



Tribunals Service

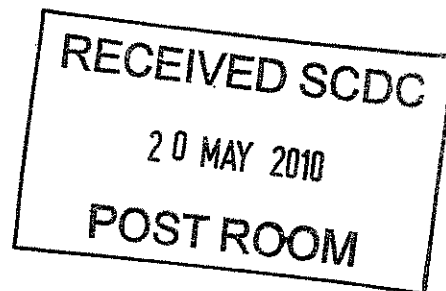
Local Government
Standards in England

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Our ref: LGS\2010\0506

Ms Fiona McMillan
Deputy Monitoring Officer
South Cambridgeshire District Council
Legal and Democratic Services
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

19 May 2010



Dear Ms McMillan

Refusal of application for permission to appeal

The Principal Judge of the First-tier Tribunal (Local Government Standards in England) has received an application from Councillor Norma Kay to appeal against the decision of South Cambridgeshire District Council Standard's Committee.

Pursuant to regulation 21(4) of the Standards Committee (England) Regulations 2008 the Principal Judge has not granted permission to appeal. The reasons for the decision are attached.

I would be most grateful if you could ensure that a copy of this letter is passed to the Chair of your Standards Committee.

Yours sincerely

Saira Aziz
For the Tribunal

Appeal ref no: **LGS\2010\0506**

Appellant: **Councillor Norma Kay of Waterbeach Parish Council**

Permission **Refused**

Sanction suspended? **No**

Factors behind decision to allow/refuse permission or suspend sanction

The Appellant appears to have misunderstood the role of the Standards Committee which was to consider whether *her* actions constituted a breach of the Code and not to adjudicate upon the rights and wrongs of the Parish Council's actions in removing access to a footpath. That the investigator officer had "deemed me guilty before the hearing" does not indicate any bias or unfairness on the part of the Standards Committee. It was for them to decide, taking account of the Investigating Officer's and the Appellant's contrary views whether she had failed to follow the Code of Conduct.

The solicitor of whom she is critical was not a member of the Hearings Sub Committee. Nor is the Investigating Officer.

That a member of that Committee knew three members of the Parish Council does not of itself mean that he should not have sat on the hearing of the particular matter. Given that these matters are dealt with locally such knowledge may at times be inevitable and, without more, falls short of amounting to real or apparent bias.

Having found her in breach of the Code it was not unreasonable for her to be censured.

Permission to appeal is not being given as I consider the appeal has no reasonable prospect of success.

Signed:



David Laverick
Principal Judge

Date:

19 May 2010

You can seek to appeal to the Upper Tribunal against the decision to refuse permission. The appeal must be on a point of law.

If you wish to appeal to the Upper Tribunal, you must first apply to the First-tier Tribunal (Local Government Standards in England) for permission to appeal. This must be done within 28 days of the date on which the Tribunal sent you their decision.

An application form for this is available on request or can be found on our website.