

A meeting of the **STANDARDS COMMITTEE** will be held in **MEETING ROOM 1, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 6 MARCH 2008** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

## **APOLOGIES**

- |   | <b>Contact</b>   |
|---|--|
| <p>1. <b>MINUTES</b> (Pages 1 - 2)</p> <p>To approve as a correct record the Minutes of the meeting held on 31st January 2008.</p>  | <p><b>C Deller</b><br/><b>388007</b></p>                                       |
| <p>2. <b>MEMBERS' INTERESTS</b></p> <p>To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Items – please see Notes 1 and 2 below.</p>   |  |
| <p>3. <b>APPLICATION FOR DISPENSATION</b> (Pages 3 - 4)</p> <p>To consider a report by the Director of Central Services and Monitoring Officer regarding an application received for dispensation from Pidley-cum-Fenton Parish Council.</p>  | <p><b>C Deller</b><br/><b>388007</b></p>                                       |
| <p>4. <b>SURVEY OF CODE OF CONDUCT COMPLAINTS: 2002 - 2006</b> (Pages 5 - 10)</p> <p>Further to Minute No. 29 of the meeting held on 6th December 2007, to note an analysis presented by the Director of Central Services and Monitoring Officer of Code of Conduct complaints by type, locality and outcome for the period 2002 – 2006.</p>            | <p><b>C Deller</b><br/><b>388007/</b><br/><b>N Giles</b><br/><b>387049</b></p> |
| <p>5. <b>LOG OF CODE OF CONDUCT ENQUIRIES</b> (Pages 11 - 20)</p> <p>Further to Minute No. 29 of the meeting held on 6th December 2007, to note the Code of Conduct enquiries recorded by the Director of Central Services and Monitoring Officer since the commencement of the log in January 2008.</p>  | <p><b>C Deller</b><br/><b>388007</b></p>                                       |
| <p>6. <b>CODE OF CONDUCT - FACT SHEETS</b> (Pages 21 - 28)</p> <p>(a) <b>Gifts and Hospitality</b></p> <p>(b) <b>Personal and Prejudicial Interests</b></p> <p>To note the content of two fact sheets issued by the Standards Board for England which convey information on various sections of the Code of Conduct via frequently asked questions.</p> |  |
| <p>7. <b>CODE OF CONDUCT COMPLAINT - STANDARDS BOARD NOTIFICATION</b></p>   | <p><b>C Deller</b></p>   |

(Pages 29 - 30)

388007

To note the decision of the Standards Board for England in a case against a Councillor serving on St Neots Town Council.

8. **INDEPENDENT ADJUDICATOR: NEW ROLE FOR STANDARDS COMMITTEES** (Pages 31 - 32)

C Deller  
388007

To consider a report by the Director of Central Services and Monitoring Officer regarding proposed change to the terms of reference of the Committee

9. **LOCAL ASSESSMENT: EXERCISE** (Pages 33 - 46)

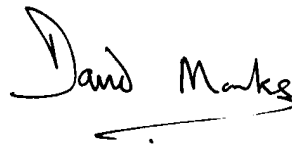
C Deller  
388007

To consider a report by the Director of Central Services and Monitoring Officer in preparation for undertaking local assessment of Code of Conduct cases.

10. **DATE OF NEXT MEETING**

To note that the next meeting of the Committee will be held on Thursday 3rd July 2008 at 4pm.

Dated this 27th day of February 2008



Chief Executive

**Notes**

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
  - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
  - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
  - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
  - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007/e-mail: Christine.Deller@huntsdc.gov. if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

**Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.**

**Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.**

Agenda and enclosures can be viewed on the District Council's website – [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk)  
(under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

***Emergency Procedure***

*In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the car park adjacent to the Methodist Church on the High Street (opposite Prima's Italian Restaurant).*

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## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in the Cabinet Room, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 31 January 2008.

PRESENT: Mr D L Hall - Chairman

Councillors Mrs B E Boddington, P J Downes, R S Farrer, I R Muir, T D Sanderson and G S E Thorpe

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of J D Ablewhite, P B Boothman, M Lynch, D MacPherson and G Watkins

### **34. MINUTES**

Subject to the inclusion of Councillor Mrs B E Boddington's apology for absence, the Minutes of the meeting of the Committee held on 6th December 2007 were approved as a correct record and signed by the Chairman.

### **35. MEMBERS' INTERESTS**

No interests were declared.

### **36. CONSULTATION ON ORDERS AND REGULATIONS RELATING TO THE CONDUCT OF LOCAL AUTHORITY MEMBERS IN ENGLAND**

Members considered a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) requesting the views of the Committee in response to a consultation paper published by the Department of Communities and Local Government entitled "Orders and Regulations Relating to the Conduct of Local Authority Members in England".

The Committee were advised that, principally, the consultation had focused on local authority standards committees becoming responsible for assessing allegations of misconduct against Councillors and had made suggestions as to how the regime could operate via appropriate regulations and orders under the Local Government Act 2000, as amended.

Referring to the proposed responses to the sixteen questions posed by the consultation paper, the Committee welcomed the suggestion that, in one off circumstances, it might be appropriate to establish joint arrangements with other authorities within the County boundaries but accepted that this should not be formalised given the additional resources that might be required to lend support to neighbouring authorities on an ongoing basis.

In terms of the response to question 16 and given the indication that there was to be a separate consultation on further amendments to the Code of Conduct, the Committee were strongly of the view that the proposed implementation date for the revised conduct regime should be 1st September and not 1st April 2008 to enable local authorities sufficient time to make the arrangements necessary to implement the changes proposed by the Government.

Subject to the aforementioned comment, the Committee

**RESOLVED**

that the responses drafted on behalf of the District Council, by the Director of Central Services and Monitoring Officer, to the consultation paper "Orders and Regulations Relating to the Conduct of Local Authority Members in England" be approved for submission to the Secretary of State for Communities and Local Government.

**37. NEXT MEETING**

It was noted that the next ordinary meeting of the Committee would be held at 4pm on Thursday 6th March 2008.

Chairman

**APPLICATION FOR DISPENSATION**  
**(Report by the Director of Central Services and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 In response to a request for guidance, advice was given by the Head of Administration to the Clerk to Pidley-cum-Fenton Parish Council (see Agenda Item No. 5 – Case No. 8), on the nature of the interests which were required to be declared by Members of that Council in a specific situation which had arisen in the Parish.
- 1.2 In accordance with the advice given, a written request for dispensation subsequently has been received from the Parish Council.

**2. LEGISLATIVE BACKGROUND**

- 2.1 The Committee are reminded that the circumstances in which a Standards Committee may grant dispensations to Town/Parish/District Councillors are prescribed in the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. These are restricted to cases where the transaction of the business of the Authority would otherwise be impeded because –
- (i) the number of Members of the Authority that are prohibited from participating exceeds 50% of those Members that are entitled or required to so participate; or
  - (ii) the Authority is not able to comply with any duty which applies to it under Section 15 (4) of the Local Government and Housing Act 1989.
- 2.2 The reference in the foregoing paragraph to the duty under the 1989 Act refers to the requirement for principal Councils – ie. not Town/Parish Councils, to allocate seats on Committees, etc proportionately according to the representation of political groups in full Council.
- 2.3 Having regard to the circumstances of an application, Standards Committees are required to consider whether it is appropriate to grant dispensations and their extent, ie. whether it is appropriate that the dispensation allows Members to either speak and not vote or to fully participate and vote. The dispensation cannot apply for a period longer than four years.
- 2.4 Where dispensations are granted, Standards Committees must ensure that their nature and duration are recorded.

**3. APPLICATION RECEIVED**

- 3.1 On various occasions, Pidley-cum-Fenton Parish Council is required to consider applications for grant assistance for maintenance work from the Village Hall Management Committee. Such a request has been submitted by the Management Committee for repairs to the car

park at the Hall and is due to be discussed by the Parish Council on 12th March.

- 3.2 The Parish Council comprises seven Members. Two Members act as Trustees to the Village Hall Committee, two are heavily involved in operating the facility and organising events in the Hall and associated Social Club and one Member is a sibling to the Secretary of the Management Committee. Given their individual circumstances, five of the seven Members of the Parish Council would be prohibited by virtue of their prejudicial interests from conducting business involving the award of grant to the Village Hall Management Committee. To enable the Village Hall to continue to benefit from this financial assistance when appropriate, the Parish Council has requested the Standards Committee to grant dispensation to allow those Members who would be prohibited from participating to continue to take part fully in the meetings, to speak and to vote on the matters when such business arises.

#### 4. **CONCLUSION**

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of Parish Council business from being impeded.
- 4.2 That part of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 which would enable dispensations to be granted is reproduced in paragraph 2.1 (i) ante.
- 4.3 Should the Committee look favourably on this application, it is suggested that consideration should be given to granting dispensations to speak and to vote to five Members of Pidley-cum-Fenton Parish Council for the period ending 30th April 2008 after which time an application for the newly elected Councillors would need to be submitted should it be considered necessary.

#### **BACKGROUND PAPERS**

The Local Authorities (Model Code of Conduct) Order 2007.  
The Relevant Authorities (Standards Committee) Dispensation Regulations 2002.  
E-mail received from the Parish Clerk to Pidley-cum-Fenton Parish Council.

**Contact Officer: Christine Deller, Democratic Services Manager -  
Tel: (01480) 388007.**



**CODE OF CONDUCT COMPLAINTS: 2002 - 2006**  
**(Report by the Director of Central Services and Monitoring Officer)**

**1. PURPOSE**

- 1.1 Members may recall that at their meeting held on 6th December 2007, the Monitoring Officer presented to the Committee details of the Code of Conduct complaints received by the Standards Board for England during 2007 relating to Huntingdonshire and the parishes within the District. This exercise had been undertaken in response to an Audit Commission requirement identified as KLOE 4.3 (Key Line of Enquiry).
- 1.2 At that meeting, the Committee commented on the usefulness of the presentation and requested the Monitoring Officer to present a similar analysis of the cases reported since the introduction of the ethical standards regime in 2001.
- 1.3 The Committee might wish to note that the inaugural meeting of the Standards Committee took place on 18th July 2000 and that the first model Code of Conduct was adopted by the Council with effect from 5th May 2002. Training of Town and Parish Councils on the Code began in the Spring 2002. Thus cases only began to appear before the Committee in 2002.

**2. ANALYSIS AND CONCLUSION**

- 2.1 The analysis, as requested, is enclosed at the Appendix hereto.
- 2.2 The Committee is invited to receive the presentation and to comment should they so wish on the data collated.

**BACKGROUND PAPERS**

Agenda/Minutes – Standards Committee 2001 – 2006.

**Contact Officer: Christine Deller, Democratic Services Manager -  
Tel: (01480) 388007.**

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## APPENDIX

Meeting Reported	Authority	Paragraph of the Code alleged to have been breached*	Decision of the Standards Board for England
30th September 2002	Huntingdon Town Council	7 and 9	No further action.
25th June 2003	St Ives Town Council	4	No further action.
10th September 2003	Catworth Parish Council	7, 8, 9 and 10	No further action.
17th December 2003	Southoe & Midloe Parish Council	4, 5(b), 7, 8, 9 and 10	Referred to an ESO by the Standards Board for England. Agreed that no further action be taken.
	Huntingdonshire District Council	7, 8, 9	No further action.
1st July 2004	Huntingdonshire District Council	4	No further action.
	Ramsey Town Council	4	No further action.
	Huntingdonshire District Council	5(b)	Referred to an ESO by the Standards Board for England. Agreed that no further action be taken.
	Huntingdonshire District Council	4, 5(a)	No further action taken due to police caution being issued.
16th September 2004	Huntingdonshire District Council	3(a)	No further action.
	St Ives Town Council	2(a), 2(b), 4, 5(a), 5(b), 6 and 7	No further action.
9th December 2004	Ramsey Town Council	7 and 8	No further action.
	Ramsey Town Council	2(a), 2(b), 4, 5(a), 6, 7, 8, 9, 10, 15	No further action.
10th March 2005	Huntingdonshire District Council	3(a) (See 16.09.04)	Complainant requested a review of decision not to refer the case to a ESO.

	Bluntisham Parish Council	4, 5(b)	The Standards Board concluded that no failure to comply with the Code of Conduct had taken place.  Referred to an ESO for investigation.
	Oldhurst Parish Council	9 and 10(a)	Referred by ESO to Monitoring Officer for investigation. Determined that a breach of the Code of Conduct had occurred, that a written apology be made by the Councilors concerned to the Parish Council and further training undertaken.
8th September 2005	Farcet Parish Council	7, 8, 9 and 10	No further action.
	Earith Parish Council	4, 5(a)	Referred to an ESO for investigation. Determined that no further action be taken.
8th December 2005	Huntingdonshire District and Huntingdon Town Council	5(a), 7, 8 9, 10	Referred to an ESO for investigation. Determined that no further action be taken.
	Great & Little Gidding Parish Council	2(b)	No further action.

Meeting Reported	Authority	Paragraph of the Code alleged to have been breached *	Decision of the Standards Board for England
December 05	Huntingdonshire	5(a)	No further action
December 05	Great Gidding	2(b)	No further action
March 06	Earith	4 5(a)	} No further action }
July 06	The Stukeleys	2(a) 4 5(a)	Referred to the Monitoring Officer by the Standards Board. Standards Committee resolved that there was no case to answer.
July 06	Huntingdonshire	5(a)	No further action
September 06	Huntingdonshire	4	No further action
September 06	Ramsey	2(b) 4	No further action
December 06	Godmanchester	2(b) 3(a) 4	No further action

Paragraphs \*

- 2(a) A Member must promote equality by not discriminating unlawfully against any person;
- 2(b) A Member must treat others with respect;
- 3(a) A Member must not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so;
- 4 A Member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bring his office or authority into disrepute;

- 5(a) A Member must not in his official capacity, or any other circumstance, use his position as a Member improperly to confer on or secure for himself or any other person, an advantage or disadvantage.
- 5(b) A Member must, when using or authorising the use by others of the resources of the authority -  
(i) act in accordance with the authority's requirements; and  
(ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.
- 6 A Member must, if he becomes aware of any conduct by another Member which he reasonably believes involves a failure to comply with the authority's code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so.
- 7 Regarding personal interests.
- 8 Regarding disclosure of personal interests.
- 9 Regarding prejudicial interests.
- 10 Regarding participation in relation to disclosed interests.
- 15 Regarding the registration of gifts and hospitality.

## LOG OF CODE OF CONDUCT ENQUIRIES (wef 1.1.08)

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry (Brief Details)	Advice Given (Brief Details)	Code of Conduct Reference (Para No.)
1	3.1.2008	Hail Weston Parish	From Chairman – Whether hospitality received by individuals serving on the Parish Council constituted a personal or prejudicial interest	Personal interest (CD)	8(i) 10 (i)
2	3.1.2008	Little Paxton Parish	From Clerk – Whether an item of Parish Council business placed on the Agenda by a dual hatted Councillor constituted a personal or prejudicial interest. Item related to a request to vary standing orders	Personal interest (as a County Councillor) (CD) The item concerned the operational procedures/practices of the Parish Council and the role of the local County Councillor irrespective of the incumbent of the post.	8(i) 10 (i)

## LOG OF CODE OF CONDUCT ENQUIRIES

(wef 1.1.08)

3	3.1.08	Councillor K Churchill (District)	<p>Little Paxton normally pursue any service requests to the County Council and District Councils through the respective Ward Councillor (in this case Councillor Churchill himself). They intend to consider changing the arrangements whereby requests are dealt with by the Clerk. This is to be discussed at a Parish Council meeting that night and it has been suggested to Councillor Churchill that he has a prejudicial as well as a personal interest.</p>	<p>Councillor Churchill has a personal interest as he is a Member of the County and District Councils as well as the Parish Council. Advice given that he does not have a prejudicial interest. A prejudicial interest would only apply if the item to be considered was, for example, a scheme where Councillor Churchill's interest was greater than other Members, he was championing particular scheme etc. (RR)</p>	8 (i) 10 (i)
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# Huntingdonshire

d i s t r i c t c o u n c i l

## LOG OF CODE OF CONDUCT ENQUIRIES (wef 1.1.08)

4	7.1.08	Broughton Parish	<p>Enquiry as to whether the Chairman of the Council had a personal or prejudicial interest in an agreement which the parish council was to sign with his brother-in-law to rent (peppercorn value) land in the village for a play park.</p>	<p>Advised Councillor that he held a personal interest. Also advised of criteria for deciding whether he also held a prejudicial interest. Given that the finances of his brother-in-law would not be affected the Councillor concluded after discussion that his personal interest was not so significant to suggest that it was likely to prejudice his judgement of the public interest. (CD).</p>	8 (i) 10 (i)
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## LOG OF CODE OF CONDUCT ENQUIRIES

(wef 1.1.08)

5	14.1.08	Councillor J A Gray	Councillor Gray enquired whether he could address the Development Control Panel given that he held a prejudicial interest in the application to be discussed.	Advised that a Member with a prejudicial interest may make representations, answer questions and give evidence before leaving the room, provided that Members of the public are allowed to attend for the same purpose. The public are entitled to attend the Development Control Panel (CD).	10 (i)
6	15.1.08	Brampton Parish	A Councillor enquired about the timing of declarations of interests if they were not apparent at the beginning of a meeting.	Advised that declarations of interests and the nature of that interest should be disclosed as soon as they become apparent or arise during the business of the meeting (CD).	8 (i) 10 (i)
7	17.1.08	Abbots Ripton Parish	A Councillor enquired whether he should be expected to declare an	Advised that the Councillor would be required to declare a	8 (i) 10 (i)

**LOG OF CODE OF CONDUCT ENQUIRIES**  
(wef 1.1.08)

			<p>interest involving the business affairs of his employer when he would have had no involvement/little knowledge of the issue under discussion.</p>	<p>personal interest if the business under discussion concerned his employer but that it would be unreasonable to declare something of which he was unaware or had limited knowledge. It would be impractical to expect an individual to research into the employment or business activities of his employer and in some circumstances it may be inappropriate to discuss the employers business affairs in a public arena (CD)</p>	
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# Huntingdonshire

d i s t r i c t c o u n c i l

## LOG OF CODE OF CONDUCT ENQUIRIES (wef 1.1.08)

8	21.1.08	Pidley-cum-Fenton Parish	<p>Application for grant by Village Hall Management Committee. Two Councillors are Trustees of Committee. One Councillor is a sibling of a Village Committee Member. What interests should they declare.</p>	<p>Two Councillors who are Trustees have registerable interests and thus have personal interests.</p> <p>Councillor who is a sibling of Committee Member also has personal interest as matter affects member of his/her family.</p> <p>All Councillors have prejudicial interests and should leave unless paragraph 12(2) of SI adopted and provision in SO for public to speak in such circumstances. If latter applies, Councillors should declare interests, speak and then leave. Arrangements for dispensation explained if required. (RR)</p>	8 (i) 10 (i)
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# Huntingdonshire

d i s t r i c t c o u n c i l

## LOG OF CODE OF CONDUCT ENQUIRIES

(wef 1.1.08)

9	6.2.08	Alconbury Parish	<p>Would a Parish Councillor who is about to undertake work in connection with an extension to the Alconbury Sports and Social Club need to complete a "changes" form?</p>	<p>No – provided the Councillor has declared his employer or if self-employed the name of his/her company on the register of interests. Should the business arise at meetings of the Parish Council that Councillor should declare a personal interest in the first instance, and possibly a prejudicial interest depending on the nature of the business under discussion (CD)</p>	13 (i)
10.	6.2.08	Councillor S J Criswell	<p>In response to allegations that Councillor Criswell has a conflict of interest when making representations on a planning application in his Ward.</p>	<p>Established after discussion with Councillor Criswell, that a key objector to the planning application was known to him only as a constituent and as an active member of a local lobby group. They were not "close friends" nor did they share "joint business interests". (PW) See enclosed e-mail.</p>	8 (i) 10 (i)

## LOG OF CODE OF CONDUCT ENQUIRIES

(wef 1.1.08)

11.	6.2.08	Holywell-cum-Needlingworth Parish	Could a Councillor with a prejudicial interest who is entitled to address the Council (under paragraph 12(2) of the Code) remain in the meeting to listen to other speakers and the debate.	No – Once the Councillor has addressed the meeting he must immediately leave the room. He cannot remain in the public gallery to observe or vote on the matter. (CD)	12 (2)
12.	7.2.08	Somersham Parish Council	See Case No. 10 the Parish Clerk enquired as to the position of the Parish Council given the circumstances described in Case No. 10.	The obligation to disclose personal/prejudicial interests lies with the individual Councillor. The Clerk and Chairman of the Parish Council can only advise, if necessary, and ensure that the business of the Council is conducted in accordance with procedures. Confirmed with the Clerk that their agenda for each Parish Meeting invites Members at an early stage to declare any interests they might have in the business before them. (CD)	8 (i) 10 (i)

**LOG OF CODE OF CONDUCT ENQUIRIES**  
(wef 1.1.08)

13.	7.2.08	Pidley-cum-Fenton Parish	Request for dispensation	Advice given regarding nature of interests and whether "request" for dispensation needs to be submitted - e-mail enclosed. (CD)	8 (i) 10 (i)

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## Gifts and hospitality

**Relevant Code paragraphs:** 8 and 13

**Summary:** This document provides key information and answers frequently asked questions about registering gifts and hospitality under the 2007 revised Code of Conduct for members.

**Date published:** 1 October 2007

### Key facts

- You must register any gifts or hospitality worth £25 or over that you receive in connection with your official duties as a member. You must also register the source (for example, the person, firm, body or company) of the gift or hospitality.
- You must register the gift or hospitality and its source within 28 days of receiving it.
- You automatically have a personal interest in a matter if it relates to or is likely to affect the source of the gift or hospitality that is registered.
- You must declare the existence and nature of the gift or hospitality, the source who gave it to you, how the business under consideration relates to that source, and then decide whether that interest is also a prejudicial interest.
- Once three years have passed since you registered the gift or hospitality, your obligation to disclose that interest to any relevant meeting ceases.

## Frequently asked questions

### Q1 Is the gift or hospitality connected to my official duties as a member?

You should ask yourself, “would I have been given this if I was not on the council”? If you are in doubt as to the motive behind a gift or hospitality, we recommend that you register it or speak to your monitoring officer (or your parish or town clerk where appropriate). What matters is to show who you have received a gift or hospitality from, and to make that known when business related to them is discussed at a council meeting at which you are present.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept.

However, you should always register a gift or hospitality if it could be seen as something given to you because of your position or if your authority requires you to do so. It may also be good practice to register declined gifts.

### Q2 What if I do not know the value of a gift or hospitality?

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You should also register an accumulation of small gifts you receive from the same source over a short period that add up to £25 or more.

### Q3 What about official gifts or hospitality given to the civic mayor or chair of a council?

There are no special rules for those who serve as mayor or chair of an authority. Gifts that are clearly made to the authority do not need to be registered. Gifts made directly to a mayor or chair’s charity appeal also do not need to be registered.

On the other hand such gifts ought to be recorded for audit, and perhaps insurance purposes on the council’s asset inventory. Although the mayor or chair may attend many social functions they are not exempt from the requirement to register hospitality.

However, where the hospitality is extended to the office holder for the time being rather than the individual, the Standards Board takes the view that there is no requirement under the Code to register the hospitality.

All hospitality over £25 must be registered under the Code.

#### **Q4 What does “hospitality” mean?**

Hospitality can be defined as any food, drink, accommodation or entertainment provided free of charge or heavily discounted.

#### **Q5 Does the revised Code require me to register the interests of people that give me gifts or hospitality?**

No. The Standards Board believes the revised Code requires you to register any gifts or hospitality worth £25 or over that you received in connection with your official duties, and the source of the gift or hospitality.

#### **Q6 Do I have to transfer my gifts and hospitality register from before 2007 onto the new, publicly available, general register of interests?**

If you were a member prior to the revised Code being introduced in 2007, you are likely to have a register of gifts and hospitality which was separate to the publicly available registers of members’ interests under the 2001 Code.

You do not need to copy or transfer your register of gifts and hospitality onto your general register of interests under the revised Code. This is because we believe the new Code cannot be applied retrospectively.

As a result, gifts and hospitality received prior to the revised Code coming into effect in your authority (on 1 October 2007 or on the date your authority adopts it - whichever is earlier), will also not give rise to a personal interest under the revised Code.

### **Additional information**

- *The Code of Conduct: Guide for members May 2007* offers more guidance on the Code and can be downloaded from our website - **[www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)**.
- A full range of factsheets and frequently asked questions is available from the Code of Conduct section of our website.
- View our occasional paper on bias and predetermination, available online.
- Call our enquiries line on **0845 078 8181**.
- Email us at **[enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)**.

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## Personal and prejudicial interests

**Relevant Code paragraphs:** 8 – 13

**Summary:** This document provides key information and answers to frequently asked questions about the ethical framework for local government and the role of the Standards Board for England.

**Date published:** 1 October 2007

### Key facts

#### Personal interests

There are two types of personal interest.

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- 1) An interest that you must register.
- 2) An interest that is not on your register but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of:
  - inhabitants of the ward or electoral divisions affected by the decision (in the case of authorities with wards or electoral divisions)
  - inhabitants of the assembly constituency affected by the decision (in the case of the Greater London Authority)
  - inhabitants of the authority's area (in all other cases)

**Note:**

- 1) You must declare that you have a personal interest and the nature of that interest, as soon as it becomes apparent to you in all meetings before the matter is discussed.
- 2) There are two exemptions to the rule on declaring a personal interest, which is a key change under the revised Code.

Exemptions apply where an interest arises solely from membership of, position of control or management on:

- Any other body to which you were appointed or nominated by the authority.
- Any other body exercising functions of a public nature for example, if you have been appointed as a school governor.

In these exceptional circumstances you only need to declare your interest if and when you speak on a matter, provided that you do not have a prejudicial interest (see below).

**Prejudicial interests**

Your personal interest will also be a prejudicial interest if it meets all of the following conditions:

- a) The matter does not fall within one of the exempt categories of decisions under paragraph 10(2)(c), for example, setting the council tax.
- b) The matter affects your interests financially or a licensing or regulatory matter, for example an application for a grant funding to a body on your register of interests, or a planning or licensing application made by you or a body on your register of interests.
- c) A member of the public, who knows the relevant facts, would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

**Note:** in order for your interest to be prejudicial, it must be a financial or regulatory matter.

## What to do if you have a prejudicial interest

If you have a prejudicial interest in a matter being discussed at a meeting:

- You must declare that you have a prejudicial interest and the nature of that interest as soon as the interest becomes apparent.
- You should leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter. If this is the case, you can also attend the meeting for that purpose.
- You must leave the room immediately once you have finished speaking, or when the meeting decides that you have finished (if that is earlier).

## Frequently asked questions

### Q1 Is paragraph 12(2) mandatory for my authority?

Paragraph 12(2) is mandatory for most authorities. However, paragraph 12(2) is not mandatory for the following authorities:

- parish and town councils
- English and Welsh police authorities
- the Greater London Authority
- national park authorities
- fire and rescue authorities

If your authority wishes paragraph 12 (2) to apply, it will need to pass a resolution adopting the Model Code of Conduct including paragraph 12(2).

If your authority is a parish or town council and you wish to adopt paragraph 12(2), you can do so by adopting the Standards Board's *Model Code of Conduct for parish and town councils 2007*, which is available on our website on our website -

[www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)

If paragraph 12(2) is included in your authority's Code, the Standards Board recommends that standing orders or procedural rules should be put in place for clarity. These should clearly set out the circumstances in which members of the public can attend the authority's meetings to make representations, give evidence or answer questions.

If your authority does not provide members of the public with any right to speak, paragraph 12(2) will have no effect at your authority. This means that members with a prejudicial interest would have to continue to leave the meeting room after declaring the nature and extent of their interest.

## Q2 What rights are available to members with a prejudicial interest?

Paragraph 12(2) gives members with a prejudicial interest in a matter the same rights as members of the public to speak at a meeting on the matter. Members must then leave before the main discussion and voting takes place.

### Additional information

- *The Code of Conduct: Guide for members May 2007* offers more guidance on the Code and can be downloaded from our website - [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).
- A full range of factsheets and frequently asked questions is available from the Code of Conduct section of our website.
- View our occasional paper on bias and predetermination, available online.
- Call our enquiries line on **0845 078 8181**.
- Email us at [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk).



**CODE OF CONDUCT: STANDARDS BOARD NOTIFICATION  
(Report by the Director of Central Services and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 In accordance with the procedure adopted by the Standards Board for England for the investigation of allegations, the Monitoring Officer has been notified of the Board's decision in respect of an allegation made against a Councillor serving on St Neots Town Council.

**2. DETAILS OF CASE**

- 2.1 It had been alleged that the Town Councillor made comments in a letter to a local newspaper which were inaccurate and which falsely accused the complainant and another of "lashing out" at a member of the public. The complainant has stated that the allegations and accusations within the letter were not supported by evidence and in asking the matter to be investigated by the Standards Board has suggested that the Town Councillor has used the unfounded allegations to further his own political career ahead of May's local elections.

- 2.2 Whilst the acknowledging that the complainant considered the letter in the local newspaper went beyond the acceptable limits of "cut and thrust" in local politics, in the context of political life, the Standards Board considers it inevitable that Members will subject each other to criticism. Members have a variety of platforms from which to respond publicly to such criticism and to put over their own view points or rebuttals. The Board does not consider that the alleged comments reached a threshold whereby they would be considered to amount to a failure to comply with the Code of Conduct.

- 2.3 The Board has decided that the allegation should not be referred to an Ethical Standards Officer for investigation. Having taken account of the available information, the Board do not believe that a potential breach of the Code of Conduct was disclosed and there was no finding of fact.

**3. CONCLUSION**

- 3.1 The Committee is invited to note that the Standards Board for England has agreed not to take any further action in relation to an allegation made against a Councillor serving on St Neots Town Council.

**BACKGROUND PAPERS:**

Letter received from the Standards Board for England dated 21<sup>st</sup> February 2008.

**Contact Officer: Christine Deller, Democratic Services Manager -  
Tel: (01480) 388007.**

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**INDEPENDENT ADJUDICATOR:  
NEW ROLE FOR STANDARDS COMMITTEES  
(Report by the Director of Central Services and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 Members may recall that at their last meeting (Minute No. 36 refers) mention was made in the Committee's response to the consultation paper "Orders and Regulations Relating to the Conduct of Local Authority Members in England" to a proposal involving the transfer to Standards Committees of responsibility for the granting and supervision of exemptions of certain local authority posts from political restrictions.
- 1.2 Restrictions on political activity by certain local government staff were introduced under the Local Government and Housing Act 1989 which provided for the appointment of an Independent Adjudicator to grant dispensations for staff to engage in certain political activities.
- 1.3 Under the Local Government and Public Involvement in Health Act 2007, the role of Independent Adjudicator is to be abolished and the duties transferred to local authority Standards Committees.
- 1.4 Currently this function is delegated to the Chief Executive by the District Council's Cabinet.

**2. DETAIL OF RESPONSIBILITIES**

- 2.1 Whilst it is anticipated that the Department for Communities and Local Government will issue guidance on this matter in due course, it is envisaged by the Standards Board that the duties to be undertaken by Standards Committees will involve –
- ◆ the consideration of applications from local authority employees for exemptions from political restriction in respect of their post;
  - ◆ where appropriate, the issue of directions requiring a local authority to include a post in the list of political restrictive posts that it maintains; and
  - ◆ giving general advice, following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post.
- 2.2 The timing of this transfer of functions from the Independent Adjudicator is a Government matter, but the Standards Board has urged authorities to ensure that their Standards Committees are made aware of the change.

**3. CONCLUSION**

- 3.1 In accordance with the advice of the Standards Board for England, Members are requested to note the intention of the Government to vary the duties and responsibilities of Standards Committees.

## **BACKGROUND PAPERS**

Standards Board for England – Bulletin No. 36.

**Contact Officer: Christine Deller, Democratic Services Manager -  
Tel: (01480) 388007.**

## LOCAL ASSESSMENT EXERCISE

(Report by the Director of Central Services and Monitoring Officer)

### 1. INTRODUCTION

- 1.1 The Local Government and Public Involvement in Health Act 2007 has created a change in the role of the Standards Board for England. In future, the Board will focus on ensuring that Members adhere to the Code of Conduct and that there are adequate arrangements in place at local level for handling cases and preventing misconduct.
- 1.2 One of the main changes to the standards framework is that local authority Standards Committees will be responsible for receiving complaints about Members and deciding whether any action needs to be taken. The Standards Board is planning for its strategic role by preparing local government for this local assessment function. As there is to be a greater focus on training and support, the Standards Board has created a training exercise to help Standards Committees develop their ability to assess new complaints. The exercise is based on a pilot that the Board ran in 2007 with approximately 50 participating local authorities. Details of the exercise can be found in the "local assessment" section of the Board's website at [www.standardsboard.gov.uk/Localassessment/Assessmentexercise/](http://www.standardsboard.gov.uk/Localassessment/Assessmentexercise/)
- 1.3 The website contains a set of 12 cases which the Board has already assessed. These cases concern real Members and are genuine. They have been anonymised as far as possible.

### 2. CRITERIA

- 2.1 At present, the Board's Referral Officers take account of agreed criteria when assessing a case. The criteria were developed at national level and reflect the priorities of the Board. It is anticipated that a similar ethical regime will evolve locally over time, as local priorities may not always be the same as the Standards Board. For example the Board may have decided that a case had disclosed a potential breach of the Code, but was not sufficiently serious within the national context to warrant a publicly funded investigation. A local Standards Committee, on the other hand may decide that they can only determine how true or serious the alleged breach was after investigation.
- 2.2 The old system was also based on the idea of an investigation followed by a sanction, if appropriate. The new system allows greater scope for mediation and other remedies. Standards Committees may now wish to take other action in certain instances where a sanction might have been unlikely or unhelpful. The recommended approach can be summed up in two key tests which Members should apply to new complaints:-
  - ◆ Does this allegation disclose a potential breach of the Code of Conduct?;

- ◆ If it does disclose a potential breach of the Code of Conduct, should anything be done about it?

2.3 This approach is demonstrated in the flowchart enclosed at Appendix A. The flowchart also points to the kind of allegations that Standards Committees might consider suitable for referral to the Standards Board for England.

### **3. EXAMPLE CASE**

3.1 Enclosed at Appendix B is one of the cases included in the Standards Board exercise. Members may wish to familiarise themselves with the summary and details of the case before moving on to the Standards Board decision. Members might wish to consider whether the case should be referred for further action and if not referred, the reasons for the decision.

3.2 The Board are currently drafting guidance on the various aspects of the standards framework, including a local assessment function and it is their intention to make this guidance available as soon as possible before the legislation becomes effective.

3.3 It is understood that South Cambridgeshire District Council are intending to organise training on 'local assessment practice' in April about which Members will be contacted nearer the time.

### **4. CONCLUSION**

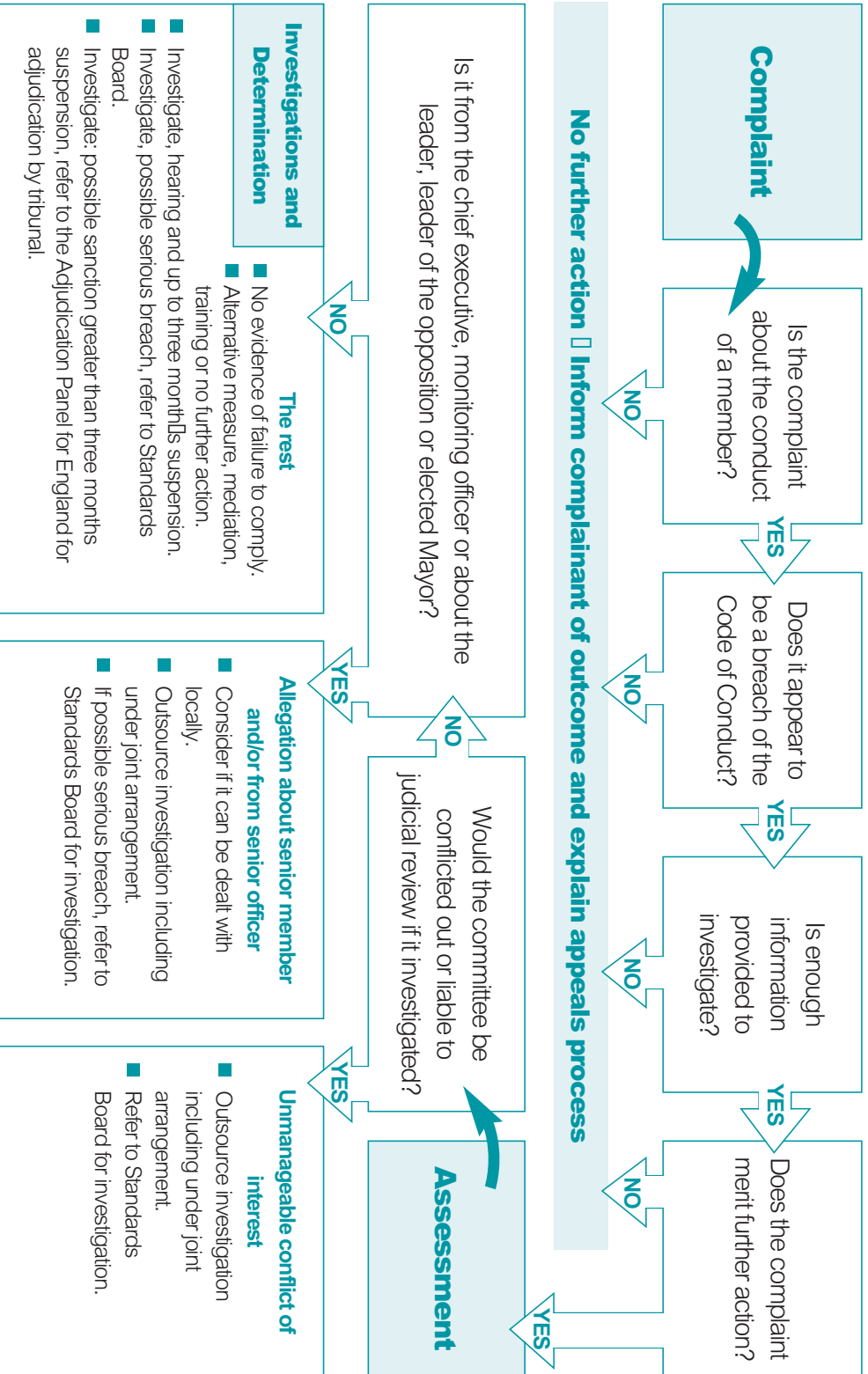
4.1 The Committee is encouraged to familiarise themselves with the training material available on the Standards Board website in anticipation of the commencement of the new local assessment regime on 1st April 2008.

### **BACKGROUND PAPERS**

Material available on the website of the Standards Board for England.

**Contact Officer: Christine Deller, Democratic Services Manager -  
Tel: (01480) 388007.**

**Local assessment complaint handling chart**



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## COKETOWN DISTRICT COUNCIL – COUNCILLORS YEO, BAILEY AND MALECKA

### Summary

The complainants refer to the proposed development of a council-owned allotment site at Coketown, for 217 dwellings and associated infrastructure, considered by the planning committee on 21 September 2006. It is reported that Councillor Yeo, the executive member for land and property, had been involved in discussion with the developers and council decisions over the sale of the site. It is also reported that the proceeds of the site would be used by the council to pay for a new leisure centre elsewhere in the borough. Having declared a personal interest in the matter at the planning committee, it is alleged that he failed to declare a prejudicial interest and withdraw from the meeting.

It is alleged:

- Councillor Bailey, the chairman, did not ensure that the meeting was conducted impartially due to confusion of members' and officers' roles.
- That the planning officer, as an employee of the council, was not able to give the committee the impartial advice they needed.
- Councillor Bailey refused to allow a local member to speak until the very last moment, and then cut him short before hastily moving to the vote.
- That by allowing the planning officer to warn members that refusal of the application could lead to an expensive appeal, Councillor Bailey thereby allowed undue influence to be put on the committee.
- That when Councillor Malecka asked the chairman and the planning officer if the terms of the development brief had been complied with, the member was given an affirmative answer. The complainants dispute this and say there were breaches of the development brief.

The complainants also object to aspects of the proposed development, the granting of planning permission and the way the meeting was minuted.

# complaint form

If you have any questions or difficulties filling in this form, for example – if English is not your first language or you have a disability – please contact the Referrals Unit on 0800 107 2001.

You can also email them at [newcomplaints@standardsboard.co.uk](mailto:newcomplaints@standardsboard.co.uk)

**Please note**

- > we can only accept complaints in writing
- > one of our officers may contact you personally to go through the details of your complaint
- > we are unlikely to be able to keep your identity confidential if you make a complaint

**ABOUT YOU**

title      Mr  Ms       Mrs  Miss       Councillor      Other (please specify)

first name      T & A      ~~EA~~      surname      GRANT

address      47A GARDEN ROAD, COKETOWN

post code      [unclear]

daytime telephone      01223 8511656

evening telephone      01223 9552235

email      [unclear]

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature      *Terry Grant*      *Ann Grant*      date      03/006

**YOUR COMPLAINT**

Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s that you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s	name of their authority/ies
Cllr C.D. Bailey	DISTRICT COUNCIL
Cllr L Malecka	" " "
Cllr R. Yeo	" " "
MR P.W. [unclear] PLANNING OFFICER	" " "

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above

# complaint form

## WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us to decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the allegation. We can only investigate complaints that a member has broken a local Code of Conduct (see section 3 of the information leaflet *How to make a complaint*). Continue on a separate sheet if there is not enough space on this form.

WE BELIEVE THAT A PLANNING APPLICATION WAS  
ERRONEOUSLY APPROVED, AND OUR REASONS ARE  
SET OUT ON THE ENCLOSED SHEET

## EVIDENCE (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you.

Please send this form to:

The Standards Board for England  
PO Box 36656  
London SE1 0WN

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

The answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

### your ethnic origin

Asian or Asian British	Chinese	White
Black or Black British	Mixed	Other

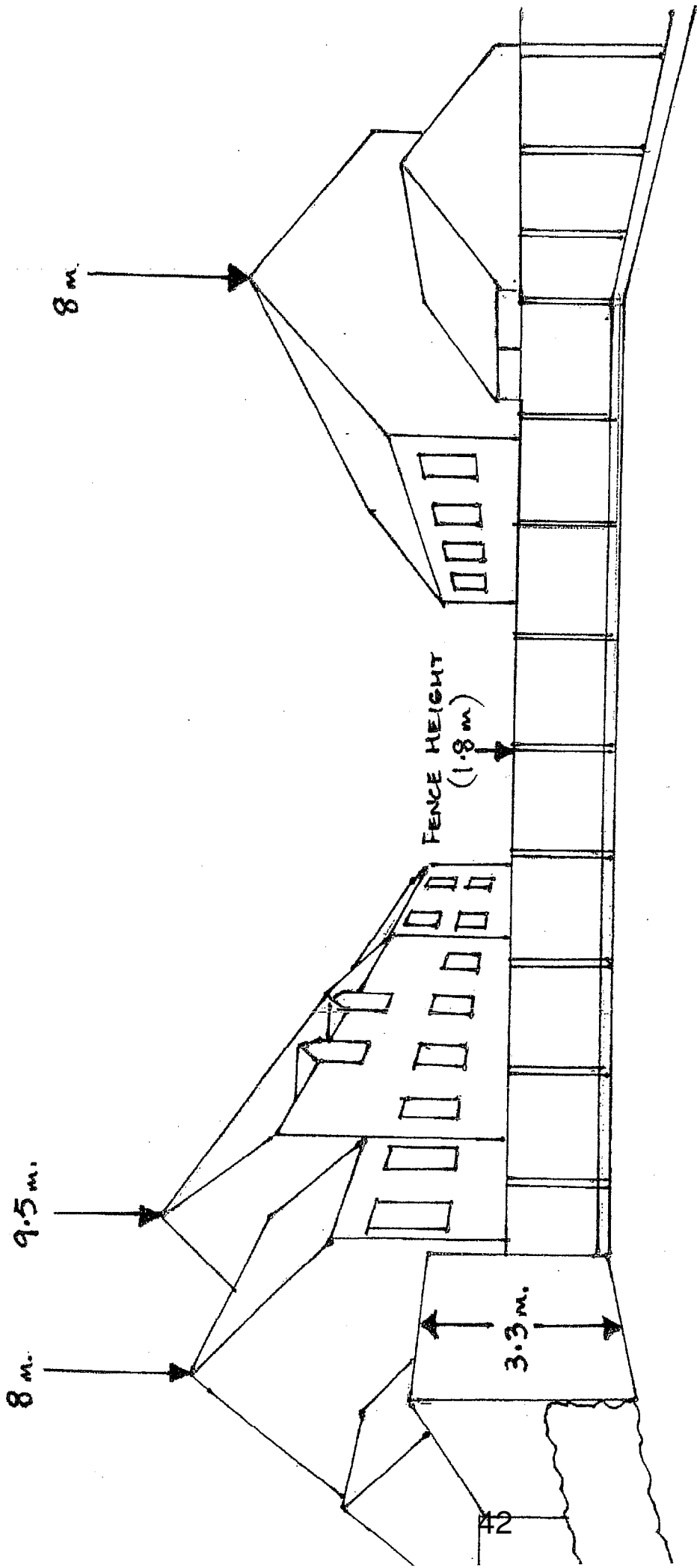
REGARDING THE PLANNING COMMITTEE MEETING HELD AT ~~COKETOWN~~ DISTRICT  
COUNCIL OFFICES, ON 21<sup>ST</sup>  
SEPTEMBER 2006

APPLICATION FOR FULL PLANNING CONSENT BY BOVIS HOMES FOR 217  
DWELLINGS ON GARDEN ROAD ALLOTMENTS,

APPLICATION NUMBER V/2006/0564

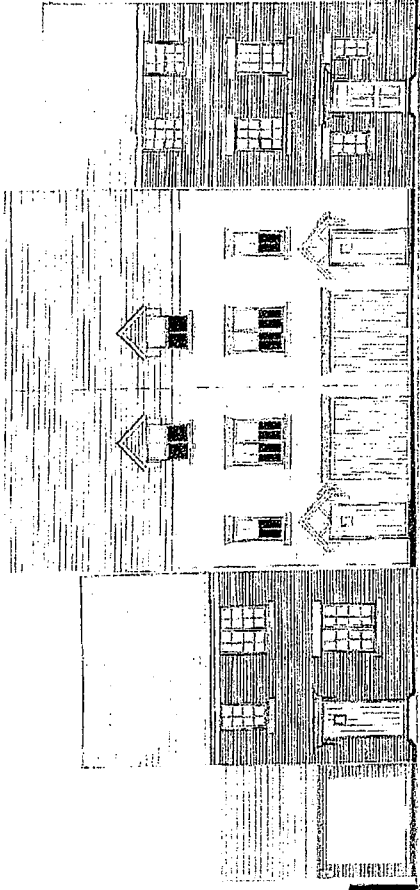
- 1 We believe the conduct of the Planning Committee Chairman and Planning Officer was unacceptable, following their inability to focus clearly on their role, since they have an incestual relationship in that the Planning Officers are employed by the owners of the land ( District Council) and the Meeting was not conducted in an impartial manner due to their confusion on these roles and the heavy demands placed upon them by the Council to sell the land for profit. Therefore, we believe that an independent Planning Officer should have been appointed to research all aspects of this application and to answer the questions of the Planning Committee Members impartially.
- 2 That the Chairman, Cllr B, refused to allow the Councillor for Central (Cllr C) to speak, until the very last moment and was cut short when the Chairman hastily moved for a vote.
- 3 The Committee Members were clearly instructed by the Council's officer, immediately prior to the vote for approval, that if they voted for a Refusal, this would cost the Council a great deal of money in fighting an Appeal, and it is felt by all those present that **undue influence** was placed upon the Committee to approve the application. We understand that it is more likely that a Developer will amend plans if necessary rather than have the additional expense of going to Appeal. We put forward that this instruction to the Committee Members was unjustified and improper. We therefore believe that Approval was granted illegally.
- 4 Councillor M asked the question of the Chairman and the Planning Officer if the terms of the Development Brief had been complied with, and he was given an affirmative reply. We argue that **this is not the case**, and some breaches of the terms of the Development Brief are as follows :
  - ◆ The need to protect the privacy of existing residents (*See illustrations A & B enclosed with regard to the future view from our living rooms*)
  - ◆ Strengthen the need to protect the amenity of existing residents bordering the site (*our rear boundary will also be the end boundary of the cul-de-sac and will expose our property to crime, anti-social behaviour and vandalism, it being insufficiently high or strong enough to prevent intruders*)
  - ◆ The need for **private** space should not be ignored
  - ◆ Building orientation, boundary treatments and the avoidance of overlooking are key (*See illustrations. Our living room windows will be subject to unwelcome surveillance from upper floor windows of the new properties and to children climbing our fence and the trees on the other side of our rear fence*)

- ◆ Raising housing densities should not lead to a lowering of qualitative **private space** standards (*housing density has increased from 34 to 40 units per hectare an increase of approximately 12%*)
  - ◆ To take into account local climatic conditions including natural daylight, sunlight and prevailing winds in consideration of future occupiers and the amenity of existing residents bordering the site (*Our property will suffer from long shadows cast by the houses in the proposed cul-de-sac abutting our rear boundary, in the winter months*)
  - ◆ It is important that the development is designed to limit the potential for crime (*The Police Architectural Liaison Officer has been excluded from all levels of planning since the 2003 Development Brief, resulting in the Council being Cautioned by this Officer*)
  - ◆ Close boarded fences will not be acceptable where they would be visible in the street scene. The Council will require well designed brick walls (*our rear boundary fence is close boarded fencing and will form the end boundary of the cul-de-sac*)
  - ◆ Due to surface water issues the developer will be required to undertake a hydrological survey. This survey was only undertaken in August, after heavy pressure from ourselves because of possible adverse effects to our residence by the artificial drying out of the high level water table. (*This survey was only undertaken in August, after continued pressure from ourselves. There appears to have been reluctance on the part of the Developer and the Council's Planning Officers to obtain this survey report*)
  - ◆ The former railway cutting was adopted as the preferred access route. This has now been changed to A Avenue and H Avenue.
- 5 The elderly and disabled have been positively discriminated against, by not providing single storey houses with outside space to enhance their quality of life. This is a specific requirement of the "PPG3:Housing". Single storey housing for over 55's and the disabled have not been included.
- 6 The recommendations of the Police with regard to designing out the potential for crime has been ignored. The Police decided that their exclusion was such a serious offence that the Council were Cautioned under Section 17 of the Crime & Disorder Act 1968.
- 7 The Planning Meeting on 21<sup>st</sup> September was not fully minuted, and none of the issues discussed by the Planning Councillors have been properly recorded. The meeting was at least 1.5 hours long, and the Minutes barely cover 1 A4 page.
- 8 That we believe Cllr Y had declared an interest in the Outline Application stage for this development and was therefore precluded from voting. Cllr Y, voted on 21 September 2006 for Approval of the application, but did not declare his previous interest, and we put forward that was contrary to planning regulations. We therefore put forward that the Approval granted by District Council was not lawful and should be cancelled.
- 9 That by their site layout design, in close proximity to our residence and rear boundary, the Developers will expose ourselves and our property to burglary, vandalism, anti-social behaviour and unwelcome surveillance from upper storey windows and in doing so our rights under Article 8 of the European Convention on Human Rights will be violated and the Council's Chairman and Planning Officer have permitted this to take place.

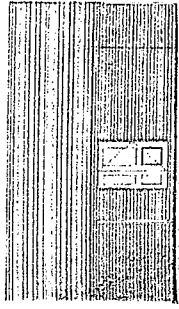
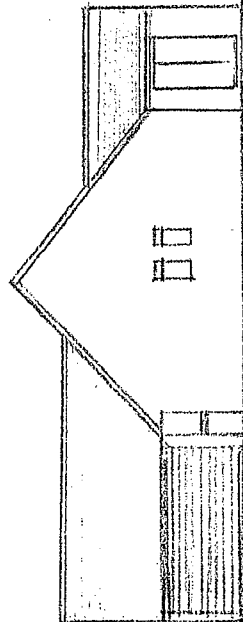
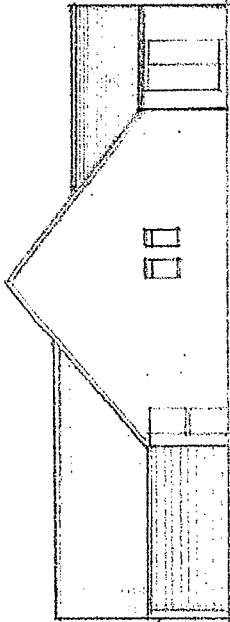


**OUR FUTURE VIEW FROM OUR 3 LIVING ROOMS WHICH FACE THIS DEVELOPMENT. THE DISTANCE BETWEEN OUR WINDOWS AND THE REAR FENCE IS A MERE 11 METRES!**

Side elevation  
of proposed  
cul-de-sac



4  
Side elevation of  
suggested row of  
bungalows



26

4/1/2011

26

47A Garden Road, Cokerdown, CK3 1BW

3 October 2006

The Standards Board for England  
PO Box 36656  
LONDON  
SE1 0WN

RECEIVED  
05 OCT 2006

Dear Sir

We wish to lodge a complaint against members of [redacted] District Council and also their Planning Officer, Mr P W [redacted]

We enclose our Complaint Form and a statement of events, and we should be grateful if you would consider the implications of the events.

As there are very serious concerns regarding the matter in question, we look forward to hearing from you when you have had the opportunity of investigating the matter.

Yours faithfully

*DTC*

*A.M.P.*

*W*

MR i & MRS i GI



## Decision

It is not unusual for local authorities to consider planning applications for development of land which they own, and it is noted from the council's constitution that there are procedures for doing so. It is not apparent from the allegation that members failed to follow those procedures. Councils seek to safeguard their interests by obtaining the professional advice of officers, who would be entitled to point out the possible consequences of refusal, given the general presumption that planning

applications will be granted. It is noted that the recommendation was to grant the application, and according to procedure, Councillor Bailey, as chair, would be bound to ensure that the planning officer's views were put forward. Furthermore, chairs have considerable discretion over the conduct of meetings and rules for speaking at committee.

With regard to Councillor Yeo and personal interests as defined by the Code of Conduct, no information has been provided to indicate that by virtue of being the lead member for land and property, the matter affects Councillor Yeo's well-being or financial interest. Furthermore no information has been provided that any of his relatives or friends, are affected by the decision to a greater degree than other people in the ward, or that it was something that he would be required to register in the register of members' interests. It is not considered that being lead member for land and property on the executive would automatically give rise to a personal interest at the planning committee when dealing with a proposed development on council-owned land.

If Councillor Yeo considered that his role on the executive could give rise to concern at the planning committee, the right course of action would be to state it. It appears by the minutes that he did this. However, taking all things into account, it is not considered that Councillor Yeo's prior participation in this matter would give rise to a personal interest which by extension, as a result of public perception, would amount to a prejudicial interest requiring him to withdraw.

The complainants also object to aspects of the proposed development, the granting of planning permission and the way the meeting was minuted.

It would not be the Standards Board for England's role to adjudicate on the development brief or the correctness of members' views, such as the opinion allegedly expressed by Councillor Malecka. Our role is only to adjudicate on their ethical conduct. Similarly, we cannot deal with allegations concerning the conduct of officers, aspects of the proposed development, or the way meetings are recorded.

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