

MID BEDFORDSHIRE DISTRICT COUNCIL

At a meeting of the **STANDARDS SUB COMMITTEE** held at Ground West One Wing Room, Priory House, Monks Walk, Shefford on Friday, 5 July 2013

PRESENT

Cllrs P Hollick
Mrs J G Lawrence

Cllrs R C Stay

Members in Attendance: Cllrs Mrs P E Turner MBE,

Officers in Attendance: Mr J Atkinson – Head of Legal and Democratic Services
Mrs M Clampitt – Committee Services Officer

SSC/13/1 **Members' Interests**

(a) **Personal Interests:-**

Cllr Hollick knows of Cllr Wendi Momen as a fellow magistrate but they have not sat together.

(b) **Personal and Prejudicial Interests:-**

None.

SSC/13/2 **Arrangements for Dealing with Standards Allegations under the Localism Act 2011**

The Sub-Committee noted that the arrangements for dealing with Standards Allegations under the Localism Act 2011 had been approved by the General Purposes Committee in 2012.

SSC/13/3 **Exempt Items of Business**

The Sub-Committee decided not to exclude the press and public from the meeting.

SSC/13/4 **Review of Complaint against CBC Councillor**

The Sub-Committee considered the request for a review of the decision taken by the Monitoring Officer on 30 May 2013 relating to a complaint.

The complaint concerned a reply that he had received from Cllr Spurr regarding a previous request that the complainant had made to purchase a section of the highway verge in Kitelands Road, Biggleswade.

The Sub-Committee agreed that the Monitoring Officer's decision of 'No Breach' was sound and the response from Cllr Spurr to the complainant had been legitimate having regard to the background to the matter.

The Sub-Committee were also asked to provide general guidance on the issue of reviews. It was agreed that should the case in question be 'clear cut' then the Monitoring Officer should deal with it. However, should the case in question be 'in need of clarification' then a sub-committee could be convened to review the Monitoring Officer's initial assessment.

RESOLVED

- 1. That the decision taken by the Monitoring Officer that there had been no breach of the Council's Code of conduct was sound and no further action should be taken in respect of the complaint.**
- 2. that the Monitoring officer could convene a sub-committee to review the initial assessment of a complaint where the situation was not clear cut and the Monitoring Officer concluded that clarification was required.**

SSC/13/5

Complaints against Northill Parish Council

The Sub-Committee considered a number of complaints which had been lodged against Northill Parish Councillors and the Parish Clerk.

(i) Complaint against Cllr Wild

The Sub-Committee considered a complaint against Cllr Wild, of Northill Parish Council. The complaint alleged that Cllr Wild had failed to declare a personal interest in a housing and land development project with a developer with whom he had a commercial relationship and that he had also failed to withdraw from a meeting of Northill Parish Council's Planning Committee when it was considering an application for planning permission submitted by Cllr Wild.

The Sub-Committee considered correspondence that had taken place with the complainant, the Parish Clerk and Cllr Wild, including a statement provided to the Monitoring Officer by Cllr Wild in which he provided a detailed account of his dealings with the developer concerned. The Sub-Committee was satisfied on the basis of the information provided by Cllr Wild that the commercial transaction in which he had been involved did not prejudice his capacity to serve as a member of the Parish Council's Affordable Housing Working-Group.

In relation to the planning application, the Sub-Committee concluded that Cllr Wild should have withdrawn from the Planning Committee whilst this item of business was being discussed. However, they noted that Cllr Wild had acknowledged that this was a mistake on his part, that it was a lesson well learnt and something that he would not fall foul of in the future.

The Sub-Committee concluded that no further action was required in respect of this complaint but they asked the Monitoring Officer to speak to the Parish Clerk to ensure that the new rules relating to disclosable pecuniary interests introduced in July 2012 were being properly observed.

(ii) Complaint against Cllrs Milton and Papworth

The Sub-Committee considered a complaint against Cllrs Milton and Papworth relating to the placing of a campaign notice on the Parish Notice Board. It was noted that the Notice Board was not enclosed and any member of the public could put up or remove notices from the Board.

The Sub-Committee decided that no action was necessary in respect of this complaint save to suggest that the Parish Council may wish to invest in a lockable Notice Board.

(iii) Complaint against Cllr Momen

The Sub-Committee considered a complaint against Cllr Momen. The complainant stated that the Parish Council had granted a dispensation in January 2013 for the members of the Planning Committee to discuss all planning applications in the Parish. The complaint was that Cllr Momen had failed to respond to a letter from the complainant seeking clarification of the rationale for this decision.

The Monitoring Officer thought that a misunderstanding may have arisen about the circumstances in which such dispensations were appropriate and it was agreed that he would speak to the Parish Clerk to clarify the position relating to dispensations.

(iv) Complaint against Cllr Milton and the Parish Clerk

The Monitoring Officer advised the Sub-Committee that the Code of Conduct did not apply to employees and that in so far as this complaint related to the Parish Clerk it was not a matter that could be determined by Central Bedfordshire Council under the arrangements introduced by the Localism Act 2011.

The Sub-Committee considered a complaint against Cllr Milton in his capacity as Chairman of the Parish Council relating to his decision not to place requested items from the complainant on the agenda for the Annual Parish Meeting.

The Sub-Committee acknowledged that members of the public were not entitled to place items on the agenda of the Annual Parish Meeting because of the set layout for such meetings. Nevertheless, they took the view that the matter could have been handled differently.

- (v) Complaint against Cllr Robinson

The Sub-Committee considered a number of complaints against Cllr Robinson and his behaviour at the Parish Council meeting held on 8 April 2013. The Sub-Committee felt that the matter warranted an investigation and that the report be brought back to the same panel for consideration.

RESOLVED

- (i) That 'no breach' be found against Cllr Wild but that clarification be provided by the Monitoring Officer about the rules relating to disclosable pecuniary interests.**
- (ii) that 'no breach' be found against Cllr Milton and Cllr Papworth**
- (iii) that 'no breach' be found against Cllr Momen regarding the dispensation that had been granted by the Parish Council in respect of planning applications but that the Monitoring Officer should meet the Parish Clerk to clarify the position in respect of dispensations.**
- (iv) that 'no breach' be found against Cllr Milton for failure to include items from the public on the agenda for the Annual Parish Meeting.**
- (v) that an investigation be carried out into the behaviour of Cllr Robinson at the parish council meeting held on 8 April 2013.**

(Note: The meeting commenced at 9.00 a.m. and concluded at 10.20 a.m.)