



**MINUTES of
JOINT STANDARDS COMMITTEE
22 FEBRUARY 2018**

PRESENT

Chairman	Councillor Rev. A E J Shrimpton
Vice-Chairman	Councillor Mrs M E Thompson
Councillors	Mrs B F Acevedo, I E Dobson, M R Pearlman, J Anderson and S Nunn
Parish Councillors	J Anderson and S Nunn
Independent Person	N Hodgson

846. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

847. APOLOGIES FOR ABSENCE

There were none.

848. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 19 October 2017 be approved and confirmed.

849. DISCLOSURE OF INTEREST

Councillor Mrs B E Acevedo declared that in relation to Agenda Item 7 – Investigation into Alleged Contravention of the Members' Code of Conduct – she was one of the complainants and would not vote on this item. Furthermore, Councillor Acevedo advised that she would move to the public seating area of the Council Chamber for the duration of this agenda item.

On the same item, Councillor J Anderson declared in the interests of openness and transparency that he was Chairman of Southminster Parish Council and that the Clerk to Althorne Parish Council was also the Clerk to Southminster Parish Council.

Councillors S J Nunn, M R Pearlman, Mrs M E Thompson, I E Dobson and Rev. A E J Shrimpton all declared that they knew Councillor Mrs B E Acevedo, one of the complainants.

850. CONSTITUTIONAL AND OPERATING ARRANGEMENTS FOR THE JOINT STANDARDS COMMITTEE

The Committee considered the report of the Monitoring Officer seeking a further revision to the adopted summary of the Councillor Conduct Complaints Procedure as part of its constitutional documentation.

The Deputy Monitoring Officer advised the Committee that the amendments shown in red on the report were the amendments to the process that had already been agreed by the Council. These were to make clear the involvement of the Deputy Leader when the Councillor the subject of a complaint was the Leader of the Council.

RECOMMENDED:

That the further revision to the summary of the Councillor Conduct Complaints Process be adopted as part of the Council's constitutional documentation in place of the Complaints Process flowcharts.

851. UPDATE ON COMPLAINTS INFORMALLY RESOLVED UNDER STAGE 1 OF THE COMPLAINTS PROCEDURE

The Committee considered the report of the Monitoring Officer, the purpose of which was to update the Committee on complaints that had been informally resolved since the last meeting.

RESOLVED:

That the information on the complaint dealt with under stage 1 of the complaints procedure was noted.

852. INVESTIGATION INTO ALLEGED CONTRAVENTION OF THE MEMBERS' CODE OF CONDUCT

The Committee considered the report of the Monitoring Officer, the purpose of which was to consider a complaint against Councillor Paul Burgess, Chairman of Althorne Parish Council, under the Code of Conduct for Members. It was noted that consideration of this matter would be in the form of a hearing under stage 2 of the Conduct Complaints Process, the Monitoring Officer having carried out an investigation. Present at the meeting for this purpose were Councillor Paul Burgess and the Mrs J Jeffrey, Parish Clerk for Althorne.

Councillor Mrs B E Acevedo moved to the public seating area of the Council Chamber at this point in the meeting.

In response to a question, the Deputy Monitoring Officer advised that this item was not being considered as a private and confidential matter as although it contained personal data and the identity of an individual, it did not satisfy the public interest test, as the need for privacy did not outweigh the need for the public to know about this matter.

Furthermore, the Government considered that as far as possible allegations regarding a Councillor's conduct should be heard in public session.

The Chairman invited those present to introduce themselves, following which the Deputy Monitoring Officer then presented his report to the Committee highlighting that both complainants had made both allegations referred to in the Appendix to the report. In summary, these were that District Councillors Brian Beale MBE and Beverley Acevedo made separate complaints on 8 December 2017 about Parish Councillor Paul Burgess, the Chairman of Althorne Parish Council. The complaints are in essence the same:

1. That Councillor Burgess spoke at the South Eastern Area Planning Committee of Maldon District Council on the 6 November and 4 December 2017 by holding himself out as having authority to represent Althorne Parish Council when he did not have that authority;
2. That Councillor Burgess spoke on both occasions making presentations that went beyond the reasons given by the Parish Council.

The Deputy Monitoring Officer was satisfied (paragraph 28 of the Appendix to the report) that Councillor Burgess did not have authority from Althorne Parish Council and wrongly held himself out as having that authority at both of the meetings of the South Eastern Area Planning Committee on 6 November 2017 and 4 December 2017. The Deputy Monitoring Officer was of the view (paragraph 31 of the Appendix to the report) that Councillor Burgess went beyond the single reason of objection by Althorne Parish Council, but that he believed for good reason that sustainability was part of the reasons for objection.

The Deputy Monitoring Officer advised the Committee that the question to answer was whether there had been a breach of the Code of Conduct by Councillor Burgess, rather than just whether the allegations had been established.

The Deputy Monitoring Officer clarified that the Parish Clerk had made it clear that she was not acting on the advice of Councillor Beale with regard to Cllr Burgess requiring authority from the Parish Council before representing its views to the South Eastern Area Planning Committee. She was an experienced Clerk and had formed her own opinion and given advice of her own volition.

Councillor Burgess then addressed the Committee and protested that there were details of the complaint published in the Maldon and Burnham Standard and he was of the opinion that this was prejudicial.

Councillor Burgess unequivocally denied both complaints and was of the opinion that no evidence had been provided by the Deputy Monitoring Officer and, therefore, there was no case to answer. Councillor Burgess maintained that he believed he did have authority to represent Althorne Parish Council by virtue of his role as Chairman.

Following this, concern was raised by Members that it was difficult for the Committee to make an informed decision on this matter during this meeting, as the information provided by Councillor Burgess was new and needed to be absorbed by Members.

Councillor Burgess continued with his statement and asserted that he did have authority and that there was no proof that he did not have such authority.

Councillor Burgess was asked why he had originally planned to speak as an individual at the 4 December 2017 meeting of the South Eastern Area Planning Committee before changing his mind and speaking on behalf of Althorne Parish Council and, in response, Councillor Burgess advised that the Committee Clerk at the meeting told him that he could speak as a private individual if he had made a written representation. Councillor Burgess told the Committee Clerk that he had previously spoken as the Chairman of Althorne Parish Council. There were no representations from Althorne Parish Council on the Agenda, although these were on the Members' Update available at the meeting. As the Parish Council had made an objection Councillor Burgess considered that he had the authority to speak to that objection, as he had done at the 6 November 2017 meeting.

Members of the Committee asked further questions of Councillor Burgess and he responded as follows:

- He had no pecuniary interest whatsoever in the planning application;
- The planning application had no detrimental effect on his lifestyle whatsoever;
- He could not be sure whether authority for his attendance to speak at the South Eastern Area Planning Committee was recorded in the Minutes of Althorne Parish Council and could not explain why he did not ensure the accuracy of those Minutes.

The Chairman adjourned the meeting at 20:12.

The meeting reconvened at 20:36.

The Committee decided to accept the recommendations of the Deputy Monitoring Officer as follows:

RESOLVED:

- (i) That the Committee finds that Councillor Paul Burgess had breached the Councillor Code of Conduct for Althorne Parish Council by acting in a way likely to bring his office as Chairman of the Parish Council into disrepute;
- (ii) That Althorne Parish Council is recommended to establish a procedure or protocol as to when its Chairman may attend the South Eastern Area Planning Committee to represent Althorne Parish Council.
- (iii) That it is also recommended to the Parish Council that Councillor Burgess undergoes training to understand better the role of Chairman of Althorne Parish Council.

There being no further items of business the Chairman closed the meeting at 8.37 pm.

REV. A E J SHRIMPTON
CHAIRMAN