

**EXTRAORDINARY MEETING of the STANDARDS COMMITTEE held at  
COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 4.30 pm on  
31 OCTOBER 2006**

Present:- S Brady (Chairman and Independent Person).  
Councillor C A Cant (Uttlesford Member) and  
Councillor P G Leeder (Town and Parish Council  
Representative).

Officers in attendance:- C Nicholson (Investigating Officer), C Oliva  
(Deputy Monitoring Officer) and M T Purkiss (Democratic  
Services Manager).

S6 **LOCAL INVESTIGATION OF ALLEGED BREACH OF CODE OF CONDUCT  
BY A PARISH COUNCILLOR**

The Chairman stated that this was a formal hearing into the alleged breach of the Code of Conduct by Councillor Nigel Cook of Clavering Parish Council. Councillor Cook and C Nicholson, the Investigating Officer, attended the meeting for this item.

The Chairman outlined the procedure for the meeting and Councillor Cook confirmed that he would be representing himself.

The allegation was that Councillor Cook had failed to comply with the Clavering Parish Council Code of Conduct by not complying with paragraph 10 as he failed to withdraw from the room when a matter in which he had a prejudicial interest was considered at the Parish Council meetings on 7 November 2005 and 6 March 2006.

Details of interviews with the Clerk to the Parish Council and Councillor Cook were reported to the Standards Committee and copies of the Minutes of the Clavering Parish Council meetings held on 7 November 2005, 6 March and 3 April 2006 were submitted.

The Investigating Officer had made the following findings of fact based on the interviews undertaken and the documents made available:-

- (a) The Clavering Parish Council Code of Conduct was adopted in 2002.
- (b) Councillor Cook is the Chairman of Clavering Parish Council and was appointed in May 2004.
- (c) He has been a Councillor on the Parish Council for 3 years.
- (d) He had training on the requirements of the Code of Conduct once in July 2005.
- (e) At the meeting of 7 November 2005, Councillor Nigel Cook declared a personal interest in the planning application UTT/0235 by virtue of being a friend of the applicant, and took no part in the discussion but remained in the meeting room.

- (f) At the meeting of 6 March 2006, Councillor Nigel Cook declared a personal interest in the planning application UTT/0235 by virtue of being a friend of the applicant, and took no part in the discussion but remained in the meeting room.
- (g) Councillor Cook does know the applicant, Peter Briggs and considered him a friend.
- (h) Councillor Cook was advised by the Parish Clerk following the meeting on 6 March 2006 that he should have withdrawn from the meeting during the consideration of that planning application.
- (i) Councillor Cook reported himself to the Standards Board for failing to withdraw from a meeting when he had a prejudicial interest.
- (j) He apologised at the meeting of the Parish Council on 3 April 2006.
- (k) Both planning applications related to permission for the erection of a replacement garage/workshop.

In answer to a question from the Chairman, Councillor Cook confirmed that he had reported himself to the Standards Board and did not dispute any of the facts.

Councillor Cook, the Deputy Monitoring Officer and the Investigating Officer left the meeting to enable the Committee to consider the facts of the situation. The Committee was satisfied that from the findings of the fact and on Councillor Cook's own admission, he had not declared a prejudicial interest and withdrawn from the meeting either on 7 November 2005 or 6 March 2006.

Councillor Cook, the Deputy Monitoring Officer 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.

The Chairman said that the finding on whether there was a breach of the Code involved two considerations:-

- Whether Councillor Cook had a personal interest.
- Whether the personal interest was such that it became a prejudicial interest.

Councillor Cook, the Deputy Monitoring Officer and the Investigating Officer said that they had nothing to add to the facts as reported.

Councillor Cook, the Deputy Monitoring Officer and the Investigating Officer then left the meeting to enable the Committee to consider whether there had been a breach of the Code of Conduct. The Committee determined that Councillor Cook had a personal interest which was a prejudicial interest and

had not withdrawn from the appropriate meetings. The Committee was therefore satisfied that a breach of paragraph 10 of the Code of Conduct had taken place.

Councillor Cook, the Deputy Monitoring Officer and the Investigating Officer were then readmitted to the meeting and were advised of the Committee's decision.

The Investigating Officer said that she was satisfied that this matter was a misunderstanding and Councillor Cook had tried to do the right thing once he was aware of the breach. Also, he had submitted a full apology to the Parish Council, reported himself to the Standards Board and had received additional training on the Code of Conduct. The Investigating Officer suggested that no further action needed to be taken.

Councillor Cook confirmed that he had nothing to add and he, the Deputy Monitoring Officer and the Investigating Officer then left the meeting whilst the Committee considered what sanction was appropriate.

Following consideration of the matter the Committee concluded as follows:-

We have noted that Councillor Cook took the most appropriate action he could as soon as he was reminded of his failure to comply with the Code of Conduct in that he remained in a meeting while it discussed a matter in which he had a personal and prejudicial interest.

We also note that there is no evidence to suggest that he attempted in any way to influence the discussions or the outcome of the meeting. Nor was there any evidence that Councillor Cook benefited personally from those decisions. However, he is Chairman of the Parish Council and the Standards Committee expects him to be fully acquainted with the obligations and responsibilities of his office. It is noted that there are publications available which individual councillors should use to acquaint themselves with the requirements.

Breaches of the Code of Conduct are serious but in this instance the Committee has decided that, in the circumstances of this case, no further action needs to be taken.

The Committee views with concern the behaviour of councillors who may be thought by informed members of the public to influence, or attempt to influence, decisions of the bodies on which they serve for their own benefit or on behalf of a friend or relative.

It is noted that remedial training has been undertaken and it is hoped that all Parish and District Councillors will ensure that they are fully aware of, and observe, the precise terms of the Code of Conduct to which they have subscribed.

Councillor Cook, the Deputy Monitoring Officer and the Investigating Officer were then readmitted to the meeting and advised of the decision as set out above.

Councillor Cook 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 Deputy Monitoring Officer noted that the Council was obliged to publish a summary of the decision in a local newspaper.

The meeting ended at 5.00 pm.