

Standards Committee hearing – Case No. 16-10B&NES

Meeting date: Thursday 16<sup>th</sup> December 2010

Present : Sue Toland (Chair), Alun Morgan, Deborah Russell, Cllr Eleanor Jackson, Cllr Nigel Roberts. Cllr Brian Simmons, Cllr Axel Palmer, Cllr. Veronica Packham,

Apologies: Cyril Davies, Cllr Robert Butt.

Officers: Amanda Brookes, Shaine Lewis, Ann Swabey

#### 4. Declarations of Interest

Cllr Eleanor Jackson declared a personal interest in that the complainant in this case was a fellow member of the Labour Party and a personal friend.

#### 5. Urgent business

On a point of information, the Chair informed the meeting of the changes to the Standards regime that were being proposed by the government as part of the Localism Bill. It was noted however, that should these changes take place, the bill would not become law until late 2011. In the meantime, the Standards Committee would continue to operate under the current Local Standards Framework.

#### 6. Items from the public etc.

There were none

#### 7. Items from Councillors etc.

There were none

#### 8. Minutes of the meeting of 25<sup>th</sup> November 2010

- A. Public Minutes
- B. Exempt minutes

Following a proposal by Cllr Jackson, seconded by Cllr. Roberts, both the public and exempt minutes of the meeting of 25<sup>th</sup> November were agreed as a correct record and signed by the Chair.

#### 9. Dispensation – Combe Hay Parish Council.

The Corporate and Community Law Manager drew the Committee's attention to an error in Paragraph 4.3(c) of the report. It should be noted that the relevant date was

May 2007, not 2011. A further dispensation had been granted by the Standards Committee to six members of the Parish Council on 24<sup>th</sup> May 2007. If the Committee decided to grant the current application, the wording should be agreed as in May 2007.

The Committee had received an application for a dispensation by Councillor Frank Davis of Combe Hay Parish Council to enable him to speak on matters connected with the site of the former Fullers Earth works and surrounding fields, hillside and woodland. The Chair invited the Clerk to Combe Hay Parish Council, Mr Duppa-Miller, to inform the Committee of the reasons for the request for dispensation.

Mr Duppa-Miller explained that, of the present 7 members of the Parish Council, 5 have dispensation. Due to the nature of their occupations, many of the parish councillors had to send apologies for attendance at short notice. This caused meetings to be cancelled or postponed on a regular basis due to the fact that the agenda at meetings could typically involve up to 11 items relating to the Fullers Earth site and so it was difficult to attain quoracy. Therefore, in order for parish business not to be impeded, it was important that the dispensation for the latest member, Mr F Davis, was granted.

Following a proposal by Cllr Roberts, seconded by Cllr. Palmer, it was agreed to grant the dispensation to Cllr Frank Davis of Combe Hay Parish Council; the dispensation to run until the next parish elections in May 2011.

#### 10. Standards Committee Hearing Procedure

The Chair informed the meeting that the hearing would be conducted using this procedure.

#### 11. Consideration of an Investigating Officer's Report about Allegations of Breaches of the Code of Conduct by a Councillor

The Committee considered the factors for and against disclosure as contained in Appendix 1 to the report in order to determine whether the information contained in Appendix 2 should be exempt. Following discussions, the Chair put the issue to the vote. It was decided by a majority that the session be held in private and so the decision was taken to exclude the public.

After submissions from the Investigating Officer and the subject councillor and questions from the Committee, the Committee members withdrew to consider their decision.

The Committee re-convened and the Chair announced their findings as follows:

#### FINDINGS

The Standards Committee has considered the Investigating Officer's report and the discussion preceding these deliberations. It has concluded that on 22<sup>nd</sup> April 2010, Councillor Cray has breached Paragraph 4 (a) of the Code of Conduct by revealing the identity of the complainant who had been granted anonymity by the Standards Committee at their meeting on 30<sup>th</sup> March 2010.

### SANCTIONS

The subject councillor must apologise in writing to the Standards Committee.

He must also undertake training in the Code of Conduct; both actions to be undertaken within three months of the date of this hearing.

The Committee wishes the Monitoring Officer to report when the training has taken place to his satisfaction.

The Chair added that it would be timely to remind all councillors of their responsibility to observe confidentiality when required and asked that the Monitoring Officer examine that way that information about the Standards Committee decisions is disseminated.

She thanked everyone for their contributions.

The meeting closed at 6.48pm.