

(c) that Councillor Russell, having declared a prejudicial interest at the Stapleford Abbotts Parish Council meeting on 9 May 2005, did not leave that meeting and thereby breached the Code of Conduct; and

(d) that Councillor Russell may have influenced the supply of minutes of Parish Council meetings such that they were not supplied to the complainant's son within a reasonable time.

The Committee noted that in accordance with Section 60 (2) of the Local Government Act 2000, the matter had been referred by the Standards Board for England to the District Council's Monitoring Officer for investigation. The investigation had been undertaken by the Council's Deputy Monitoring Officer who had found that there had been no breach of the Code of Conduct.

The Committee were advised that at this meeting they should simply consider the report of the Deputy Monitoring Officer and decide whether based on the facts set out in the report they agreed with the findings of the Deputy Monitoring Officer or believed that there was a case for Councillor Russell to answer.

The Allegations Determination Manager reported that if the Committee agreed that there had been no breach of the Code of Conduct, a notice would be published of their findings. The member involved would be entitled at that stage to ask that the notice not be passed to local newspapers. However, if the Committee found that there was a case to answer it would be necessary to appoint an Adjudication Sub-Committee to consider the matter in detail. That Sub-Committee would need to include the Parish Council representative.

Members were informed of the views expressed in writing by Councillor J Salter, the Parish Council representative, who was unable to be present at the meeting. Members also noted a letter dated 23 May 2005 from the Deputy Monitoring Officer to the Monitoring Officer advising that Councillor Russell had attended a training course on the Code of Conduct held on 15 May 2006.

The Committee considered the report of the Deputy Monitoring Officer. The Committee considered that Councillor Russell had a prejudicial interest in the planning application having regard to the location of his property in relation to the site of the application. The Committee found on the evidence of other Parish Councillors and the Parish Council Clerk that Councillor Russell had left the meeting when the application had been discussed by the Parish Council and had not been involved in the formulation of the Parish Council's views on the application. The Committee also found on the evidence of District Council members and officers that Councillor Russell had not sought to bring improper influence to bear on the District Council to reject the planning application so as to comply with his own objection to the granting of planning permission.

The Committee expressed concerns about the lack of transparency of some of the administrative processes adopted by the Parish Council, which in their view had contributed to the allegation being made. It was noted that some improvements had already been made and that these concerns were not relevant to the adjudication on the complaint. However, the Committee felt that it would be appropriate to issue advice to the Parish Council in relation to this aspect. Taking account of all of the evidence, the Committee decided unanimously that there had been no breach of the Code of Conduct.

RESOLVED:

(1) That, based on the facts set out in the Deputy Monitoring Officer's report there has been no breach of the Code of Conduct in this matter as Councillor Russell declared a personal and prejudicial interest in the planning application, withdrew from the meeting when the views of the Parish Council were formulated on the planning application and did not seek to bring improper influence to bear on the District Council to reject the planning application;

(2) That Councillor Russell be approached for his views on the publication of a notice in local newspapers; and

(3) That, whilst acknowledging that the Parish Council has already changed some of its administrative procedures in the light of this matter, it is recommended that it examines its procedures further having regard to the Code of Conduct and the Planning Protocol recommended by the District Council and, if necessary, seeks advice from District Council officers and/or the National Association of Local Councils.

CHAIRMAN
