

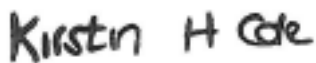
Date: 2<sup>nd</sup> March 2015

Dear Sir/Madam,

STANDARDS COMMITTEE – WEDNESDAY 11<sup>TH</sup> MARCH 2015

Notice is hereby given that a meeting of the Standards Committee of Newark and Sherwood District Council is to be held on Wednesday 11<sup>th</sup> March 2015 at 10.00 am in Room G21, Kelham Hall, Newark.

Yours faithfully



Kirstin H Cole  
Deputy Chief Executive and Monitoring Officer

AGENDA

	Pages
1. Apologies for Absence	
2. Declaration of Members' Interests	
3. Declaration of any intentions to record the meeting	
4. Minutes of the meeting held on 20 <sup>th</sup> October 2014	1 - 3
5. Standards Committee Progress Report 1 <sup>st</sup> October 2014 to date	4
6. Co-opted Parish Representatives and Independent Member	5 - 6

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| 7. | Code of Conduct Complaint Relating to a Planning Matter at North Muskham | 7 - 8  |
| 8. | Code of Conduct Complaint – Sutton on Trent Parish Council               | 9 - 10 |

CONFIDENTIAL AND EXEMPT ITEMS

None.

DATE OF NEXT MEETING

The next scheduled meeting of the Committee is to take place at 10.00 am on Wednesday, 16th September 2015.

**NEWARK AND SHERWOOD DISTRICT COUNCIL**

Minutes of the meeting of the **STANDARDS COMMITTEE** of Newark & Sherwood District Council held in Room G23, Kelham Hall, Newark on Monday 20<sup>th</sup> October 2014 at 9.30am.

PRESENT: District Councillors: D. Jones, J. Middleton, Mrs C. Rose,  
Mrs S.E. Saddington and M. Shaw

Parish Councillor: I. Harrison

ALSO IN

ATTENDANCE: Mrs S. Jones (Reserve Independent Person) and Councillor J. Bradbury

36. **APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors T.S. Bickley, D.P. Logue, Parish Councillor P. Morris, Independent Person - Mr R. Dix and co-opted Independent Person - Mrs P. White.

37. **CHAIRMAN**

Due to the apology for absence for the Chairman – Councillor D. Logue, nominations were sought for Chairman for the duration of the meeting.

AGREED that Councillor D. Jones was nominated Chairman for the duration of the meeting.

38. **DECLARATION OF INTERESTS BY MEMBERS AND OFFICERS**

There were no declarations of interest.

39. **DECLARATIONS OF ANY INTENTIONS TO RECORD THE MEETING**

There were none.

40. **MINUTES**

AGREED that the Minutes of the meeting held on 11<sup>th</sup> December 2013 be approved as a correct record and signed by the Chairman.

*(Councillor I. Harrison entered the meeting during the discussion of the following Minute.)*

41. **PROGRESS REPORT 1<sup>ST</sup> DECEMBER 2013 TO DATE**

The Committee considered the progress report from 1<sup>st</sup> December 2013 to date. .

AGREED that the progress report be noted.

42. ANNUAL REPORT FOR THE PERIOD 1<sup>ST</sup> APRIL 2013 – 31<sup>ST</sup> MARCH 2014

The Committee considered the report of the Deputy Chief Executive and Monitoring Officer which included an introduction by Councillor D. Logue, the Chairman of the Committee for the period 1<sup>st</sup> April 2013 to 31<sup>st</sup> March 2014.

AGREED that the report be noted and approved.

43. CODE OF CONDUCT COMPLAINTS

The Committee considered the report of the Deputy Chief Executive and Monitoring Officer, which updated Members on the Code of Conduct complaints received for the period 27<sup>th</sup> February 2014 to date and advised on the decision taken following the initial assessment of those complaints.

An update report for the period December 2013 to 26<sup>th</sup> February 2014 was circulated to Members of the Standards Committee at the end of February 2014, which related to four complaints received regarding Members of Edwinstowe Parish Council, Rainworth Parish Council, Fernwood Parish Council and Newark and Sherwood District Council. A copy of that report was appended to the report for information.

There were three complaints received during the period 27<sup>th</sup> February 2014 to date. Two complaints were received regarding the behaviour of two Members of the District Council. The third complaint related to a Member of Fernwood Parish Council.

The first complaint was received regarding the behaviour of a Councillor in his capacity as Chairman of the Planning Committee when considering a reserved matters application in respect of Ash Farm, Farnsfield. The second complaint alleged that the Member concerned visited facilities at Sconce and Devon Park and spoke to the chef/manager in a manner which was patronising and demeaning. In consultation with the Independent Person and after a preliminary investigation into the background of both complaints, it had been resolved that no further action be taken. The complainants had been advised accordingly.

The third complaint related to a Member of Fernwood Parish Council. After consultation with the Independent Person it was determined that there was prima facie evidence of a Code of Conduct breach and a formal investigation was carried out into the matter. Given the nature of the complaint the Councillor concerned was offered the opportunity to either apologise to the complainant or to acknowledge that his behaviour fell short of that which might be expected of a holder of public office, as a means of resolving the matter without proceeding to formal hearing. The Councillor concerned wrote a letter, addressed to all Members of the Standards Committee expressing his regret that the complainant had been offended by his comments, as no offence was intended and gave an undertaking to have regard to this in his future conduct. In the circumstances and after consultation with the Independent Person the Monitoring Officer was satisfied that this was a satisfactory outcome to the matter. The hearing panel was accordingly stood down. The complainant had been advised of the outcome.

AGREED that the report be noted.

44. REGISTER OF MEMBERS' INTERESTS – DISTRICT AND PARISHES

The Committee considered the report of the Deputy Chief Executive and Monitoring Officer which informed the Committee of the number of Register of Member's Interests forms which had been received for the District and Parish Councillors. All 46 forms from District Councillors had been received and were held on file in the Democratic Services Office and on the Council's website. Two outstanding forms had been received from Walseby Parish Council after the agenda had gone to print. There were therefore currently 13 forms outstanding from Parish Councillors, out of a total of 441 Parish Councillors. Members were informed that Officers had contacted all Parish Clerks where forms were outstanding to remind Members that the forms needed to be completed and returned to the District Council. Following the outcome from the previous Standards Committee meeting in December 2013, a strongly worded letter had been sent to the Parish Council's Clerk, Chairman and Ward Member regarding Members of Laxton & Moorhouse Parish Council and their failure to complete and return the Register of Members Interest forms.

Members felt that due to Laxton & Moorhouse Parish Council's failure to comply with the rules after a period of two year, a strongly worded letter be sent to each individual Parish Councillor stating that if they did not complete and return the Register of Members Interest form by a specified date, that failure to do so would constitute to a breach of the code of conduct and formal action may be instigated in respect of the breach.

AGREED that:

- (a) Members note the current position with regards to the Register of Members Interests forms; and
- (b) a strongly worded letter be sent by the Monitoring Officer to individual Members of Laxton & Moorhouse Parish Council, requiring that the Register of Interest form be completed.

45. DATE OF NEXT MEETING

It was noted that the next meeting of the Committee was scheduled for Wednesday, 11<sup>th</sup> March 2015 at 10.00am.

However it was agreed that, if there was insufficient business on the agenda, the meeting would be cancelled and instead an update report would be circulated to all Members of the Committee.

The meeting closed at 9.50 am.

Chairman

**STANDARDS COMMITTEE PROGRESS REPORT 1<sup>ST</sup> OCTOBER 2014 TO DATE**

**1. Local Assessment of Complaints**

There have been 2 complaints received during this period.

**2. Dispensation Requests**

There have been no requests for dispensations for the period 1st October 2014 to date.

**3. Annual Report**

The annual report for 2013/14 was included on the 20<sup>th</sup> October 2014 Standards Committee Agenda.

**4. Promotion of the role and work of the Standards Committee**

The Standards Committee continues to take a proactive role in promoting training and awareness on the code of conduct and ethical behaviours to elected members and to town and parish councillors.

**5. Standards Training**

Training on Standards and probity will be included in the induction programme following the May 2015 elections.

**6. Review of Register of Interests**

Reports will be received by the Standards Committee on a six monthly basis; a report was included on the 20<sup>th</sup> October 2014 meeting of the Committee.

**CO-OPTED PARISH REPRESENTATIVES AND INDEPENDENT MEMBER**

**1.0 Purpose of Report**

- 1.1 To recommend to the 19<sup>th</sup> May 2015 Annual Council Meeting that the term of office of the two co-opted Parish Representatives, Councillors I Harrison and P. Morris and the co-opted independent member to the Standards Committee, Pam White will be extended until May 2016.

**2.0 Background Information**

- 2.1 As members will be aware the Localism Act 2011 introduced fundamental changes to the Standards regime. As a result those independent members who had been appointed to the Standards Committee ceased to hold office unless they were co-opted as members of the committee in an advisory capacity only.
- 2.2 Following the recommendations of the Standards Committee, Council resolved that two of the existing parish representatives on the Standards Committee be co-opted as non-voting members of the committee until May 2015 or until they cease to hold office as parish councillors and one of the existing independent members on the current Standards Committee be co-opted as a non-voting member of the committee until May 2013. A further report to extend the term of office for the independent member was taken to the May 2013 Annual meeting of the Council, where a further two year term was agreed.
- 2.3 In respect of the appointments for the Independent Person, which is held by Mr Dix and the Deputy Independent Person, held by Sharon Jones, both positions expire at the date of the Annual Council Meeting in May 2016.
- 2.4 It is therefore proposed that the appointments of parish representatives Councillors Ian Harrison and Paul Morris, subject to them continuing to hold office as parish councillors after May 2015 and Pam White as a co-opted independent member of the Standards Committee be extended until May 2016. A recommendation will be made to the May 2015 Annual Council meeting accordingly. The three appointments would therefore continue beyond the May 2015 elections, providing some continuity to the Standards Committee. In the event that they cease to hold office as Parish Councillors, we would look to invite nominations after the May 2015 elections for their replacement.

**3.0 RECOMMENDATION**

**That a recommendation be made to the 2015 Annual Meeting of Council that the appointments of the Parish Council representatives Councillors Ian Harrison and Paul Morris (subject to them continuing to hold office as parish councillors) and Pam White as co-opted independent member on the Standards Committee be extended until May 2016.**

**Reason for Recommendation**

**To extend the terms of appointment of the two co-opted Parish Councillors and a co-opted independent member on the Standards Committee to provide continuity following the May 2015 elections.**

**Background Papers**

Nil.

For further information please contact Kirsty Cole on x5510.

Kirsty Cole  
Deputy Chief Executive & Monitoring Officer



**CODE OF CONDUCT COMPLAINT RELATING TO A PLANNING MATTER AT NORTH MUSKHAM**

**1.0 Purpose of Report**

- 1.1 A complaint has been received regarding the conduct of two members of Newark and Sherwood District Council and a member of North Muskham Parish Council relating to the determination of a planning application at North Muskham.

**2.0 Background**

- 2.1 The complainant has complained that the local member referred the matter to the planning committee rather than it being dealt with under delegated powers on the grounds that the parish council had objected notwithstanding that there was no objection from the parish council. However I do not consider that this constitutes a code of breach as under the Council's constitution a local member has a right to refer a matter to committee for determination whether or not the parish council has lodged an objection. Moreover it is clear from the report to the Planning Committee that the Parish Council had initially expressed concerns but subsequently indicated that they would support the application subject to conditions. However the planning case officer considered that the conditions specified by the Parish Council could not reasonably be imposed if permission were granted and it was for that reason that the local member referred the matter to committee for determination.
- 2.2 The complainant also complains about the conduct of the local member in questioning her personal integrity and seeking to influence the decision. I have however advised that it is open to members of the planning committee to express their views and concerns on planning matters.
- 2.3 Regarding the second member of the district council the complaint is that he requested a s106 agreement to be entered into when the matter was first considered by committee to control derelict farm buildings on the site. However these buildings were outside the application site and owned by a third party. However I considered that this was a legitimate concern, given that the state of the buildings did affect the visual amenity of the area, notwithstanding that they were not within the application site. Moreover it was recognised, on further investigation as to land ownerships, that a s106 agreement could not be requested in the particular circumstances and this was reported back to a subsequent planning committee where the application was approved.
- 2.4 The complainant is concerned that the referral of the matter to Planning Committee and subsequent deferral of the decision by the committee caused undue delay and resulted in her losing potential income from the business. However I cannot see any fault in the way in which the matter was dealt with and in any event there is no evidence of any code of conduct breach on the part of the 2 members of the district council referred to in the complaint.
- 2.5 The complainant also complains about the conduct of the Chairman of the Parish Council but does not provide any substantive evidence to support this.

2.6 She complains that no one from the parish council spoke to her about the application but that is a matter on which I have advised her to raise with the Parish Council and, in any event, they have no obligation to do so. Again this does not constitute a code of conduct breach.

2.7 The Independent Person was consulted so far as any Standards issues were concerned and supported the actions taken.

**3.0 RECOMMENDATION:**

**That the report be noted.**

Background Papers

Nil

For further information please contact Kirst Cole on Ext 5210.

Kirsty Cole  
Deputy Chief Executive & Monitoring Officer

**CODE OF CONDUCT COMPLAINT – SUTTON-ON-TRENT PARISH COUNCIL**

**1.0 Purpose of Report**

- 1.1 To advise Members of the Standards Committee the Code of Conduct complaint received in respect of members of Sutton on Trent Parish Council.

**2.0 Background**

- 2.1 A complaint has been received relating to members of Sutton on Trent Parish Council in relation to certain planning matters. After consultation with the Independent Person I resolved that a formal investigation should not be conducted but rather that correspondence be sent directly to one of the parish councillors concerned and to the parish clerk setting out the requirements of Sutton on Trent's Code of Conduct and the law generally relating to bias and predetermination and highlighting to the parish clerk procedural irregularities in the way that the meetings concerned had been conducted.
- 2.2 The complainant alleged that one of the members of the parish council had spoken and voted on a matter where he had either a disclosable pecuniary interest or a personal interest. He had not declared that interest.
- 2.3 The complainant's grounds for contending that he had a declarable interest were because he had been commissioned by the Village Hall Management Committee to design a new village hall. The clerk has confirmed that he did not receive any payment for this and that the Village Hall Management Committee is independent of the parish council although 3 members of the parish council are on the Village Hall Management Committee.
- 2.4 If the application to which the complainant referred had been approved this could have resulted in a s106 payment being made by the developer which could have been utilised towards the funding of the new village hall.
- 2.5 However the village hall itself fell outside the application site and was not therefore the matter which was being determined by the parish councillors. Moreover there was no evidence that the councillor concerned would benefit any more than any other member of the community if a financial contribution were to be forthcoming for the new village hall.
- 2.6 In the circumstances and in consultation with the Independent Person I concluded that the parish councillor concerned did not have a disclosable pecuniary interest and that, on balance, he did not have a personal interest within the meaning of the Localism Act 2011. However, it would clearly have been preferable in the circumstances had he not participated in discussion and voting on the matter.
- 2.7 On an entirely separate matter the complainant alleged that the same member, who was acting at the time as agent for an application for planning consent, declared to the meeting that he had a disclosable pecuniary interest and, whilst he did not vote, he spoke on the matter. Under the Code of Conduct adopted by Sutton on Trent Parish Council he should not have participated in the meeting.

- 2.8 After discussion with the Independent Person we resolved that, rather than undertaking a formal investigation, the best course of action was to advise the councillor concerned, in writing, of his obligations under the Code of Conduct and of the law relating to bias and predetermination. A copy of that letter was also sent to the parish clerk.
- 2.9 The complainant also complained that the Chairman of the parish council had held a “secret vote” on an application because it was a controversial application. He said that no vote had been taken on the decision to exclude the press and public. He also lodged a further complaint against all members of the parish council relating to their decision to hold a secret vote on a planning matter.
- 2.10 On investigation it emerged that the members of the parish council had voted using a card system rather than a show of hands so that a member of the public observing the meeting could not observe whether a member had voted for or against the planning application in question.
- 2.11 I advised the complainant that this constituted a procedural irregularity rather than a Code of Conduct breach but I have drawn to the attention of the parish clerk the fact that a vote cannot be held in this way and either a formal resolution must be moved, seconded and voted upon to exclude the press and public where it is deemed to be in the public interest to do so or alternatively voting must be in public by way of a show of hands.

### **3.0 RECOMMENDATION:**

**That the report be noted.**

#### Background Papers

Nil

For further information please contact Kirst Cole on Ext 5210.

Kirsty Cole  
Deputy Chief Executive & Monitoring Officer