

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 10.00am on 1 JUNE 2016**

Present: Councillor T Knight – Chairman
Councillors H Asker and D Jones.
Mrs C Wellingbrook–Doswell (Independent Person)

Officers in attendance:- M Cox (Democratic Services Officer), C Oliva
(Solicitor – Investigating Officer) and M Perry (Assistant Chief
Executive – Legal and Monitoring Officer).

SC1 APOLOGIES AND DECLARATIONS OF INTEREST

There were no apologies for absence or declarations of interest.

**SC2 TO CONSIDER THE RESULTS OF THE STANDARDS COMMITTEE
DETERMINATION**

At the meeting on 14 April 2016, the committee had considered a report into a breach of the Code of Conduct by Councillors Strutt, Brown and Rushton of Hatfield Broad Oak Parish Council and had found the following breaches.

- 1) Councillors Swainsbury, Rushton and Brown had treated Cllr Strutt with disrespect for the reasons set out in her report.
- 2) That by proposing the motion in the terms that they did, at a time when they knew the complaint to the Charity Commission had not been accepted by the Commission, it was done with the intention to publically highlight the perceived wrongdoing of Councillor Strutt, and discredit him. It was reasonable to believe that members of public would perceive from the terms of the motion that there was a serious wrongdoing on behalf of Councillor Strutt, and that amounted to bullying and intimidation.

The Committee had recommend the following sanctions:

1. That Councillors Swainsbury, Rushton and Brown make a written apology to Councillor Strutt for treating him with disrespect, and bullying and intimidating him, the apology to be made on or before the next meeting of the Hatfield Broad Oak parish Council
2. That Councillors Swainsbury, Rushton and Brown undertake training in respect of the requirements of the code of conduct.

A copy of the decision had been sent to all parties and Cllrs Brown and Rushdon had sent email replies to the Deputy Monitoring Officer.

At the Hatfield Broad Oak parish council meeting on 11 May, Cllr Swainsbury had proposed a motion 'that the findings of the Standards Committee be rejected and the matter be closed' This motion was seconded by Cllr Brown and passed with only one councillor voting against.

It was confirmed that since this meeting, Councillor Strutt had not received a written apology and no application had been made to the Monitoring Officer for training on the Code of Conduct.

This meeting had been called to consider whether any further action should be taken for failure to comply with the recommendations of the Standards Committee. The sanction available to the committee was to censure the councillors concerned. It could also request the issue of a press release and publish the decision on the council's website.

In answer to a question from Cllr Jones, the Monitoring Officer explained that Hatfield Broad Oak Parish Council had adopted the UDC Code of Conduct but not its procedures. Under the Localism Act the duty to investigate allegations of breaches of the Code of Conduct by parish councillors was vested in the district council which applied its own procedures. Parish councils had no jurisdiction to deal with these matters. Hatfield Broad Oak Parish Council had delegated power to impose sanctions to this council. It was confirmed that at the time of the allegations the councillors concerned had been bound by the Code of Conduct.

Members had received from Councillor Artus a copy of the parish council Chairman's statement to the annual parish meeting, which included some comments on the Standards investigation. The committee agreed with the Monitoring Officer's assessment that this information was not relevant for today's meeting.

Members made the following comments.

They were appalled at the tone of the parish councillors' emails and the derogatory comments directed at the Investigating Officer, which were unacceptable. Members wondered whether these emails had been sanctioned by the parish council and if this behaviour was indicative of its general conduct.

Members said they had carefully considered all the evidence and had come to what they believed to be the correct conclusion. It was therefore discourteous of the parish council not to accept the findings of a properly conducted meeting. In putting forward the motion the parish councillors had totally disregarded the UDC code of conduct and its investigating procedures.

The committee was disappointed at the limitations of the available sanctions and understood that it could not compel the parish council to apply the sanction. However, it agreed that it would take the action which was open to it, to apply a censure, publish a statement on the website and in the local press.

Members suggested that a letter should be sent to the Government expressing concern at the limitation of the sanctions available to local

authorities in relation to breaches of the Code of Conduct. It was agreed that this should be referred to the full Standards Committee at its next meeting.

Councillor Rushdon attended the meeting and addressed the committee. He reiterated his previous disappointment that the tape of the parish council meeting had not been admitted because he felt this would have provided clarity.

He said he wanted explain what it was like to be a member of Hatfield Broad Oak Parish Council. He mentioned matters concerning the village green and what he considered to be illegal action and financial mismanagement on behalf of the other councillors.

Members explained that the purpose of this meeting was solely to decide if action should be taken in response to the councillors' decision to publically ignore the Standards Committee's ruling. The issues raised by Mr Rushdon were not relevant for this meeting and if necessary should be raised in another arena.

Councillor Rushdon said he didn't feel able to apologise to Councillor Strutt for suspending him from the Village Green Committee because he considered this action had been justified. Members explained that the suspension itself was not the issue. It was the question of the wording of the motion that could have led the public to believe there had been serious wrongdoing on the part of Councillor Strutt. This statement had been made in a public meeting and had not been corrected. Councillor Rushdon said it was difficult to make this apology given the relationship with the councillors concerned. He agreed that in hindsight this situation could have been handled better.

The Chairman said the standards hearing had decided that an apology was an appropriate sanction and it would have been sensible for the parish councillors to have carried out this request. The subsequent action had brought the Standards Committee into question and was not acceptable. .

Councillor Asker said that being a parish councillor was a very difficult job. Councillors were often passionate about where they lived but in turn this often meant there were conflicts of interest and clashes of personalities, which was why there was good reason for the guidance set out in the code of conduct.

Councillor Rushton left the meeting and the Committee considered its decision.

DECISION

On 14 April 2016 this committee met to consider a report of the deputy monitoring officer regarding allegations that Cllrs Brown, Rushton and Swainsbury had breached the Code of Conduct of Hatfield Broad Oak Parish Council. Cllrs Rushton and Swainsbury attended the meeting and made

representations. Cllr Brown was given notice of the meeting but failed to attend.

Having considered the report and taking into account representations made by Cllrs Rushton and Swainsbury the Committee found that Cllrs Brown, Rushton and Swainsbury had treated Cllr Strutt with disrespect and had bullied and intimidated him. In respect of these breaches of the Code of Conduct the Committee Members recommended that Councillors Swainsbury, Rushton and Brown make a written apology to Councillor Strutt for treating him with disrespect, and bullying and intimidating him, the apology to be made on or before the next meeting of the Hatfield Broad Oak Parish Council and that they undertake training in respect of the requirements of the code of conduct.

The Committee have been informed that none of the Councillors have apologised or made contact with the Monitoring Officer to arrange training. Cllrs Brown and Rushton have actually made contact to state that they will not be giving any apology nor undergo training. The Committee particularly deprecate the tone of the correspondence from Cllr Brown in this respect. Further the committee have been made aware that at a meeting of the Parish Council on 11 May Cllr Swainsbury proposed a motion which was seconded by Cllr Brown that the findings of this Committee be rejected. That motion was regrettably passed with only one councillor voting against.

The Committee are very concerned that Cllrs Brown, Rushton and Swainsbury have not acted in accordance with the Committee's recommendations. Since the abolition of the previous standards regime established under the Local Government Act 2000 enforcement of the Code of Conduct needs to be consensual. The public need to have trust that councillors will observe the Code and will abide by any findings of the Standards Committee in the event of a breach. Failure to do so will reduce the confidence of the public both in the councillors who refuse to accept recommendations and in the Council concerned. By failing to follow the Committee's recommendations in this case Cllrs Brown, Rushton and Swainsbury have brought their Council and their office as councillors into disrepute. This is a highly regrettable state of affairs.

The Committee has seen a copy of a letter sent to Cllrs Rushton and Swainsbury by the Monitoring Officer on 18 February. The Committee endorse what he says in that letter. Hatfield Broad Oak Parish Council is indeed dysfunctional and it is difficult to see how it can effectively function while the status quo continues. The Committee strongly recommend that the Parish Council seek professional mediation to endeavour to rectify this state of affairs.

The Committee censure Cllrs Brown, Rushton and Swainsbury as they have failed to act in accordance with the Committee's recommendations for their breaches of the Code of Conduct with regard to Cllr Strutt as found on 14 April. The Committee directs an official notice of this decision be published, that the decision be published on Uttlesford District Council's website and a statement be issued to the press.