

NORTH HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

MINUTES

**Meeting held at the Council Offices, Gernon Road, Letchworth Garden City
on Wednesday, 12 December 2007 at 1.30p.m.**

PRESENT: *Mr N. Moss (Independent Chairman), Mr P. Chapman (Independent Vice-Chairman).
Parish Councillors M. Goddard & R. Wornham and District Councillors L.W. Oliver & M.R.M. Muir.*

IN ATTENDANCE: *Head of Legal & Democratic Services (Monitoring Officer), Corporate Legal Manager (Deputy Monitoring Officer) and Senior Committee and Member Services Officer.*

1. APOLOGIES FOR ABSENCE

An apology for absence was received from District Councillor David Kearns.

2. NOTIFICATION OF OTHER BUSINESS

No other items were presented for consideration.

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

**4. REPORT INTO AN ALLEGATION OF BREACH OF THE PARISH CODE OF CONDUCT
(STANDARDS BOARD REF: 17633.07)**

The Deputy Monitoring Officer submitted a report concerning a complaint made by Mrs Pauline Metrovich to the Standards Board for England against Councillor David Mawer, then a Parish Councillor for St. Ippolyts. This complaint had been referred by the Standards Board to the Monitoring Officer for local investigation on 19 February 2007.

The Deputy Monitoring Officer advised that the complainant had alleged that, on 2 February 2007, Parish Councillor Mawer had breached the Parish Code of Conduct in force at the time by:

- (1) failing to treat another with respect, which would amount to a breach of Paragraph 2(b) of the Parish Code; and
- (2) conducting himself in such a manner as to bring his office or authority into disrepute, which would amount to a breach of Paragraph 4 of the Parish Code.

Full details of the allegation and the subsequent investigation were set out in the report of the Monitoring Officer, attached as an Appendix to the covering report of the Deputy Monitoring Officer. It was noted that, in the investigation report, the Monitoring Officer had concluded that there was not sufficient evidence to support the allegations that there had been a breach of the Code, and had presented the following findings:

“Having considered the evidence available, on balance I do not consider there is sufficiently reliable evidence to support the allegation that Councillor Mawer failed to treat Mrs Metrovich with respect. On the basis of this finding, I do not consider there to be sufficient evidence to support a finding that his behaviour was likely to bring his office or authority in to disrepute.”

The Deputy Monitoring Officer explained that the Standards Committee was required to decide either:

- (1) to accept the conclusions of the Monitoring Officer that there was no finding of failure; or
- (2) to refer the matter for hearing before the Standards Committee.

The Committee noted that guidance on this stage of the process was given in the Standards Board for England guidance note for Monitoring Officers and Standards Committees entitled

“Local Investigations”. This stated that the Standards Committee should simply consider the report, but should not seek to interview witnesses or take representations from other parties. Its role was to decide whether or not at this stage, based on the facts set out in the report, it agreed with the findings or considered that there was a case to answer.

The Deputy Monitoring Officer commented that, if the Standards Committee believed there was a case to answer then the matter should be referred to a hearing, when witnesses could be called and any disagreement with findings of fact could be explored. If, on the other hand, the Standards Committee agreed with the findings of the Monitoring Officer, then with the consent of the (former) Parish Councillor, a notice could be published in a local newspaper, confirming the findings of the report.

The Committee considered and debated the report of the Monitoring Officer in respect of the investigation. After full and detailed discussion of the report, the Committee decided to accept the conclusions of the Monitoring Officer that there was no finding of failure, and hence no case to answer.

In accepting the Monitoring Officer’s findings, conclusions and recommendations, the Committee requested that a letter be sent to the complainant to make clear that:

- the matter had been thoroughly investigated impartially; and
- the report of the investigation had been considered and decided upon by an independent and impartial body;

The Committee further agreed that the recommendations of the Monitoring Officer to St. Ippolyts Parish Council in respect of accurate and precise record keeping and minute-taking were also conveyed to the Hertfordshire Association of Parish and Town Councils for wider dissemination. The Committee also considered that this issue, along with Declarations of Interest, should form part of future training sessions for Parish and Town Councils on standards/Code of Conduct issues.

RESOLVED:

- (1) That the findings of the Monitoring Officer in respect of Investigation Ref: SBE 17633.07, in that there was no case to answer, be noted and endorsed;
- (2) That, pursuant to Resolution (1) above, there be no hearing into the matter;
- (3) That the following matters be recommended to St. Ippolyts Parish Council:
 - (a) that written records of meetings and the minutes be kept for a period of 6 years;
 - (b) that the Council ensures that the draft minutes are available with the agenda for meetings and minutes are publicly available within 5 days of being approved by the Council;
 - (c) that the full detail of Council decisions is minuted with relevant documents being referenced and kept for 6 years;
- (4) That the recommendations of the Monitoring Officer detailed in Resolution (3) above be conveyed to the Hertfordshire Association of Parish and Town Councils for wider dissemination, and that the issue of record keeping and minute-taking, along with Declarations of Interest, should form part of future training sessions for Parish and Town Councils on standards/Code of Conduct issues;

- (5) That a letter be sent to the complainant to explain that the matter had been thoroughly investigated and dealt with equitably, and highlighting the fact that the Committee was an independent and impartial body.

REASON FOR DECISION: To determine the outcome of the Monitoring Officer's investigation in accordance with the Local Authorities (Code of Conduct) (Local Determinations) Regulations 2003, and subsequent guidance issued by the Standards Board for England.

The meeting closed at 2.25pm.

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Chairman