



Cllr. Mark S. HEARD
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Essex
CM96JH

Independent District Councillor
Maldon West

Date:, 10 August 2017

To: Ms Fiona MARSHALL
Chief Executive
Maldon District Council

Dear Fiona,

I have recently been advised by the Deputy Monitoring Officer - Wendy MORSE that as an employee of Essex Police, I may have an 'Other Pecuniary Interest' in respect of any Police/Council business because of a public perception that I cannot detach myself from Public Service and my employment, this impacts upon my ability to attend meetings of The Overview & Scrutiny Committee acting as The Crime and Disorder Committee.

This perception appears to be based upon the fact that I am employed by The Chief Constable of Essex as a civilian auditor and that I receive a Police Pension from Essex County Council. It would seem that this affects my participation in any business that **directly** impacts on that interest.

The Localism Act 2011 provides for the Council to grant dispensations in limited circumstances to enable Members to participate and vote on matters in which they have Disclosable Pecuniary Interests. The relevant section and wording in respect of granting a dispensation of the Act is as follows:

Section 33(2)

A relevant authority may grant a dispensation under this section only if, after having regard to all the circumstances, the authority –

(a) - Considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) - Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) - Considers that granting the dispensation is in the interests of persons living in the authority's area,

(d) - If it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or

(e) – Considers that it is otherwise appropriate to grant a dispensation.

Firstly I cannot agree that receiving a Police pension having been a serving Essex Police Officer from 1978 to 2008 **directly impacts** any business of Maldon District Council as it is very unlikely to discuss anything affecting police pensions - if it did of course I would have no hesitation in openly declaring a pecuniary interest and leaving the debate.

I now move to my current employment status as a Police employee. My daily work as an Auditor does not touch upon any financial matters whatsoever and I focus on historical data looking at the performance and actions of individual officers and the quality of investigations to ensure compliance with procedures and policies and to make sure that any unreported crimes are correctly recorded. I am not in any managerial or influential position which would change these procedures and I report directly to managers who consider what (if any) action to take in order to facilitate continuous improvements.

I do ,however,recognise the need to maintain public confidence in the conduct of the Council's business and have always been mindful to address the public perception element and it is clear from my track record that I have always acted in the interests of the public and far from favouring the Police - I have often been critical where Maldon's performance or police presence is found to be lacking. This can be evidenced in the recent decision for the police to move into the Council Offices which I still believe will be a mistake and I remain concerned about problems with access, facilities and police visibility. I am well aware that both The Council and The Police and Crime Commissioner want this to happen, yet the public do not and I have been very vocal on this issue.

As an employee of Essex Police and a practitioner with 39 years' experience in the policing arena, I feel that I would be most qualified to comment upon issues that will balance or contribute positively to the possible outcome of a proposed vote and also to be present where a professional view exists to facilitate the need for efficient and effective conduct of the Council's business and it is for this reason that I ask for a dispensation under Section 33(2)(c)

To seek such a dispensation, I have been advised to make this request to yourself as Chief Executive. I understand that the matter will then need to be referred to the Joint Standards Committee, which has delegated power from the Council in its terms of reference, to consider and grant dispensations. I would welcome this opportunity to put my case verbally and if necessary I am prepared to appear before the Joint Standards Committee to further evidence both my impartiality to the police and my commitment to the people of Maldon.

Yours Sincerely
Mark S HEARD
Councillor Maldon West