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HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

13 February 2019

Dear Councillor

You are summoned to attend the meeting of the;

JOINT STANDARDS COMMITTEE

on **THURSDAY 21 FEBRUARY 2019** at 7.30 pm.

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully



Head of Paid Service

COMMITTEE MEMBERSHIP

COUNCILLORS	Mrs B F Acevedo E L Bamford I E Dobson Rev. A E J Shrimpton Mrs M E Thompson Anderson Nunn
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Parish Councillors:	Councillors J Anderson and S Nunn
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AGENDA
JOINT STANDARDS COMMITTEE
THURSDAY 21 FEBRUARY 2019

1. **Appointment of Chairman and Vice-Chairman**

To appoint a Chairman and Vice-Chairman of the Committee for the remainder of the municipal year.

2. **Chairman's notices (please see overleaf)**

3. **Apologies for Absence**

4. **Minutes of the previous meetings held on the 22 February 2018 and the 10 April 2018** (Pages 5 - 12)

To confirm the Minutes of the meetings of the Committees held on 22 February 2018 and 10 April 2018, respectively (copies enclosed).

5. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

6. **Agreement of an Allowance for the Independent Person** (Pages 13 - 14)

To consider the report of the Monitoring Officer (copy enclosed).

7. **Any other items of business that the Chairman of the Committee decides are urgent**

8. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

9. **Update on Complaints made under the Members Code of Conduct** (Pages 15 - 16)

To consider the report of the Monitoring Officer (copy enclosed).

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

This meeting is being monitored and recorded by CCTV.



**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



**MINUTES of
JOINT STANDARDS COMMITTEE
10 APRIL 2018**

PRESENT

Chairman	Councillor Rev. A E J Shrimpton
Vice-Chairman	Councillor Mrs M E Thompson
Councillors	I E Dobson and M R Pearlman
Parish Councillors	Councillors J Anderson and S Nunn

986. CHAIRMAN'S NOTICES

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

987. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs B Acevedo.

988. DISCLOSURE OF INTEREST

Councillor Dobson disclosed a non-peculiarly interest in Agenda Item 5 – Investigation into Alleged Contravention of the Members' Code of Conduct as an ex-member of Heybridge Parish Council, and knew a lot of the people mentioned in the officers report.

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

The Committee considered the report of the Deputy Monitoring Officer seeking consideration of his investigation (Appendix A to the report) following a complaint made against Parish Councillor Professor Lew Schnurr (of Heybridge Parish Council) regarding the Code of Conduct for Members.

The Deputy Monitoring Officer drew the attention of Members to paragraph 34, line six of Appendix A, which read "I am of the view that disrepute is a stronger threshold to cross..." and advised that the word stronger should be replaced with higher.

Following the reports publication, the Deputy Monitoring Officer advised members of the following:

- Receipt of letters from Councillor Schnurr addressed to Councillor Benson, the Chairman of Heybridge Parish Council, and the Clerk of Heybridge Parish

Council. The letters apologised for what happened on the night of 18 January 2018 and any distress that was caused. The Deputy Monitoring Officer informed the Committee that the letters were considered to be a full, frank, and honest apology.

- A document had been circulated by Councillor Benson to members which stated he was not party to any attempt to oust or victimise Councillor Schnurr. This had also been mentioned in Councillor Schnurr's interview with the Deputy Monitoring Officer as part of this investigation.

There were no questions raised for the Deputy Monitoring Officer by the Committee.

Councillor Schnurr read out a statement of apology, during which he apologised for the outburst on 18 January 2018, and how he had since made a subsequent positive contribution towards Heybridge Parish Council.

There were no questions raised for Councillor Schnurr by the Committee.

990. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting of the Joint Standards Committee be adjourned at 6:09pm for Members to consider the complaint.

991. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resumed in open session at 6:30pm.

992. INVESTIGATION INTO ALLEGED CONTRAVENTION OF THE MEMBERS' CODE OF CONDUCT CONTINUED

The Committee made the following decisions:

RESOLVED

- (i) that a notice of the findings of this Committee be published on Heybridge Parish Councils website for six months;
- (ii) that Heybridge Parish Council publishes a notice in the Local Newspaper advising of the findings of this Committee.
- (iii) that Heybridge Parish Council be recommended to limit Councillor Professor Lew Schnurr's involvement at meetings, and his representation of the Council, by his removal from Committees for a period of six months;
- (iv) that Councillor Schnurr should be prevented from formally representing the Parish Council until a change in attitude was shown.
- (v) that Councillor Schnurr provide a full, and frank all apology at the next Full Council Meeting of Heybridge Parish Council.

Heybridge Parish Council was advised by the Chairman that they had the ability to amend, change, or adhere the Committees decisions. The Chairman informed Heybridge Parish Council that they were to notify the Council of what their final decision was.

There being no further items of business the Chairman closed the meeting at 6.33 pm.

REV. A E J SHRIMPTON
CHAIRMAN

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REPORT of MONITORING OFFICER

**to
JOINT STANDARDS COMMITTEE
21 FEBRUARY 2019**

AGREEMENT OF AN ALLOWANCE FOR THE INDEPENDENT PERSON

1. PURPOSE OF THE REPORT

- 1.1 To consider increasing the allowance of the Independent Person.

2. RECOMMENDATION

That the annual allowance is increased to 20% of the Members Basic Allowance to be paid monthly starting from May 2019, as the beginning of the new municipal year, as a replacement for the existing allowance and reimbursement of internet costs.

3. SUMMARY OF KEY ISSUES

- 3.1 The Independent Person, presently Mr Norman Hodson, receives an annual allowance of £500 plus £219.96 for reimbursement of internet costs. The total annual figure is £719.96.
- 3.2 The Independent Person has responsibility to advise Members on any ethical issues and be available for advice whenever an investigation is taking place into the conduct of any member, whether at district or parish levels. Furthermore as part of the Council's complaint procedure he must be consulted on how to take complaints forward. This has involved reading detailed information about the complaint and at times meeting with the Monitoring Officer, Simon Quelch. Finally the Independent Person is expected to attend meetings of this Committee and be available for advice.
- 3.3 In the view of the Monitoring Officer the present allowance does not reflect the time allocated by the Independent Person to these duties. Although an assessment of time taken cannot be precise it is estimated that about 20% of the time expected to be given by a member would be reasonable.
- 3.4 The recommended increase amounts to £966 and ensures that the allowance is linked to the increases given to Members rather than being a fixed sum and so avoids regular reviews by this Committee.

4. CONCLUSION

- 4.1 The Monitoring Officer is of the opinion that an increase in allowance is justified based on the time dedicated to the role and the value of the advice provided, particularly to the Monitoring Officer.

5. IMPACT ON CORPORATE GOALS

- 5.1 None.

6. IMPLICATIONS

- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – An increase to the public purse of £246.04.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Simon Quelch, Monitoring Officer, (Tel: 01621 875870).

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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