



# AGENDA

**NOTE: In the case of non-members, this agenda is for information only**

- Committee** - **STANDARDS COMMITTEE**
- Date & Time** - TUESDAY, 4 MARCH, 2008 AT 2.15 pm
- Venue** - NORFOLK ROOM, CONFERENCE SUITE,  
ELIZABETH HOUSE, WALPOLE LOKE,  
DEREHAM

**Members of the Committee requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting. If the information requested is available, this will be provided, and reported to Committee.**

## Committee Members

Mr. M. Eveling JP ( <i>Independent</i> )	Mr. B. Rayner ( <i>Parish</i> )
Mrs. J. Jenkins ( <i>Independent</i> )	Mr. F. Sharpe ( <i>Breckland</i> )
Mr. D. Myers ( <i>Breckland</i> )	Mr. M. Whittley ( <i>Parish</i> )
Mrs. M. Oechsle JP ( <i>Parish</i> )	Mr. D. Williams JP ( <i>Breckland</i> )( <i>Chairman</i> )

**Persons attending the meeting are requested to turn off mobile telephones**

Committee Services  
Elizabeth House, Walpole Loke,  
Dereham Norfolk, NR19 1EE

Date: Friday, 22 February 2008

**PART A**  
**ITEMS OPEN TO THE PUBLIC**

	<u>Page(s)</u> <u>herewith</u>
<b>1. <u>MINUTES</u></b>  To confirm the minutes of the meeting held on 22 January 2008.	1 - 3
<b>2. <u>APOLOGIES</u></b>  To receive apologies for absence.	
<b>3. <u>URGENT BUSINESS</u></b>  To note whether the Chairman proposes to accept any item as urgent business pursuant to Section 100(B)(4)(b) of the Local Government Act 1972.	
<b>4. <u>DECLARATION OF INTEREST</u></b>  Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Members' Code of Conduct requires that declarations include the nature of the interest and whether it is a personal or prejudicial interest.	
<b>5. <u>NON-MEMBERS WISHING TO ADDRESS THE MEETING</u></b>  To note the names of any non-members wishing to address the meeting.	
<b>6. <u>CHAIRMAN'S ANNOUNCEMENTS (IF ANY)</u></b>	
<b>7. <u>APPLICATION FOR DISPENSATION - BAWDESWELL PARISH COUNCIL</u></b>  Report of the Deputy Chief Executive.	4 - 9
<b>8. <u>STANDARDS COMPLAINTS: LOCAL FILTER: TERMS OF REFERENCE OF COMMITTEE</u></b>  The new draft Regulations are not, at the time of writing, available, but it is expected that they will grant the new powers and duties directly to the Standards Committee or to Sub Committees of that Committee. Whether or not this proves to be the case, it is recommended that a new provision should be inserted into the Committee's Terms of Reference to cover the situation in the words below:  13. (Minor amended wording)  "To hear any formal complaints against members (including parish	

councillors) which are not within the scope of the Code of Conduct and to make recommendations to full Council or to the relevant Town/Parish Council where appropriate.

14. To deal with any assessments, reviews, hearings or other matters relating to complaints under the Member's Code of Conduct in accordance with legislation."

If approved, this will be a recommendation to Council.

**9. ORDERS AND REGULATIONS RELATING TO THE CONDUCT OF LOCAL AUTHORITY MEMBERS IN ENGLAND - UPDATE**

Details are awaited on the Regulations and Guidance on the new standards committee powers as provided for under Part 10 of the Local Government and Public Involvement in Health Act 2007. An update will be given at the meeting.

**10. STANDARDS BOARD FOR ENGLAND: INVESTIGATION REPORT - COUNCILLOR B. WYKES: WATTON TOWN COUNCIL**

10 - 11

To note the attached summary report from the Standards Board for England.

**11. APPOINTMENT OF ADDITIONAL INDEPENDENT MEMBER**

On 17 January 2008, Council increased the Standards Committee membership, with effect from 21 February, to nine members, being 3 Breckland members, 3 Parish members and 3 independent lay members. There is one remaining independent lay member appointment to be made.

When prospective lay members were interviewed by this Committee on 17 April, 2007, one applicant was noted as a possible reserve: Mr George Ridgway of Attleborough. Mr Ridgway has recently indicated that he is still interested in the position, and his Application Form is appended as an Exempt item in Part B (agenda item 13 refers).

After discussion with the Chairman of this Committee, it is recommended that this Committee recommends to Council that Mr G Ridgway is appointed as the third independent lay member of the Committee.

**12. NEXT MEETING**

To note the date of the next meeting on 15 April 2008 at 2.15pm in the Norfolk Room, Conference Suite, Elizabeth House, Dereham.

**13. EXCLUSION OF PRESS AND PUBLIC**

To consider passing the following resolution:

"That under Section 100(A)(4) of the Local Government Act 1972 the Press and public be excluded from the meeting for the following item of business on

the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act.”

Page(s)  
herewith

**PART B -**  
**ITEMS FROM WHICH THE PRESS AND PUBLIC ARE EXCLUDED**

14. **APPOINTMENT OF ADDITIONAL INDEPENDENT MEMBER**

12 - 13

Appendix to agenda item 10 above.



**Action By**

The appeal was to be heard on 13 March 2008 and the Adjudication Panel had invited the Council to say whether it wished to make any written representations or to attend the appeal to make oral representations.

It was noted that the period of suspension would have ended by the date of the appeal hearing.

The Committee had regard to the fact that the Town Clerk had been present at the hearing and that Mr. McCarthy had not questioned her on the issue of advice given to him and he had made no reference to this advice in his submission given at the hearing, unlike his wife.

The point was made that Mr. McCarthy had clearly accepted that he had had a prejudicial interest in the matter concerned which was the subject of the complaint. It was reasonable to think that he would have raised the point about receiving advice from the Town Clerk at the hearing.

Regardless of the claim now made, Members considered they had rightly concluded at the hearing that there had been quite a blatant breach of the Code of Conduct and that the decision to suspend Mr. McCarthy accorded with the seriousness of the breach.

The Committee concurred that it should make written representations to the Adjudication Panel and accordingly

**RESOLVED** that the Standards Consultant make representations to the Adjudication Panel for England on the Committee's behalf to the effect that while noting the comments now made by Mr. McCarthy that he had acted on the advice given by the Town Clerk, these had not been made at the hearing and that the hearing had been carried out with due diligence on the evidence given at that time and the Committee's decision was based on a clear breach of the Code.

John Chinnery

**3/08 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

The following Substitute Members were present:

- Mr. J.P. Labouchere
- Mr. M. Eveling
- Mr. B. Rayner

**4/08 ORDERS AND REGULATIONS RELATING TO THE CONDUCT OF LOCAL AUTHORITY MEMBERS IN ENGLAND - CONSULTATION (AGENDA ITEM 7)**

Consideration was given to the consultation paper from the Department for Communities and Local Government on the new standards committee powers as provided for under Part 10 of the Local Government and Public Involvement in Health Act 2007.

Responses to the consultation were required to be submitted by 15 February 2008.

**RESOLVED** that the Committee's response to the consultation be as set out in the appendix to these minutes and submitted to the Department for Communities and Local Government.

**5/08 NEXT MEETING**

Arrangements for the next meeting on 4 March 2008 were noted.

**Action By**

**John Chinnery**

The meeting closed at 4.05 pm

CHAIRMAN

**BRECKLAND COUNCIL**

**STANDARDS COMMITTEE – 4 MARCH, 2008**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE**  
**(Author: Susan Allen – Standards Officer)**

**APPLICATION FOR DISPENSATION – BAWDESWELL PARISH COUNCIL**

**Summary:** The Committee is asked to consider an application for a dispensation from Bawdeswell Parish Council.

**1. INTRODUCTION/BACKGROUND**

- 1.1 Regulations came into force on 18<sup>th</sup> March, 2002 entitled The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 (S.I. 2002 No. 339).
- 1.2 These Regulations prescribe the circumstances in which the Standards Committee may grant dispensations to Breckland members and parish and town councillors in the Breckland area. If a member acts in accordance with the grant of such a dispensation, any participation in business prohibited by the mandatory provisions of the Model Codes of Conduct is not a failure to comply with the authority's Code. These Regulations refer to the circumstance where a member, or more usually a number of members, finds they are in a position where they have to declare a prejudicial interest under the Code of Conduct and leave the room. In the circumstances described in the Regulations, those members might be able to obtain a dispensation (i.e. permission) from a Standards Committee to stay in the meeting after declaring the interest and either just speak, or speak and vote according to any dispensation granted.
- 1.3 The Regulations state that the Standards Committee can only grant dispensations in two circumstances:
  - a) if more than half of the members entitled or required to participate in the business of the authority would not otherwise be able to, or
  - b) the authority would not be able to comply with political balance principles.

**2. KEY DECISION**

- 2.1 This is not a key decision.

**3. COUNCIL PRIORITIES**

- 3.1 The matter raised in this report falls within the following Council priorities:
  - A well planned place to live which encourages vibrant communities

**4. APPLICATION FOR DISPENSATION**

- 4.1 Bawdeswell Parish Council consists of seven councillors.
- 4.2 The Clerk to the Parish Council has sent a letter and plans, see appendix attached, requesting a dispensation in respect of Former Highway Surveyors Land in Bawdeswell.

- 4.3 The seven parish councillors, namely Carl Beane, David Cockburn, Mark Hipperson,, James Lilwall, John Mallen, William Mason and David Shannon, are all trustees of the Former Highway Surveyors Land and as such would have to declare an interest.
- 4.4 As the councillors would be required to declare both a personal and prejudicial interest and leave the room when any matters concerning the Former Highway Surveyors Land were before the parish council, it is necessary for a dispensation to be requested.

**5. OPTIONS AVAILABLE**

- 5.1 To grant a dispensation to Bawdeswell Parish Council.
- 5.2 To refuse to grant a dispensation to Bawdeswell Parish Council.

**6. REASONS FOR RECOMMENDATION(S)**

- 6.1 To ensure the smooth running of Bawdeswell Parish Council in connection with the Former Highway Surveyors Land.

**7. RISK**

- 7.1 This report does not require a risk assessment because the issue covered by the recommendation is not significant in terms of risk.

**8. RECOMMENDATION**

- 8.1 It is recommended that the Committee grants a dispensation until the end of May 2011 to the named parish councillors of Bawdeswell Parish Council to allow them to speak and vote on any matters relating to the Former Highway Surveyors Land.

Attached: letter and plans received from the Clerk to Bawdeswell Parish Council

<p>Where appropriate, this report has taken account of the need for compliance with</p> <ul style="list-style-type: none"><li>▪ The Council's Equal Opportunities Policies</li><li>▪ Section 17, Crime &amp; Disorder Act 1998</li><li>▪ Human Rights Act 1998</li><li>▪ Section 40, Natural Environment and Rural Communities Act 2006</li></ul>
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BAWDESWELL  
PARISH COUNCIL

6 Hall Road  
Bawdeswell  
Dereham  
Norfolk  
NR20 4SQ  
Tel: 01362 688234

Mrs. S. Allen  
Standards Officer  
Breckland Council  
Elizabeth House  
Walpole Loke  
Dereham  
NR19 12EE

23 JAN 2008

23rd January 2008.

Dear Mrs. Allen,

Re: Allotment to former Highway Surveyors Land, Bawdeswell

Bawdeswell Parish Council is the Trustee for the following pieces of land (maps attached):

1. 2 acres or thereabouts being part of the land known as Bawdeswell Heath
2. Land containing 32 perches or thereabouts having a frontage on the west to Dereham Road (Adams Pit)
3. Land containing 2 roods or thereabout having a frontage on the north to Reepham Road being the land numbered 0132 on the Ordnance Survey map (1977 edition)

Bawdeswell Parish Councillors are:

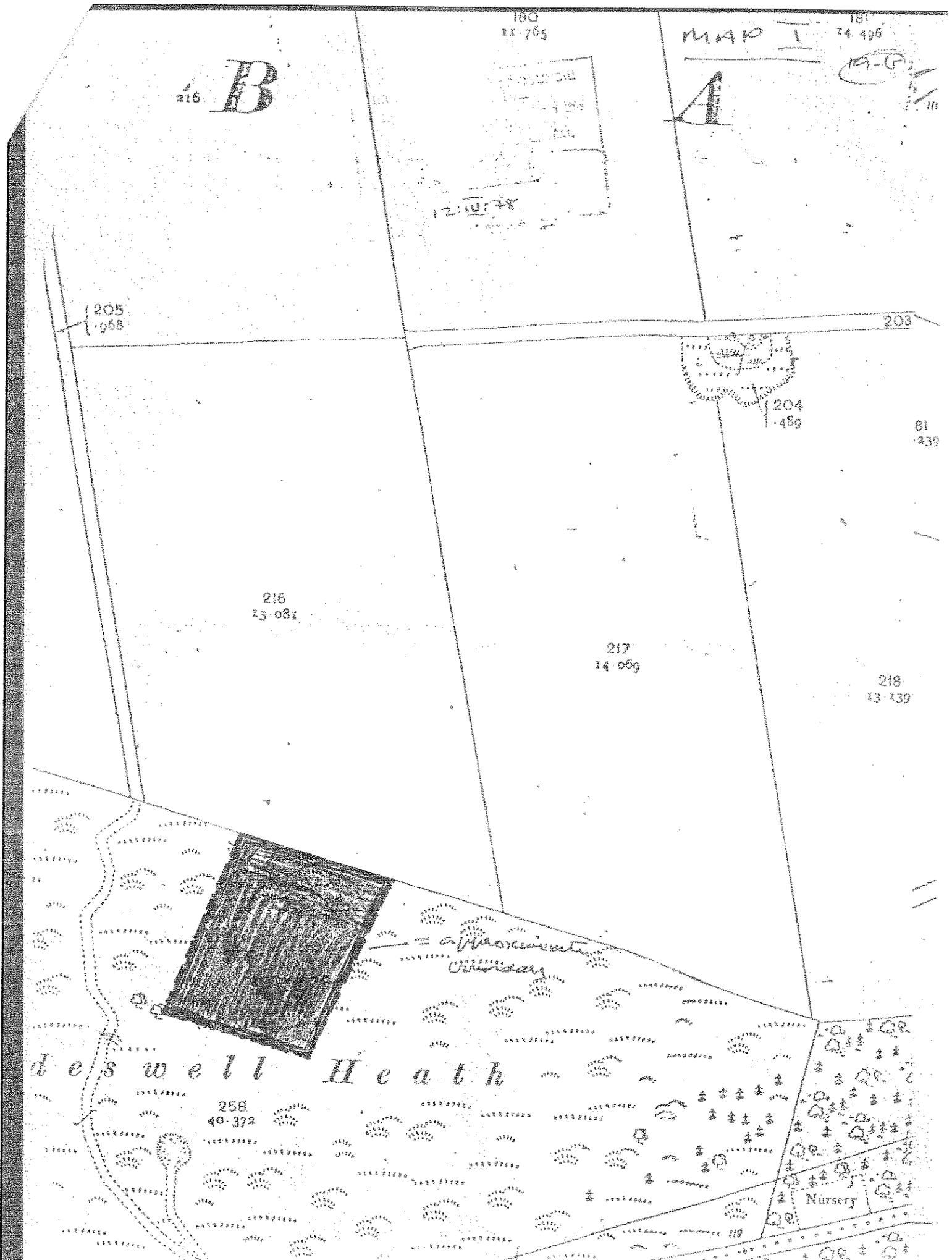
Mr. John Mallen (Chairman)	Mr. David Shannon (Vice Chairman)
Mr. J. Lilwall	Mr. M. Hipperson
Mr. D. Cockburn	Mr. C. Beane
Mr. W. Mason	

I have written to the Charity Commission regarding the rules governing this Charity and Bawdeswell Parish Councillors would now like dispensation so that the matter can be taken further.

Yours sincerely

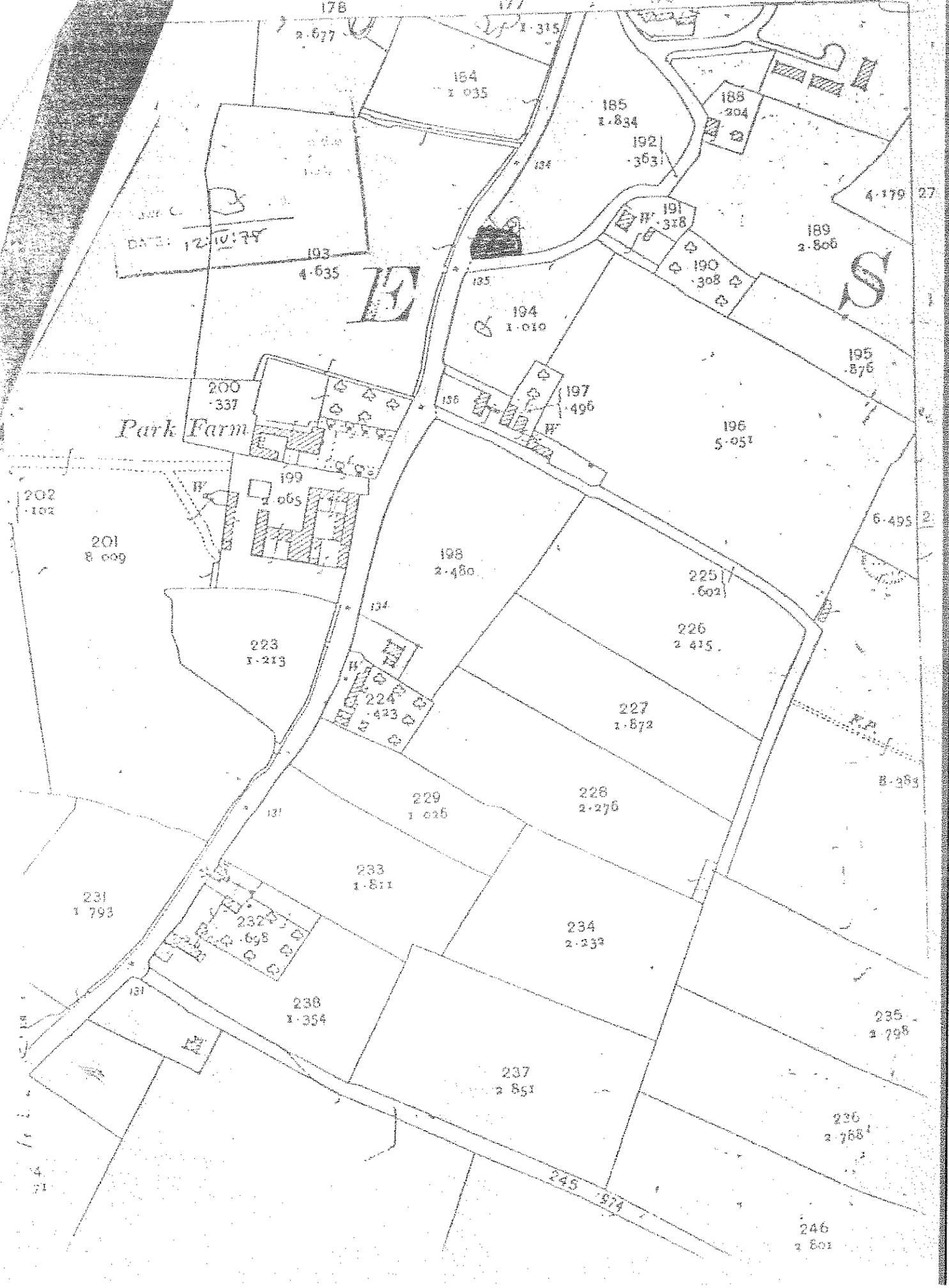
  
D.M. Riseborough (Mrs)  
Parish Clerk

i) 2 acres Bowdeswell Heath

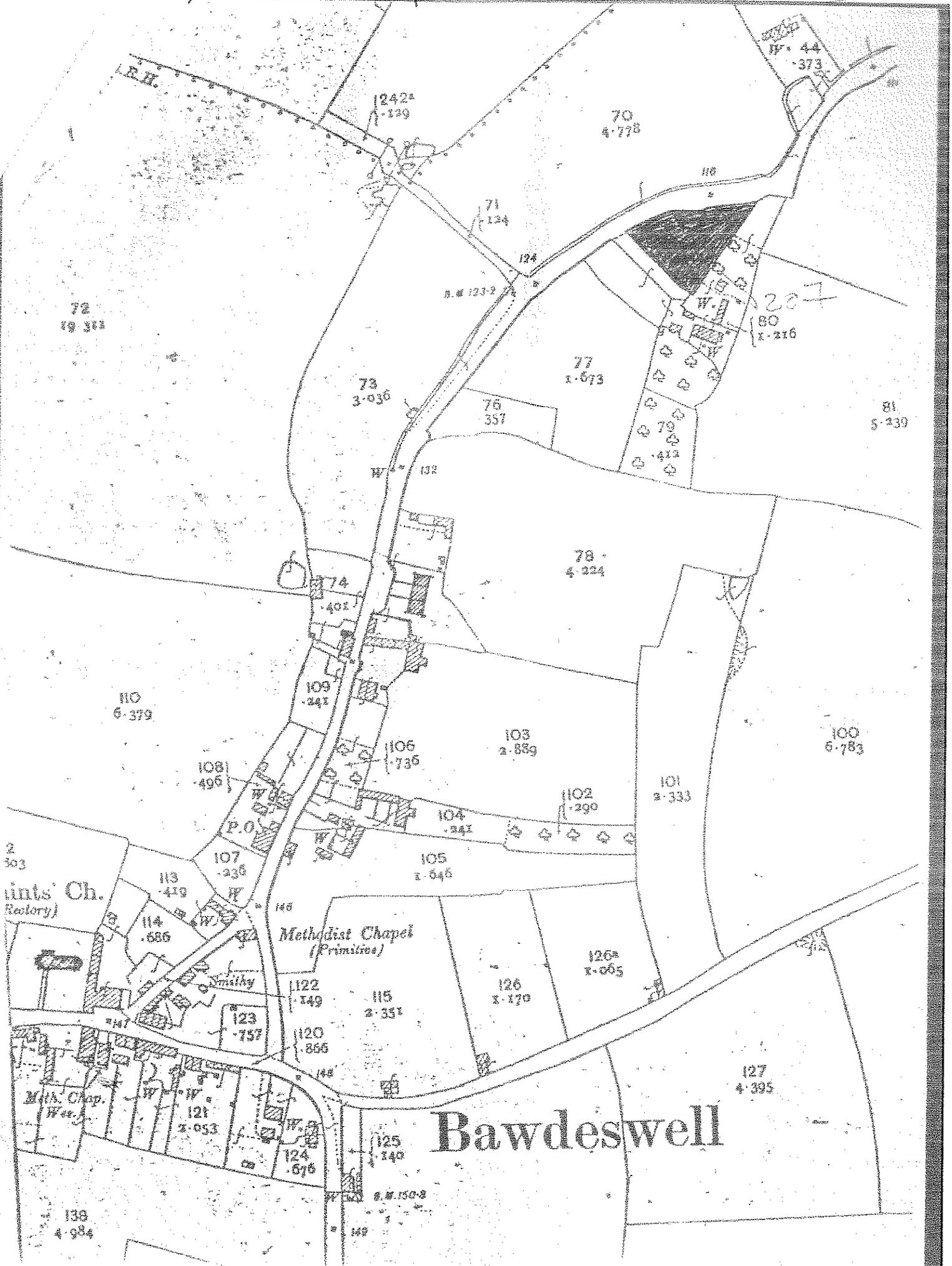


Bawdeswell

MAP II



3) 2 roads - Resphan Rd



# Bawdeswell

## Case summary

Fourth Floor, Griffin House  
40 Lever Street  
Manchester M1 1BB

Enquiries: 0161 817 5300  
Fax: 0161 817 5499

[enquiries@standardsboard.co.uk](mailto:enquiries@standardsboard.co.uk)  
[www.standardsboard.co.uk](http://www.standardsboard.co.uk)

<b>SBE case number</b>	SBE19291.07
<b>member</b>	Councillor Bryan Wykes
<b>authority</b>	Watton Town Council
<b>allegation</b>	The member failed to treat others with respect, disclosed confidential information, brought their office or authority into disrepute and misused the authority's resources.
<b>date received</b>	3 August 2007
<b>date completed</b>	31 January 2007
<b>SBE outcome</b>	The ethical standards officer considered that in the circumstances of this case, no action needs to be taken.

### Summary

The complainant alleged that Councillor Wykes had failed to comply with several of the requirements of the Code of Conduct in relation to the contents of a package of documents he produced and the manner in which he distributed it.

The ethical standards officer concluded that the package contained a single piece of confidential information and that Councillor Wykes had failed to comply with the Code in this respect by disclosing it.

While the ethical standards officer had concerns about the care Councillor Wykes had taken in distributing the package, she did not consider that he had failed to comply with any other requirements of the Code.

The ethical standards officer considered no further action to be necessary.

**relevant paragraphs of the Code of Conduct**

The allegations in this case relate to Paragraphs 2(b), 3(a), 4 and 5(b) of the Code of Conduct. Paragraph 2(b) states that a member must "treat others with respect". The allegation in this case relates to Paragraph 3(a) of the Code of Conduct. Paragraph 3(a) states that "a member must not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so". Paragraph 4 states that "a member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute". The allegation in this case relates to Paragraph 5(b) of the Code of Conduct. Paragraph 5(b) states that a member "must, when using or authorising the use by others of the resources of the authority – (i) act in accordance with the authority's requirements.

**recommendations**

**Ends.**

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

Agenda Item 14

Document is Restricted