

Standards Committee



Date	13 September 2007
Venue	Town Hall, St Annes
Committee members	Mr DDE Birchall (Chairman) Councillors Brenda Ackers, Paul Hayhurst, Howard Henshaw A D K (Malaysia), Kevin Eastham, Mr A Marsh, Mr W Twist.
Others	A.D. Clayton, A. Sharples, I. Mowbray, D. Ogden, A. Whitby, G. Dixon, L. Nulty, R. Nulty.
Officers	Ian Curtis, Clare Holmes, Peter Welsh, Hazel Wood

1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

2. Substitute members

There were no substitute members.

3. Local Authority (Code of Conduct) (Local Determination) Regulations 2005: Complaint against Councillor Allan Clayton

The committee considered a report by Clare Holmes, (deputy monitoring officer), concerning an allegation that Councillor Clayton of Medlar-with-Wesham Town Council had failed to comply with the code of conduct which applied to members of that council.

The committee considered the report of Clare Holmes (deputy monitoring officer) and the written submission of Councillor Clayton and his representative, Richard Nulty, addressed the committee.

The committee made a finding on the only disputed material fact and then retired to consider their decision on whether Councillor Clayton had failed to follow the code of conduct.

On their return, the chairman read out the following decision of the committee:

The committee RESOLVED:

After careful deliberation the committee concluded that Councillor Clayton had not failed to follow the code of conduct. We note the undisputed evidence that the council meetings at which Councillor Clayton was alleged to have breached the code of conduct did not make substantive decisions on any matters relating to the Trust. Rather the items of business were either reports from Councillor Clayton about the activity of the Trust, or the presentation of accounts for noting. We differed from the Deputy Monitoring Officer and decided that the appropriate definition of the word “considered” where it appears in paragraph 8 of the code of conduct then in force should be drawn from the following definition of the verb “consider: “to discuss (something) **in order to make a decision**” (our emphasis). Using that definition, we concluded that we did not have any evidence of any occasion when matters concerning the Trust were “considered” by the Council. Accordingly, there was no need for Councillor Clayton to declare an interest.

We add that if we had concluded that Councillor Clayton had breached the code of conduct by failing to declare an interest in an item of business where the code required him to do so, we would have decided not to impose a penalty, since we were satisfied that Councillor Clayton had acted in good faith in accordance with the advice of his Town Clerk, and that no part of the investigation had suggested that Councillor Clayton had been dishonest or had made any personal gain from his association with the Trust.

In the light of these deliberations, the Standards Committee strongly recommends that parish and town councils endeavour to clearly define the standing of all their committees and outside bodies.