

EXTRAORDINARY MEETING of the STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 4.00 pm on 28 NOVEMBER 2005

Present:- S Brady (Chairman and independent person).
Councillors C A Cant, C D Down, R T Harris and R M Lemon (Uttlesford Members).
M Hall (independent person) and Councillors P G Leeder and R A Merrion (Town and Parish Councils).

Officers in attendance:- M J Perry and M T Purkiss.

S11 DECLARATIONS OF INTEREST

Councillors D C Down, R T Harris and R M Lemon and Messrs S Brady and M Hall and Parish Councillors Leeder and Merrion declared personal, non-prejudicial interests in the next item of business as they served with Councillor Cant on the Standards Committee and in the case of Councillors Down and Harris, also on the Development Control Committee.

S12 FINAL REPORT TO COMMITTEE ON INVESTIGATION INTO A BREACH OF THE CODE OF CONDUCT REPORTED TO THE STANDARDS BOARD FOR ENGLAND

Councillor C Cant, the Member the subject of the complaint and C Oliva, the Investigating Officer, attended the meeting for this item.

The Investigating Officer reported that Councillor Cant had reported to the Standards Board for England that she had failed to declare a personal, non-prejudicial interest as a member of Stebbing Parish Council and as the Council's representative on the Village Hall Committee with regard to planning application UTT/0923/05/FUL at a meeting of the Development Control Committee on 31 August 2005. The Ethical Standards Officer had referred the matter to the Monitoring Officer of the Council for investigation under the Local Government Act 2000 and the Local Authority (Code of Conduct) (Local Determination) Regulations 2003 as amended by the Local Authority (Code of Conduct) (Local Determination) (Amendments) Regulations 2004. She said that Councillor Cant had submitted a statement on 2 November 2005 and all Members of the Committee had read this prior to the meeting.

The Investigating Officer pointed out that once Councillor Cant had realised her error she had reported herself to the Standards Board for England and at the following meeting of the Development Control Committee had made a public statement and apology regarding her failure to declare an interest.

Councillor Cant then addressed the meeting and said that she had little to add to her statement. She reiterated that once she had realised her mistake she had reported herself to the Standards Board as she wished to maintain integrity and honesty in her role as Chairman of the Development Control Committee. She explained the circumstances of the error and said that it had

happened in the heat of the moment and expressed her apologies to the Development Control and Standards Committees.

Councillor Leeder questioned why she had not declared the interest at the second opportunity when the application was under consideration. Councillor Cant agreed that there had been two opportunities to declare the interest but said that it had been a difficult meeting and there had been much to remember when this mistake occurred.

S13

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that the press and public be excluded for the consideration of the Committee's decision on the basis that it involves the consideration of Exempt Information under Paragraph 19 of Part 1 Schedule 12A Local Government Act 1972.

Councillor Cant and the Investigating Officer left the meeting to enable the Committee to consider the facts of the situation.

It was noted that the following facts were not in dispute:

- 1 Uttlesford District Council adopted the Code of Conduct on 23 April 2002.
- 2 Paragraph 9 of the Code provides "A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration or, or when the interest becomes apparent.
- 3 Councillor Cant was elected to the Council on 1 December 1997 and has been a Councillor ever since. She signed to be bound by the Code of Conduct shortly after its adoption by the Council and again after her re-election in May 2003. In the register of Members' Interests Councillor Cant recorded her membership of Stebbing Parish Council and Stebbing Village Hall Committee.
- 4 Councillor Cant is the Chairman of the Council's Development Control Committee.
- 5 On 31 August 2005 Councillor Cant chaired a meeting of the Development Control Committee. On the agenda was application UTT/0923/05/FUL for development on the site of a vacant chapel. Both Stebbing Parish Council and the Village Hall Committee had written letters of objection. Councillor Cant had attended meetings of the Parish Council and the Village Hall Committee when the applications were discussed but stated at both meetings that she would take no part in the discussions as she was a member of the District Council's Development Control Committee. The Parish Clerk and the minutes of the Village Hall Committee confirm that this was the case.

- 6 At the Development Control Committee meeting Councillor Cant failed to declare a personal interest in this item.
- 7 Following the meeting Councillor Cant realised her error. She consulted with the Monitoring Officer and thereafter reported herself to the Standards Board for England. At the following meeting of the Development Control Committee she made a public statement and apology regarding her failure to declare an interest.

There were no facts which were disputed. Councillor Down said that she had been at the meeting in question and said that Members had arrived back late from site visits and had to ask the public to wait to enable Members to prepare for the meeting. She said that she understood how the declaration of interest had slipped Councillor Cant's mind. The Monitoring Officer also confirmed that councillors had consulted him regarding the declaration of an interest by another Member and agreed that Councillor Cant's concentration was therefore externally focused during the meeting rather than internally focused.

Councillor Cant and the Investigating Officer were then readmitted to the meeting.

The Chairman said that the Committee made no findings of fact as there were no facts in dispute. The Committee had therefore proceeded on the basis of the facts not in dispute. Councillor Cant accepted that the agreed facts did constitute a breach of the Code of Conduct. She stated, however, that she regarded the interest as a personal one only and not a prejudicial interest. Whilst she accepted that she should have declared the interest there was no need for her to withdraw from the meeting whilst the item was under consideration.

The Committee determined that Councillor Cant had breached paragraph 9 of the Code of Conduct by failing to declare a personal interest in planning application UTT/0923/05/FUL as a member of Stebbing Parish Council and Stebbing Village Hall Committee. Paragraph 10(1) of the Code defined a prejudicial interest as being one in which a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it was likely to prejudice the Member's judgement of the public interest. The Committee were satisfied that no member of the public could reasonably come to that conclusion in this case. Further so far as her membership of Stebbing Parish Council was concerned, paragraph 10(2) of the Code states that a Member may regard himself as not having a prejudicial interest in a matter if that matter relates to another relevant authority of which he is a Member. The Committee were satisfied that the interest which Councillor Cant failed to declare was personal but not prejudicial and there was therefore no requirement for her to leave the room whilst the application was discussed.

Councillor Cant stated that she had made a mistake which she had tried to correct as soon as she was able after realising what had occurred. She had no further submissions to make regarding sanctions.

Councillor Cant and the Investigating Officer then left the meeting whilst the Committee considered what sanction was appropriate. The Chairman asked

Members to disregard the fact that Councillor Cant was a member of the Standards Committee. Councillor Cant and the investigating officer were then readmitted to the meeting and the Chairman advised them of the Committee's decision as follows:

The Committee were satisfied that Councillor Cant had made a genuine error in failing to declare a personal interest. She had acted properly in reporting herself to the Standards Board for England and in making a public apology to the Development Control Committee at the earliest opportunity. Councillor Cant had also requested the Monitoring Officer to provide further training for Members on the issue of interests which she attended. She had amended her crib sheet to ensure that she was reminded of the need to declare her own interests as well as obtaining declarations from others. The Committee were satisfied that it was extremely unlikely that there would be any further lapse on Councillor Cant's behalf and in the circumstances no further action was necessary.

Councillor Cant was advised that an application for permission to appeal must be made in writing and must be received by the Adjudication Panel for England within 21 days from the date of receipt of this notice. The Monitoring Officer added that the Council was obliged to publish a summary of the decision in a local newspaper.

S14

REQUESTS FOR DISPENSATIONS

Councillor Lemon declared a personal non-prejudicial interest in this item as a Member of Hatfield Heath Parish Council.

It was reported that two further members of Hatfield Heath Parish Council had made requests for dispensations in the following terms "I wish to apply to the Standards Committee for a dispensation to permit me to attend and speak at meetings of Hatfield Heath Parish Council on issues relating to the Stop Stansted Expansion Campaign and Stansted Airport. The reason I make this application is that, as the Parish Council and I are members of the Stop Stansted Expansion campaign we consider it desirable that we should be able to debate matters relating to the campaign and to the Airport, in the interests of our electorate."

RESOLVED that:

1. Councillor Michael Hockley be permitted to attend and speak at meetings of Hatfield Heath Parish Council when issues relating to the Stop Stansted Expansion Campaign and Stansted Airport are discussed.
2. Councillor Bob Jones be permitted to attend and speak at meetings of Hatfield Heath Parish Council when issues relating to the Stop Stansted Expansion Campaign and Stansted Airport are discussed.