

23. ADJUDICATION SUB-COMMITTEE - MINUTES**RESOLVED:**

That the minutes of the following meetings of the Adjudication Sub-Committee be taken as read and signed by the relevant Chairman as a correct record:

20 September 2005
8 December 2005
5 September 2006.

24. DATES OF FUTURE MEETINGS

The Committee noted the calendar for 2006/07 provided for meetings of the Committee on 27 February 2007 and 25 April 2007.

25. EXCLUSION OF PUBLIC AND PRESS**RESOLVED:**

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 and that maintaining the exemption is considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
7.	Allegation SBE 15017.06	7C
8.	Appointment of Adjudication Sub-Committee	7C

26. ALLEGATION SBE 15017.06

The Allegations Determination Manager advised that an allegation had been made against Councillor J Knapman that he had failed to comply with the District Council's Code of Conduct. The details of the allegation were:

- (a) in not acknowledging or replying to a petition for a year, the councillor had failed to treat people with respect;
- (b) residents of The Uplands, Loughton had not received a letter drop as reported to the Cabinet meeting held on 12 July 2004 which had been chaired by the councillor.

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 the 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 Knapman to answer.

The meeting noted 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.

The Committee considered the report of the Deputy Monitoring Officer. The Committee agreed that although the complainant, and through him residents of The Uplands, had not received the usual courtesy of replies to correspondence, that had not been as a result of any intentional or unintentional disrespect on the part of Councillor Knapman. Councillor Knapman had expected the correspondence to be dealt with by officers of the District Council and Essex County Council without any further need for intervention by himself. It also appeared that officers of the District Council, in transferring details of the complainant's concerns to the County Council may have felt that the latter would deal with the replies.

Although finding that Councillor Knapman had not breached the Code of Conduct, the Committee concluded that in their view, it would be appropriate for Councillor Knapman to apologise to the complainant for the oversight in not ensuring that replies were sent to all of his queries. The Committee also concluded that it would be appropriate to issue a general reminder to all members of the Council on best practice for dealing with correspondence addressed to them personally.

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 and no action needs to be taken on matters which were the subject of the investigation;
- (2) That Councillor Knapman be approached for his views on the publication of a notice in local newspapers;
- (3) That having regard to the circumstances of the case, Councillor Knapman be asked to consider sending a letter of apology to the complainant; and
- (4) That the officers draft, for approval by the Chairman of the Committee, a note to be sent to all members of the Council advising on best practice for dealing with correspondence which they receive personally as councillors.

27. APPOINTMENT OF ADJUDICATION SUB-COMMITTEE

The Committee noted the final report of the Deputy Monitoring Officer who had investigated an allegation made about the conduct of District Councillor M Woollard.

The Investigating Officer's finding was that there had been a breach of the Code of Conduct in this case and it was necessary, therefore for the Committee to appoint an Adjudication Sub-Committee of three members to consider the matter in detail.

Members considered the make-up of a Sub-Committee.

RESOLVED:

(1) That Dr D Hawes, Councillor Mrs P Smith and Councillor J Salter form the Adjudication Sub-Committee to adjudicate on allegation SBE 15247.06 (formerly SBE 14652.06) referred to the Council's Monitoring Officer and investigated locally;

(2) That Dr D Hawes be appointed Chairman of the Adjudication Sub-Committee; and

(3) That arrangements be made for a meeting of the Sub-Committee to be held during January 2007.

28. INVESTIGATIONS AND PRESENTATION OF INVESTIGATOR'S REPORTS

The Monitoring Officer reported that she had recently attended a seminar organised by the Association of County Secretaries and Solicitors at which there had been a presentation by a solicitor who presented reports to Standards Committees following investigations by an ex police officer employed by him. The meeting noted that the costs of this service were considerably less than estimates which the Monitoring Officer had previously obtained and this would provide a further option for consideration in cases when the Council's officers had a conflict of interest and were unable to perform their allocated roles.

CHAIRMAN