Cllr. Cooke had a previous good record regarding declarations of interest in respect of the Halstead Place School site.

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CLLR. MRS. HALLIDAY – 22ND JANUARY 2007 AT 10 A.M.

On 22nd January 2007 the Standards Committee of Sevenoaks District Council determined an allegation into Member misconduct following a complaint against Cllr. Mrs. Halliday of Halstead Parish Council that she had breached the Parish Council's Code of Conduct for Members. The Committee resolved the following:

That Cllr. Mrs. Halliday at a Halstead Parish Council Meeting on the 13th February 2006 had failed to regard herself as having a personal interest and also failed to disclose a personal interest by not declaring such interest when consideration was given to Terms of Reference and proposed processes to set up a new Halstead Place School Development Committee. This was a breach of paragraphs 7-(1) and 8 of the Parish Council's Code of Conduct.

The Committee did not consider it appropriate to impose any sanctions because:

- Cllr. Mrs. Halliday had exhibited a wholly inadvertent failure to abide by the Code of Conduct;
- That the failure to declare the personal interest had not resulted in any harm having been caused; and
- Cllr. Mrs. Halliday had accepted that she should have declared a personal interest at the meeting of the Parish Council on 13th February 2006 and had apologised for not doing so.

