

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

19 January 2011

AUTHOR/S: Executive Director (Corporate Services) / Legal and Democratic Services Manager

LOCAL INVESTIGATIONS, HEARINGS AND REFERENCES MADE TO STANDARDS FOR ENGLAND

Purpose

1. To update members on local investigations and hearings, and a case which was referred to Standards for England (SfE) for investigation and has now been completed.
2. On 10 December 2008 the Standards Committee resolved that cases in which no breach of the Code of Conduct has been found or no further action is to be taken should be anonymised for the purposes of reporting back to the Committee and that only in cases where a breach has been found should the relevant member be identified to the Committee.

Recommendations

3. That the Standards Committee note the report.

Cases

4. **CORCOM 4099 (Hearing Panel, Determination Meeting, 10 September 2010)**
The outcome of this meeting was reported orally at the Standards Committee meeting on 15 September 2010 and is included here for completeness. The Hearing Panel found that, although the subject member had not taken part in a planning decision in which he had declared a personal interest, he had not withdrawn from the room in which the decision was being taken. As he had subsequently resigned from the Parish Council, the Panel was unable to require him to attend training, which would have been their preferred sanction, and had censured him. A recommendation had been made to Gamlingay Parish Council about the proper way to record in the minutes not only that interests had been declared, but also the nature of the interests and what action, if any, had been taken by the relevant councillor.
5. The cost to the authority was £1,044.07 for the investigation and £489.60 plus VAT for the public notice.
6. **CORCOM 4058 (Standards Committee Hearing Panel, Determination Meeting, 4 October 2010)**
The Local Assessment Panel referred this parish council case to the Monitoring Officer on 1 April 2010 for local investigation. The Investigating Officer's final report was issued on 15 July 2010 and the matters were referred to a public hearing on 4 October 2010.
7. The allegations were two Cottenham Parish Councillors had failed to declare personal and prejudicial interests in a planning application being considered by Cottenham Parish Council, for which both had written personal letters of support to the District Council's planning officer and which related to development in close

proximity to their properties, and that their alleged participation could have influenced other members of Cottenham Parish Council. The complainant further alleged that one councillor used or attempted to use his position as a member to secure an advantage for one of the applicants.

8. Both subject members had resigned from Cottenham Parish Council prior to the hearing, and were in attendance at the hearing. The Hearing Panel heard their representations and those of the Investigating Officer, and found that the subject members had failed to declare their interests and withdraw from the meeting room, but did not find any evidence to support the allegation that the one councillor had attempted to use his position improperly.
9. The Panel noted that both former Councillors had been hardworking members of the Parish Council who had served their community for many years but, since they had resigned from the Parish Council, the only sanction available to the panel was a formal censure. The Panel also made recommendations to Cottenham Parish Council to ensure that declarations of interest are fully made and minuted accurately, including any action taken in respect of a prejudicial interest, and the Legal and Democratic Services Manager undertook to provide training if so requested by the Parish Council, but no formal request has yet been received.
10. The cost to the authority was £4,139.47 for the investigation and £489.60 plus VAT for the public notice.
- CORCOM 4297 (Standards Committee Local Assessment Panel, 29 September 2010)**
11. This allegation, concerning a parish council, was received by the Monitoring Officer on 19 September 2010 and referred by the Local Assessment Panel for investigation. The Investigating Officer's final report was received on Wednesday 29 December 2010 and will be presented to a consideration meeting of the Hearing Panel on Wednesday 19 January 2011.

Background Papers: the following background papers were used in the preparation of this report:

Standards Committee Local Hearing Panel Decision Notices CORCOM 4058, 4099
Local Authorities (Code of Conduct) (Local Determination) Regulations 2003
Standards Committee (England) Regulations 2008
SCDC Constitution

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