

BABERGH DISTRICT COUNCIL

FROM: The Monitoring Officer

REPORT NUMBER **J114**

TO: STANDARDS COMMITTEE

DATE OF MEETING: 16 October 2009

OUTCOME OF LOCAL STANDARDS HEARING REF: 20273

1. **PURPOSE OF REPORT**

- 1.1 To report the outcome of a hearing before the Standards Hearings Sub-Committee on 15 September 2009 at which a complaint against Councillor C. Matthews of Capel St Mary Parish Council was considered.

2. **RECOMMENDATION**

- 2.1. That the contents of this report be noted.

The Committee is able to resolve this matter.

3. **FINANCIAL IMPLICATIONS**

- 3.1 The decision of the Hearings Sub-Committee will need to be advertised in at least one local newspaper at a cost of £1,000, approximately.

4. **RISK MANAGEMENT**

- 4.1 Not applicable to this report.

5. **KEY INFORMATION**

- 5.1 On 5 June 2009 a complaint was received on behalf of the Standards Committee that Councillor Christine Matthews of Capel St Mary Parish Council had, or may have, failed to comply with the Code of Conduct for Members.

- 5.2 The complaint was received from Mr L. Johnson, a district councillor, who in his personal capacity had submitted a planning application to Babergh District Council on behalf of his mother-in-law for an extension to her bungalow at 1 Old Rectory Walk, Capel St Mary. The basis of the complaint may be summarised as follows:-

- That Councillor Matthews is a close neighbour and friend of an objector to a planning application relating to 1 Old Rectory Walk, Capel St Mary and despite that association;
 - (i) chaired a meeting of the Development Control Committee of Capel St Mary Parish Council at which the planning application was considered and actively suggested refusal;
 - (ii) failed to disclose a prejudicial interest in the item at the meeting of the Parish Council;

- (iii) spoke on behalf of the Parish Council against the application when it was considered by the Development Committee of Babergh District Council on 8th April 2009 and failed to disclose any interest;
- (iv) attended the site inspection on behalf of the Parish Council
- In so doing, deliberately and knowingly endeavoured to use her office to confer an advantage to an objector and disadvantage to the applicant and brought her office or the parish council into disrepute.

5.3 The complaint was considered by the Assessment Sub-Committee on 19 June 2009 and referred to the Monitoring Officer for investigation. The investigation was concluded on 24 August 2009 and made the following findings:-

- (1) That Councillor Matthews did have a personal interest in the agenda item for the planning application for 1 Old Rectory Walk, Capel St Mary which she had failed to declare at the meeting of the Planning Committee of the Parish Council on 26 February 2009 contrary to paragraph 9 of the Code.
- (2) That Councillor Matthews did have a prejudicial interest in the agenda item for the planning application for 1 Old Rectory Walk, Capel St Mary and failed to withdraw from the room when the item was considered at the meeting of the Planning Committee of the Parish Council on 26 February 2009 contrary to paragraph 12(1)(a) of the Code.
- (3) That Councillor Matthews did not seek improperly to influence the decision in the agenda item for the planning application for 1 Old Rectory Walk, Capel St Mary at the Planning Committee meeting of the Parish Council on 26 February 2009. Accordingly, Councillor Matthews did not fail to comply with paragraph 12(1)(c) of the Code.
- (4) That Councillor Matthews did conduct herself in a manner that could reasonably be regarded as bringing her office into disrepute in speaking as Planning Committee Chairman on behalf of the Parish Council at the Development Committee meeting on 8 April 2009 and also attending and speaking at the site inspection on 15 April 2009. Accordingly, Councillor Matthews did fail to comply with paragraph 5 of the Code.
- (5) On balance that Councillor Matthews did not use her position improperly to confer an advantage for her neighbour or disadvantage to the complainant. Accordingly, Councillor Matthews did not fail to comply with paragraph 6(a) of the Code.

5.4 The investigation report was considered by members of the Assessment Sub-Committee on 27 August and referred for hearing. The hearing took place on 15th September 2009. The Hearings Sub-Committee agreed findings (1), (2), (3) and (5) above, but disagreed finding (4). The Hearings Sub-Committee determined that the public's perception of and confidence in Councillor Matthews' office was unlikely to be diminished by Councillor Matthews attending and speaking at the District Council's Development Committee meeting and in attending the site inspection and she had not therefore brought her office or authority into disrepute.

5.5 The Hearings Sub-Committee sanctioned Councillor Matthews to undergo training, preferably in the form of an individual tutorial with the Monitoring Officer, on the Code of Conduct for Members within two months.

6. **APPENDICES**

None

7. **BACKGROUND PAPERS REFERRED TO:**

None

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