

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

STANDARDS COMMITTEE – PANEL HEARING

**Minutes of a Meeting of the Standards Committee held on
Friday 2 October 2009 at 10.10 am in the Council Chamber,
Town Hall, Saturday Market Place, King's Lynn**

PRESENT:

Mr M Sale (Independent Member and Chairman)
Councillor A Tyler and Mr J Dawson (Parish Representative)

Also in attendance: Teresa Campion (Legal Advisor)

Nicola Leader (Investigating Officer)

Wendy Vincent (Democratic Services Officer)

Snettisham Parish Councillor Mrs S Melton

Observers: Councillor I Goodson (Borough Councillor), Mr G Brierley (Independent Member) and Jacqui Bullen (Senior Lawyer) for training purposes only.

1 INTRODUCTIONS

The Chairman welcomed everyone to the meeting and made introductions. He explained that Councillor I Goodson (Borough Councillor), Mr G Brierley (Independent Member) and Jacqui Bullen (Senior Lawyer) were observing for training purposes only and would take no part in the hearing process.

2 DECLARATIONS OF INTEREST

There were none.

**3 TO CONSIDER THE LOCAL INVESTIGATION AS TO AN ALLEGATION
AGAINST COUNCILLOR MRS MELTON OF SNETTISHAM PARISH
COUNCIL (05/09)**

The Chairman confirmed that the Standards Committee, Panel Hearing was quorate and outlined the procedure which would be followed throughout the hearing.

The Panel Hearing was conducted in open session.

Councillor Mrs Melton was present. She confirmed that she maintained the position as set out in the Pre-Hearing Summary. Councillor Mrs Melton confirmed that she would be calling witnesses, Snettisham Parish Councillors Mrs Ann Houghton and Mr David Bocking.

The Chairman invited the Panel's Legal Advisor to present her Pre-Hearing Summary Report which had been circulated to Members and other interested parties in advance. The Legal Advisor explained:

Councillor Mrs Melton faced an allegation in that she had failed to declare a prejudicial interest and leave the Parish Council meeting on the 5 January 2009, during the determination of an item of business to consider the Clerk's hours and rate of pay.

The Legal Advisor explained that the Investigating Officer presented her final report on 5 August 2009. Snettisham Parish Council adopted the Parish Council's Model Code on Conduct on 4 July 2007. The relevant sections of the Code were set out in the report, namely paragraphs 10 and 12.

In accordance with the Standards Committee Hearing Procedure adopted on the 30 August 2006, the Investigating Officer wrote to Parish Councillor Mrs Sybil Melton on 5 August 2009 informing her of the hearing and requesting responses to the standard pre-hearing forms. Mrs Melton responded on 20 August 2009 and her additional comments were attached to the pre-hearing report.

The Panel was advised that the Investigating Officer concluded that there had been a breach of the Code in respect of the allegation, that Councillor Mrs Melton had a prejudicial interest and failed to act appropriately.

No specific points of dispute had been raised.

The Chairman asked Councillor Mrs Melton if she felt the Legal Advisor's report presented a fair and accurate account. Councillor Mrs Melton confirmed that the report was an accurate account and that she had nothing further to add.

The Chairman invited the Investigating Officer to present her report. The Investigating Officer explained that the Local Assessment Sub-Committee held on 1 May 2009 had referred the complaint to the Monitoring Officer for investigation.

The Investigating Officer presented her report and outlined the details contained within her report circulated with the Agenda, drawing particular attention to the following points as set out below:

Mrs Melton had been a member of Snettisham Parish Council for 18 years, and had given a written undertaking to observe Snettisham Parish Council's Code of Conduct on 9 May 2007. A copy of Mrs Melton's declaration was attached to the report. Snettisham Parish Council adopted the revised Model Code of Conduct on 4 July 2007 which included Paragraphs 10 and 12 outlined in the report.

The Investigating Officer advised that she had taken account of the following information:

- The written complaint from Mr Thorpe.
- Evidence from Mrs Melton obtained during an interview she had conducted with her on the 18 June 2009 (attached at No 4 of Appendix A).
- The Minutes of the meeting of Snettisham Parish Council held on 5 January 2009 and the amendment to those Minutes (attached at No 3 of Appendix A).

The Panel was advised that the complaint was clearly made out and the Investigating Officer had not found it necessary to request any further information from the complainant.

In summary, the Investigating Officer explained that at a meeting of the Snettisham Parish Council on the 5 January 2009 there was an item on the agenda to discuss employees' rates and hours of pay. One of those employees was Mrs Melton's daughter Mrs Beverley Boughen, who is employed as the Parish Clerk. The Parish Council agreed at that meeting that the Clerk's hours should be increased to 31 hours per week (from 24 hours).

Paragraph 3 of the Minutes of the Parish Council meeting of the 5 January 2009 recorded that no declarations of interests were received.

However, the amended Minutes of the meeting of the 5 January 2009 stated that Councillor Mrs Melton declared a personal interest in agenda item 5, relating to the Clerk's pay, and said she would leave the meeting while the item was discussed. When the item was discussed, her fellow Councillors unanimously agreed that they did not feel it necessary for Councillor Melton to leave the meeting. Mrs Melton therefore did not leave the meeting.

In response to the draft report Mrs Melton replied by stating that she had not intentionally breached the Code, and that she wished to reiterate that she herself had nothing to gain from the decision of the Parish Council to increase the Clerk's hours.

The Investigating Officer advised that the question that needed to be determined was whether Mrs Melton's personal interest, which she declared at the meeting on 5 January 2009, should have been a prejudicial interest. Mrs Melton quite properly declared a personal interest because the item relating to employees' rates and hours of pay was, in the Investigating Officer's opinion, a decision likely to affect her daughter, as one of those employees more than it would affect the majority inhabitants of the Parish.

The Investigating Officer outlined the test for a prejudicial interest from the Guide produced by the Standards Board in May 2007 as detailed in her report at paragraphs 7.2 to 7.7.

In conclusion, the Investigating Officer advised that a consequence of Mrs Melton's failure to declare a prejudicial interest was that she did not leave the meeting room whilst the matter of her daughter's hours was considered. Unfortunately, Mrs Melton's failure amounted to a further breach of paragraph 12 of the Code of Conduct, which stated that Members with prejudicial interests must withdraw from the room or chamber, where a meeting considering the business in which they have a prejudicial interest was being held. Her finding was therefore that there had been a breach by Mrs Melton of paragraphs 10 and 12 of Snettisham Parish Council's Code of Conduct.

At this point in the Hearing, the Investigating Officer circulated a letter of support from Snettisham Parish Councillor and Deputy Chairman, Mrs Ann Houghton which had been received on 19 August 2009. The Investigating Officer read out the letter of support signed by Mrs Houghton and presumably other Members of Snettisham Parish Council.

The Chairman asked Councillor Mrs Melton if there were any matters upon which the Standards Committee should seek the comments of the Investigating Officer.

In response, Councillor Mrs Melton stated that she had no questions, but explained that the Clerk was employed and had a contract. The previous employed Clerk had a contract for 31 hours, but had chosen to work less hours, namely 24 hours. The contract for the Parish Clerk stated employment for 31 hours. The item was placed on the agenda to bring the current Clerk's hours up to the level of the previous Clerk.

There were no questions to the Investigating Officer from the Panel.

The Chairman invited Councillor Mrs Melton to present her case.

Councillor Mrs Melton explained that she would be calling Snettisham Parish Councillors Mrs Ann Houghton and Mr David Bocking as witnesses in support, and to clarify what happened at the meeting on 5 January 2009.

The Chairman suggested that Mrs Melton presented her case to the Panel, and then decide whether she felt it was necessary to call the two witnesses.

Councillor Mrs Melton agreed with the suggestion made by the Chairman regarding calling witnesses and continued to present her case.

Councillor Mrs Melton explained that she had been a Parish Councillor for 18 years and took her role very seriously. It was certainly not her intention to bring detriment to the Parish Council or residents of Snettisham. She felt that she was doing a good turn, and was now being penalised. Councillor Mrs Melton explained that the Clerk's employment contract was for 31 hours, but the Clerk had chosen to work fewer hours to help with a pending solicitor's bill the Parish Council was expecting. She went on to say that she

had declared a personal interest, and in hindsight, should have left the meeting room, but did not do so because there was no actual decision to be made as the Clerk was contracted for 31 hours. Parish Councillors had put the item on the agenda simply to ensure the Clerk would be paid for the correct number of hours worked. She therefore declared a personal interest, and in order not to make fellow Councillors feel awkward, got up to leave the meeting room. Members present told her to stay in the meeting room because in their view it was not necessary for her to leave the meeting for this item, as it was simply the hours of the Clerk being discussed to bring her hours up to the level of the previous Clerk. Mrs Melton explained that she was fully aware of the Code of Conduct, and in future, would leave the meeting room when required to do so to avoid a further mistake occurring. She explained that fellow Councillors, the Clerk and herself would be attending a training programme on 2 November 2009.

The Chairman then stated the Clerk had therefore volunteered to work fewer hours in order to reduce the financial bills of the Parish Council. A decision to return the Clerk's hours to 31, and to receive the appropriate allowance was to be taken at the meeting on 5 January 2009. Councillor Mrs Melton declared a personal interest and offered to withdraw from the meeting room.

In response to a question from the Panel, Mrs Melton confirmed that the Clerk would be attending the training programme on 2 November 2009.

The Chairman invited the Investigating Officer to ask any questions.

The Investigating Officer stated that it would be helpful if Mrs Melton could clarify her understanding when it was necessary to leave the meeting room. Mrs Melton, in presenting her case, had said "I declared a personal interest and offered to leave the meeting room." In response, Mrs Melton confirmed this to be a correct statement.

The Chairman asked Mrs Melton, if after declaring a personal interest and, in fact, if she had left the meeting room, would this have made a difference to the decision made at the meeting on 5 January 2009? In response, Mrs Melton stated she was positive it would have made no difference to the decision made, as the hours were already there in the contract. The Chairman then asked Mrs Melton the following question, if she thought a member of the public would have shared the same view of the situation as herself. Mrs Melton explained that there were no members of the public present at the meeting, but obviously the complainant did not share her understanding of the situation.

The two witnesses, Mrs Houghton and Mr Bocking waited in an adjoining room, but upon the advice of the Chairman, Mrs Melton felt it was not necessary to call the witnesses to give evidence at the hearing.

The Panel confirmed they had no further questions for Mrs Melton.

The Panel retired at 10.40 am to consider its decision in private.

At 11.02 am the Panel reconvened.

The Chairman thanked those present for their participation in the hearing.

The Legal Advisor explained that she had provided assistance to the Panel merely on the wording of their decision and took no part in the proceedings.

Decision

The Chairman explained the Panel wished to make it clear that their decisions today were based on the evidence presented to them in the paperwork, including the letter signed by Mrs Houghton received on 19 August 2009 by the Investigating Officer, and what had been said during the hearing.

Allegation

Parish Councillor Mrs Sybil Melton, Chairman of Snettisham Parish Council failed to declare a prejudicial interest and leave the Parish Council meeting on 5 January 2009 during the determination of an item of business to consider the Clerk's hours and rate of pay.

Findings

Snettisham Parish Councillor Mrs Sybil Melton did fail to declare a prejudicial interest and leave the meeting room during the determination of an item of business to consider the Clerk's hours and rate of pay, and therefore did fail to comply with Paragraphs 10 and 12 of Snettisham Parish Council's Code of Conduct.

Sanction

The Panel decided to impose the lowest sanction available, namely censure. The Chairman stated that the Panel was impressed with the commitment shown by Mrs Melton to the community and as a Member and Chairman of Snettisham Parish Council. The Panel felt that lessons had already been learned in that Mrs Melton, fellow Parish Councillors and the Clerk had signed up to undertake refresher training on the Code of Conduct on 2 November 2009.

The Chairman highlighted the importance of recording clear and accurate minutes and reminded those present that the minutes were a public record and therefore open to inspection.

Right of Appeal

The Panel was reminded that Councillor Mrs Melton had the right to apply in writing to the President of the Adjudication Panel for England for permission to appeal the Panel of the Standards Committee's findings. The President of the Adjudication Panel must receive written notice requesting permission to appeal within 21 days of the member's receipt of notification of the Panel of the Standards Committee's finding.

Publicity

Following the Panel Hearing, the Investigating Officer undertook to write and advise Councillor Mrs Melton that with regard to the allegation in that she had breached the Code of Conduct, a notice would be required to be published in the local press.

The meeting closed at 11.06 am