

# MINUTES

**STANDARDS COMMITTEE  
FRIDAY, 4 MARCH 2011**



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## **COMMITTEE MEMBERS PRESENT**

Councillor Bob Adams  
Councillor Paul Cosham (Market  
Deeping Town Council)  
Mr. Chris Holtom CBE. - Independent  
Member (Chairman)  
Councillor Reg Lovelock MBE.

Mr. Fred Mann - Independent Member  
(Vice-Chairman)  
Councillor Andrew Moore  
Councillor Robert Rose (Thurlby Parish  
Council)  
Councillor Mike Williams

## **OFFICERS**

Head of Legal and Democratic Services  
(Lucy Youles)  
Principal Democracy Officer (Jo  
Toomey)  
Investigating Officer (Shelley Hardy)

## **OTHER MEMBERS**

Councillor Shirley Cliffe (Bourne TC)

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## **10. MEMBERSHIP**

Councillors Cosham and Rose were appointed as parish representatives with voting rights for this meeting.

## **11. APOLOGIES**

Apologies for absence were received from Councillors Winstone and Judge.

## **12. DECLARATIONS OF INTEREST**

Councillor Cliffe declared a personal and prejudicial interest in agenda item 5 'consideration / hearing of complaint SCC/21340 having an interest in the investigation.

## **13. MINUTES OF THE MEETING HELD ON 3 SEPTEMBER 2010**

The minutes of the meeting held on 3 September 2010 were approved as a correct record.

**14. APPLICATIONS FOR DISPENSATION BY THE STANDARDS COMMITTEE**

None received.

**15. SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT**

There was one outstanding complaint under investigation. It was likely another meeting would be called prior to the election to consider the report.

**16. CHAIRMAN'S REPORT ON THE LOCALISM BILL**

The Chairman advised the Committee that the Localism Bill, which was undergoing its second reading, would affect standards arrangements for all local authorities, including town and parish councils. The key elements of the Bill would see greater devolution of responsibilities to towns and parishes. The Bill recommends the abolition of the Standards Board for England and the removal of the national Code of Conduct. There was provision for districts to develop their own arrangements, with their own voluntary code and impose certain sanctions. The Bill would also make failing to register or declare interests a criminal offence.

Until the Bill is passed, South Kesteven needed to carry on the current standards regime. It was anticipated the Bill would be passed around November 2011. There would be a requirement to register interests at parish level and that, should a complaint be made, minutes and records could be used as evidence in legal proceedings. Provisions in the Bill would empower district, parish and town councils, providing opportunities for developing a local governance framework.

Members were concerned that without co-ordination from the district level, there would be a large number of regimes in the area that would all operate very differently. Generally Members felt that the current arrangements in South Kesteven worked well. They found the use of independent members was invaluable and the sub-committee process was effective. While members noted that investigations were completed to a very high standard, they were also acknowledged as being resource-intensive. Any new standards regime could include identifying ways to make investigations less resource-intensive. Members agreed that the public needed a means of recourse, and the opportunity for their complaint to be dealt with fairly.

It was proposed that the Committee submit a report to the full Council to explain the options that were available. Members agreed to hold a workshop session to shape the ideas that would form the report.

**Decision:**

**To hold a workshop of Standards Committee members to consider**

**the preparation of a report to the full Council.**

**17. CONSIDERATION / HEARING OF COMPLAINT SCC/21340**

The Chairman introduced the procedure for the consideration / hearing. He asked Members to confirm any declarations of interest. Councillor Cliffe declared a personal and prejudicial interest as she had an interest in the investigation.

The complainant did not attend the meeting, however, the respondent was present.

**Exclusion of the public**

**In accordance with Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting because of the likelihood, in view of the nature of the business to be transacted, that if members of the public were present, there would be a disclosure to them of exempt information as defined in paragraph 10 of part 1 of Schedule 12A (as amended)**

With the press and public excluded, the Monitoring Officer outlined the complaint and the findings of fact following the investigating officer's investigation. Members were advised that the allegations were investigated under the 2007 Code of Conduct. She confirmed it was not disputed that the Member was present at the meetings and declared a personal interest in an item for consideration; no prejudicial interest was declared. It remained in dispute whether the application under consideration may have had direct financial implications affecting the respondent.

The respondent confirmed that she did not comment or vote during consideration of this item. She did not believe she had a prejudicial interest. It was the view of the investigating officer that the application would affect a business leasing her son's property. The investigating officer concluded that in failing to declare a prejudicial interest, the respondent had failed to comply with the Code of Conduct.

Members then asked questions of the respondent to clarify any issues. The respondent had been a member on the Town Council for 36 years but had not received training on the Code of Conduct.

At 15:20, the respondent and investigating officer left the meeting.

Members considered report LDS017 by the investigating officer, along with discussions with the respondent. Referring to the Code of Conduct and the circumstances of the meeting, Members agreed with the recommendations of the investigating officer.

At 15:30, the investigating officer and respondent returned to the meeting.

On her return to the room, the Chairman asked the respondent about the allegations. The respondent stated that she should have declared a prejudicial interest and left the room, and apologised for not doing so.

At 15:31 the respondent and the investigating officer left the meeting.

The Committee discussed possible sanctions that would be appropriate. They noted the lack of training received by the respondent and her many years of public service.

At 15:39, the meeting went back into open session and the respondent and investigating officer returned to the meeting.

The Committee noted thanks to the investigating officer for her hard work and it was agreed that the investigating officer's report was no longer exempt. Those present were advised of the Committee's decision, as outlined below.

- 1. That Councillor Cliffe, in not declaring a prejudicial interest at the Planning and Highways Committee of Bourne Town Council held on the 12 October 2010 acted contrary to paragraph 10 of the 2007 Model Code of Conduct**
- 2. Because Councillor Cliffe remained in the meeting during the discussions of agenda item 7c and k that she also breached paragraph 12 of the Model Code of Conduct 2007, even though she did not participate in discussions or vote upon the matter.**

**The Standards Committee agreed with the report of the Investigating Officer (reference LDS017) that the Councillor should have declared a prejudicial interest in the planning application and left the meeting of the Bourne Town Council during the discussion relating to that planning application at its meeting on the 12<sup>th</sup> October 2010.**

**The Councillor declared a personal interest in the planning application because a family member was the landlord of a property running a similar business in Bourne to that proposed by the planning application. The Committee determined that interest was prejudicial because the opening of a similar business could have an adverse financial impact on the business of the premises owned by that family member and a member of the public knowing the relevant facts would reasonably consider that interest to be sufficiently significant that it is likely to prejudice the Councillor's judgement of the public interest.**

**The Committee noted that the Councillor did not speak or vote at the meeting during the deliberation relating to the planning application. She also acknowledged she should have declared a**

**prejudicial interest and left the room. She apologised for her failure to do so.**

**The Committee found that the Councillors comments to the Stamford Mercury took place after the meeting and, therefore, were not relevant and had no bearing on the recommendation made by Bourne Town Council relating to the planning application.**

**The Committee, taking into account the apology made by the Councillor and her recognition of her failure to comply with the Members' Code of Conduct, determined no further action need be taken in respect of her failure to comply with Members' Code of Conduct.**

#### **18. ANY OTHER BUSINESS**

The Chairman thanked Members of the current district town and parish councils for their work on the Standards Committee. He offered his gratitude to Councillors Moore and Lovelock who confirmed they would not be standing at the next election and congratulated Councillor Lovelock on 63 continuous years of public service as both an officer and Member.

#### **19. CLOSE OF MEETING**

The meeting was closed at 15:44.