

Minutes of the meeting of the Standards Committee Assessment-Review Sub-Committee held on 3 August 2011 commencing at 10.00 am

Present: Independent Member: Mr A Riddell (Chairman)
Parish/Town Council Representative: Mr T Austin
District Council Representative: Cllr M Dickins
Monitoring Officer: Mrs C Nuttall
Democratic Services Officer Mr D Williamson

1. DECLARATIONS OF INTEREST

There were no declarations of Interest.

2. EXCLUSION OF PRESS AND PUBLIC

Resolved: That the meeting of the panel to discuss the allegations of Member misconduct (reference FC42), be held in confidential session.

3. CONSIDERATION OF ANY COMPLAINTS THAT A MEMBER HAS BREACHED THE CODE OF CONDUCT

FC43

This matter related to a Parish Councillor.

Resolved: That the subject member be provided with a summary of the details of the complaint.

The potential breaches of the Code of Conduct identified were:

Paragraph 5 – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute

Paragraph 6 (a) – You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage

Resolved: No further action:

Reason

The Assessment Sub-Committee thoroughly examined the complaint together with the evidence submitted by the complainant. In addition a map of the local area with key information and a copy of relevant documentation relating to planning permission SE/09/02485 was provided. The Sub-Committee also had copies of contemporaneous notes provided independently by the subject member relating to the incident (the subject member had been informed of the complaint and the name of the complainant and had, correctly, assumed that the interaction that took place on 18th February was the subject of the complaint).

The Sub-Committee considered this information in conjunction with Standards for England guidance relating to paragraphs 2(1)(b), 5 and 6(a) of the Code of Conduct.

It was noted that the submissions by the complainant and the subject member were in conflict with regard to their perceptions of the interaction that, both agreed, did take place. The Sub-Committee noted that no such hard, independent, evidence was offered to indicate what took place and felt that it was unlikely that any such evidence would be forthcoming from any investigation which would show, on the balance of probabilities, what actually took place between the complainant and the subject member.

The Sub-Committee also considered that the incident was not of a sufficiently serious nature to warrant an investigation as the situation on site appeared to get out of hand on both sides thereby frustrating a satisfactory outcome.

The Sub-Committee noted that documentation relating to planning permission SE/09/02485 recognised the “high amenity value” of the Lime tree that was the subject of the interaction, and that the permission was dependent on the submission of a scheme of tree protection measures for this tree before development commences. There appeared to be no record of any such submission to the District Council.

The Sub-Committee also considered there was no evidence that the subject member, by her actions, was putting her own private interests above the public interest, or that she could have been acting on Parish Council business as this was principally a District Council matter.

For the above reasons the Sub-Committee considered there was not sufficient evidence that there had been a potential breach of the Code of Conduct, and they did not consider that the circumstances were such that it would be proportionate to investigate. They also did not consider that there was any other action which would be appropriate, given the conflicting views of the complainant and the subject member; and given the lack of any clear evidence of any breach of the Code.

THE MEETING WAS CONCLUDED AT 11.32 am

Chairman