

Committee: STANDARDS COMMITTEE
Date: 28th November 2005
Agenda Item No: 2
Title: FINAL REPORT TO COMMITTEE ON INVESTIGATION INTO
A BREACH OF THE CODE OF CONDUCT REPORTED TO
THE STANDARDS BOARD FOR ENGLAND
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Summary

- 1 Councillor Christina Cant 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 referred the matter to the Monitoring Office 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.

Background

- 2 Councillor Cant gave the following statement on 2 November 2005:

“On the 31 August 2005 we had a large number of site visits which overran by half an hour. The meeting, therefore, had to start at 2.30pm and not 2.00pm as scheduled.

On my return to Saffron Walden I was met by Councillors Jones, Freeman and Boland who were very concerned about an e-mail from another Councillor to Development Control members. The concern was a possibility that the Councillor might have lobbied in the e-mail. Cllr Jones and I spent some time tracking down Michael Perry and then had a meeting with him, and Councillors Jones, Freeman and Boland in the Committee Room. Councillor Jones explained the situation to Michael Perry, Michael said he thought there was no compromise. We met with Councillors Boland and Freeman to explain the situation. Because of this I had no lunch, just a quick drink of tea and started the meeting without having had a break. The meeting was already half an hour late and I felt somewhat pressed to get the meeting underway as people had been waiting for a considerable time. It was very hot and people had been waiting in the hot atrium and council chambers where the air conditioning did not seem to be working efficiently.

I started the meeting and went through my usual “housekeeping”. I attach a copy of my personal housekeeping prompt list for a recent meeting. I tick the items as I deal with them. On this occasion, when I got to the declarations of interest, I reminded the meeting that they should state whether or not their interest was personal or prejudicial and the nature of the interest, also whether or not they would withdraw from the meeting. I do not always do this but I did at this meeting after previous

discussions with Christine Oliva, because there had been some anxiety about declarations of interest at the previous meeting. On my prompt list I had written 'declarations of interest' because I knew that I had one, but because of the reminder to the Committee members of their duties and my concern to progress the meeting, I ticked the item without actually stating to the Committee that I had an interest. I made a mistake at that moment. I had come to the meeting with every intention of stating my interest. I now put in my prompt list 'do I have any' under declarations of interest since forgetting this on the 31st August.

I attach the Parish Council Minutes of the meeting when the planning application UTT/0923/05/FUL was considered. I stated at the Parish Council meeting that I was on the Development Control Committee and would not comment on the planning application brought for their consideration. When I asked the clerk for a copy of the signed minutes I noticed that my declaration was not there. The clerk apologises and she, the Chairman and the rest of the Parish Council endorsed the signing of the attached letter. I followed the same procedure at the Village Hall Committee where I represent the Parish Council and a copy of their annotated minutes are attached. I habitually take no part in any planning matters on Stebbing Parish Council. My membership of both these organisations is a matter of public record in the Register of Members interests.

After every meeting I review the items discussed with a view to improving the future running of the meeting. When reviewing the meet of 31st August, when I came to the Stebbing item I realised immediately that I had forgotten to declare my interest. I consulted with Michael Perry the next day, prepared letter of apology and draft letter to the Standards Board for England. They were reviewed by Michael Perry and despatched. Attached are my letter to the Standards Board for England and the public apology that was read to the next Development Control Committee meeting on 21 September 2005.

I was horrified to realise how easy it is to forget to declare an interest when running a busy Committee Meeting, when I had gone to that Committee with every intention of declaring that interest. I apologise unreservedly."

Results of Investigation

3 The investigations officer has to answer two questions

- Did the alleged conduct occur
- Did it involve a failure to comply with the Code of Conduct

a. On Councillor Cant's own admission the conduct did occur

b. This did involve a failure to comply with the Code of Conduct in that Councillor Cant should have declared her interest to the Development Control Committee meeting of 31st August 2005. However, it was a personal non-prejudicial interest because of the dispensations granted to Councillors who are also Parish Councillors when matters which have been commented upon by the Parish Council are considered in Committee. Councillor Cant had no personal prejudicial interest which overrode that dispensation and therefore she did not breach the Code of Conduct by remaining in the meeting, chairing the meeting, participating in the discussions or voting.

Powers of the Committee

- 4 The Committee should decide if it accepts this report or it wishes to have further investigations made. If the report is accepted the Committee can impose one, or any combination of the following:
- Take no further action
 - Censure the member
 - Restrict the member's access to the premises and resources of the UDC for up to three months, ensuring that any restrictions are proportionate to the nature of the breach and do not unduly restrict the member's ability to perform her duties as a member
 - Order the member to submit a written apology in a form satisfactory to the Standards Committee
 - Order the member to undertake training specified by the Standards Committee
 - Order the member to participate in a conciliation process specified by the Standards Committee
 - Suspend or partially suspend the member for up to three months
 - Suspend or partially suspend the member for up to three months or until such time as the member submits a written apology that is accepted by the Standards Committee
 - Suspend or partially suspend the member for up to three months or until such time as the member undertakes any training or conciliation ordered by the Standards Committee
 - Write to the Ethical Standards Officer requesting that the original allegation be referred back to him for investigation, giving the Standards Committee's reasons for this decision

RECOMMENDED

- 5 That the Committee consider this report.

Background Papers:

Investigation Officer's notes

Report to the Development Control Committee meeting 31.8.05.

Minutes of the Development Control Committee meeting 31.8.05.

Minutes of the Stebbing Parish Council Meeting of 14.7.05

Letter from Clerk and Chairman of Stebbing Parish Council

Minutes of the Village Hall Committee Meeting of 11.7.05

Copy of letter from Cllr Cant to the Standards Board for England 9.9.05.

Copy of public apology by Cllr Cant to Development Control Committee Meeting 21.9.05.

Sample 'housekeeping' checklist