

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

STANDARDS COMMITTEE – PANEL HEARING

**Minutes of a Meeting of the Standards Committee held on
Tuesday 29 June 2010 at 10.30 am in the Committee Suite,
King's Court, Chapel Street, King's Lynn**

PRESENT:

Mr R Steward (Independent Member and Chairman)
Mr H Malik (Parish Member) and Councillor A Tyler

Also in attendance: Nicola Leader (Investigating Officer)

Jacqui Bullen (Legal Advisor)

Wendy Vincent (Democratic Services Officer)

Councillor I Goodson for training purposes only

1 INTRODUCTIONS

The Chairman welcomed everyone to the meeting and made introductions. He explained that Councillor Goodson was a member of the Standards Committee and was present for training purposes only and would not participate in the proceedings.

2 DECLARATIONS OF INTEREST

There were none.

The meeting was adjourned for a period of 15 minutes to await the arrival of Mr B Grindrod, Clerk to Bircham Parish Council, Parish Councillor Coe's representative.

At 10.45 am, the Panel determined to proceed with the hearing in open session following the non-arrival of Mr B Grindrod.

**3 TO CONSIDER THE LOCAL INVESTIGATION AS TO AN ALLEGATION
AGAINST PARISH COUNCILLOR MR COLIN COE OF BIRCHAM
PARISH COUNCIL (16/09)**

The Chairman confirmed that the Standards Committee, Panel Hearing was quorate and outlined the hearing procedure.

Parish Councillor Coe was not present, nor was his representative Mr B Grindrod, Clerk to Bircham Parish Council. The Panel therefore determined to proceed with the hearing in the absence of Councillor Coe or his representative. In the absence of any representations as to why the press and public should be excluded, the hearing was conducted in open session.

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:

The Complainant had made an allegation against Parish Councillor Mr Colin Coe, in that he:-

- a) failed to register his beneficial interest(s) in his Register of Members' Financial and Other Interests and;
- b) failed to declare the appropriate interest and act accordingly at a meeting of the Parish Council on the 11 June 2009, when the Parish Council met to consider possible sites for inclusion within its development boundary. The complainant alleges that Councillor Coe's declaration at that meeting of a personal interest was vague and further alleged that Councillor Coe had in fact a financial interest in one of the sites under consideration.

The Complainant completed a complaint form referring the above matter to the Borough Council of King's Lynn and West Norfolk for investigation.

The local investigation was carried out by Mrs Nicola Leader, Monitoring Officer and the Investigating Officer. The Investigating Officer presented her final report on 6 May 2010.

In accordance with the Standards Committee Hearing Procedure as adopted on the 30th August 2006 the Investigating Officer wrote to Councillor Coe on the 11th May 2010 informing him of the hearing. The Legal Advisor wrote to Councillor Coe on the 14th May 2010 requesting responses to the standard pre hearing forms (section 5e of the procedure). It was requested that the responses to the forms be provided not later than 14 days from the date of receipt of the letter. A letter was received from Councillor Coe on the 20th May 2010 advising that he was unable to meet the deadline as his representative was not available until mid June and the earliest date he would find acceptable would be in the first week of July. The Legal Advisor replied to Councillor Coe's letter advising him that the time scale between him receiving the final report from the Monitoring Officer and the date for the Panel Hearing was reasonable and allowed adequate time to take advice should he chose to do so. To date Councillor Coe had not returned the forms.

Findings of fact which are agreed

In accordance with Paragraph 13 of the Code, Councillor Coe was obliged to register within 28 days of the 4th July 2007, details of any land within the Parish in which he had a beneficial interest including his own address if appropriate.

In interview, Councillor Coe confirmed that he was the tenant farmer of Lower Farm within the Parish, owned by the Sandringham Estate and also that he owned a parcel of land within the Parish at Stanhoe Road, north side, between Trimingham House and Stocks Close comprising approximately 4.7 acres of agricultural land. He was the tenant of Lower Farm and the owner of the land at Stanhoe Road at the date when he completed his Register of Interests.

The relevant section of the Register of Members' Financial and other Interests is Section 6. Section 6 requires the Member to state 'the address or other description.... of any land in which you have a beneficial interest and which is within Bircham Parish Council (including your address if appropriate)'. At Section 6 of Councillor Coe's Register of Interests dated 16th June 2007; the written answer was 'NONE'.

It was accepted that Councillor Coe declared a personal interest at the Parish Council meeting on 11th June 2009; that was, the item relating to the consideration of possible sites for inclusion within its development boundary.

The minutes recorded that at the meeting Councillor Coe, 'declared a potential conflict of personal interest in view of the agenda item and therefore passed the meeting over (to) the Vice-Chair Mrs Daniels'.

As a matter of fact Councillor Coe did not leave the meeting and indicated to the Investigating Officer that he believed that this had been the correct declaration to make because he did not have any intention to develop the land and therefore he had not felt it necessary to declare a prejudicial interest.

Councillor Coe had not made any comments as to the facts of this matter other than his comments in relation to the investigation into his alleged breach of the Code of Conduct to the Investigating Officer as part of the investigation process.

Findings of fact which are not agreed

Councillor Coe submitted a written response to the Investigating Officer's report attached at Appendix 1.

Attendance and Representation

At the time of writing the pre-hearing summary report, the Legal Advisor explained that Councillor Coe had not indicated if he would be present at the hearing, or if he had appointed a representative to attend. However, an email was received on 25 June 2010 by the Monitoring Officer advising that Mr B Grindrod, Clerk to Bircham Parish Council would be representing Councillor Coe at today's hearing. The email also contained responses to the forms sent to Councillor Coe as part of the pre-hearing process.

Copies of the email had been circulated to the Panel for information. The Legal Advisor outlined the comments made by Councillor Coe relating to Forms A, B and C as set out below:

Form A

Subject member's response to the evidence set out in the investigation report

6.2 Bottom of page last sentence beginning .."Therefore

There is an inference in this sentence that Mr Coe was aware of the distinction between "Personal" and "Prejudicial" and that his actions were a "half hearted" attempt to respond to a prejudicial interest by handing over the meeting to the Vice Chair. This is simply unfounded conjecture on the Investigating Officer's part and most definitely not a finding of fact.

The clerk had advised Mr Coe prior to the meeting to hand over the meeting in order to avoid even a hint of bias due to a personal interest. (This fact was declared to the Investigating Officer in a written submission made to her dated January 12th 2010)

Suggested Amendment - add to the end of the previous sentence "...to take no further part of the meeting".

Delete the existing final sentence

Form B

Other evidence relevant to the complaint

1. With reference to submission made on Form A., On the night of the meeting Mr Coe was suffering badly from hay fever. This in turn aggravated his asthma. The persistent coughing noted by the complainant was part of this. Mr Coe was not feeling well nor was his breathing coming easily. He sat down in the nearest vacant chair in the room because he needed too.
2. The complainant's letter makes reference to several items of correspondence on planning matters and papers prepared for the parish council on the same subject. In doing so the complainant creates a "climate of suspicion" regarding the intentions of Mr Coe

The flaw in this argument is that Mr Coe had nothing to do with the process of site selection and took no part in the meeting that considered and agreed the list of sites to be submitted. Nor did he draft any letter to the Planning Inspectorate.

The clerk as executive officer of the parish council prepares all briefing papers, writes up the minutes and drafts all letters that might need to be sent. In signing the letters that are presented to him the Chairman is affirming that the content appropriately represents the view of the Council.

The letter referred to by the complainant (ref 09/01539/0) was drafted by the clerk and signed by Mr Coe as Chairman without amendment. The final paragraph of this letter that the complainant regards with suspicion reflects an ongoing debate over the previous twelve months within the parish council and was discussed as an issue at the Annual Parish Meeting earlier in the year.

Copies of all minutes and discussion papers considered at parish council meetings relevant to this case were supplied to the Investigating Officer in a letter dated 12th January 2010

Form C
Statement by Colin Coe

I took no further part in the meeting once I had made my declaration and handed over the Chair. No one disputes this. I played no part in preparing the papers for the meeting that included possible locations for inclusion within the development boundary. This was done by the clerk. Nor did I have any participation in the submission that was made to the Borough. That again was done by the clerk.

I acknowledge that I am in breach of the Code of Conduct but I would strongly refute any suggestion that I have breached the spirit of the Code through my actions. I acted as I thought appropriate to the situation.

Colin Coe

The Legal Advisor explained that there had been no notification that witnesses were required, accordingly there would be none in attendance. The Legal Advisor had considered the facts which were not in dispute and considered that in the absence of a request from Councillor Coe for witnesses and the limited nature of the evidence that no witnesses would be called to give evidence.

The Investigating Officer had been invited to attend the hearing.

The hearing would be conducted in accordance with the standard hearing procedures of the Committee as adopted August 2006.

In response to a question from the Chairman, the Legal Advisor confirmed that the statement received via email from Councillor Coe's representative, Mr B Grindrod, on 25 June 2010 was received after the deadline date.

The Panel, however, agreed to accept the statement received from Councillor Coe's representative on 25 June 2010, in response to Forms A, B and C and consider his comments as evidence presented at today's hearing.

There were no further questions from the Panel to the Legal Advisor.

The Chairman invited the Investigating Officer to present her report.

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:

Executive Summary

A complaint had been made by Mr Keith Ives that Mr Colin Coe, a member of Bircham Parish Council, breached Bircham Parish Council's Code of Conduct in that he;

- a) failed to register his beneficial interest(s) in his Register of Members' Financial and Other Interests and;
- b) failed to declare the appropriate interest and act accordingly at a meeting of the Parish Council on the 11th June when the Parish Council met to consider possible sites for inclusion within its development boundary. The complainant alleged that Councillor Coe's declaration at that meeting of a personal interest was vague and further alleged that Councillor Coe had in fact a financial interest in one of the sites under consideration.

A copy of the complaint form was attached at Appendix 1 to the report.

The outcome of the investigation was a finding that Councillor Coe had breached paragraphs 10, 12 and 13 of Bircham Parish Council's Code of Conduct.

Mr Coe had been a member of Bircham Parish Council since 6th March 1969.

Mr Coe gave a written undertaking to observe Bircham Parish Council's Code of Conduct on the 9th May 2007.

The relevant legislation and protocols

Bircham Parish Council adopted the revised Model Code of Conduct ('the Code') on the 4th July 2007 in which paragraphs 8(1), (2), 9(1), 10(1)(2), 11, 12(1) (2) and 13(1)(2) were included.

A full copy of the Code of Conduct was included at Appendix 2.

Evidence

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

- The written complaint from Mr Ives included at Appendix 1.

- Councillor Coe's Register of Members' Financial and Other Interests Form included at Appendix 3.
- Minutes of the meeting of Bircham Parish Council held on 11th June 2009 included at Appendix 4.
- Evidence from Mr Coe obtained during an interview she conducted with him on the 3rd March 2010 included at Appendix 5.

Summary of the material facts

Councillor Coe became a member of Bircham Parish Council in 1969. The Code of Conduct was adopted by Bircham Parish Council on the 4th July 2007. In accordance with Paragraph 13 of the Code, Councillor Coe was obliged to register within 28 days of the 4th July 2007, details of any land within the Parish in which he had a beneficial interest including his own address if appropriate.

The relevant section of the Register of Members' Financial and Other Interests is section 6. Section 6 requires the member to state 'the address or other description.... of any land in which you have a beneficial interest and which is within Bircham Parish Council (including your address if appropriate)'.

At section 6 of Councillor Coe's Register of Interests dated 16th June 2007, the written answer was 'NONE'.

A beneficial interest means any land in which the Member had a freehold or leasehold or a short tenancy either on his or her own or jointly with others . It would include land the councillor owned, rented, or they are entitled to the proceeds of, or under a trust they would become entitled to the proceeds of, that land. It excludes land where the member is the trustee for other people.

In interview, Councillor Coe confirmed that he was the tenant farmer of Lower Farm within the Parish, owned by the Sandringham Estate and also that he owned a parcel of land within the Parish at Stanhoe Road, north side, between Trimingham House and Stocks Close comprising approximately 4.7 acres of agricultural land. He was the tenant of Lower Farm and the owner of the land at Stanhoe Road at the date when he completed his Register of Interests.

At the Parish meeting on the 11th June 2009, there was one item of business for consideration, 'to consider the request from the Borough Council to review the Development Boundary in the Parish and make recommendations as to where it might be enlarged'.

One of the possible sites under consideration was 'Stanhoe Road – North Side, Land between Trimingham House and Stocks Close', the land owned by Councillor Coe.

The minutes recorded that at the meeting Councillor Coe, 'declared a potential conflict of personal interest in view of the agenda item and therefore passed the meeting over (to) the Vice-Chair Mrs Daniels'.

In interview, Councillor Coe explained that he had declared a personal interest in relation to the land at Stanhoe Road. He said that having declared his interest he took no further part in the meeting, albeit he did not leave the room. Councillor Coe believed that this had been the correct declaration to make because he did not have any intention to develop the land and therefore he hadn't felt it necessary to declare a prejudicial interest.

Reasoning as to whether or not there have been failures to comply with the Code of Conduct

The questions that fall to be determined were;

- 1 Did Councillor Coe have a beneficial interest in land in the Parish which he failed to register in accordance with paragraph 13 of the Code?

At the time Councillor Coe completed his Register of Interests form he had a beneficial interest in land at Lower Farm and in the land at Stanhoe Road – north side Land between Stocks Close and Trimmingham House. Accordingly he should have declared his interest in the same in his Register of Members' Financial and Other Interests. In failing to do so Councillor Coe breached paragraph 13 of Bircham Parish Council's Code of Conduct

- 2 Did Councillor Coe have a personal and prejudicial interest in one of the sites under consideration at the meeting on the 11th June 2009 which he failed to declare?

At the Parish Council meeting on the 11th June, Councillor Coe declared a 'potential conflict of personal interest'. The declaration of a personal interest does not prohibit the member from continuing to participate in the debate and vote, however, Councillor Coe having made his declaration then proceeded to pass the meeting over to the Vice-Chair Mrs Daniels and to take no further part in the meeting. Therefore, whilst Councillor Coe appeared to have declared a personal interest his conduct in handing the meeting over to his Vice-Chair is more akin to the conduct of declaring a prejudicial interest albeit Councillor Coe did not take the additional step required in such circumstances of actually leaving the room.

For the purposes of this investigation it was necessary to consider whether Councillor Coe should have declared a personal **and** prejudicial interest and left the room rather than the personal interest he declared.

The Guide for Members produced by the Standards Board in May 2007 sets out the test for prejudicial interests. It stated that;

*“Your personal interest will be a prejudicial interest in a matter if **all** of the following conditions are met:*

- a) The matter does not fall within one of the exempt categories of decisions*
- b) The matter affects your financial interests or relates to a licensing or regulatory matter.*

And

(c) A member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest.

a) The matter does not fall within one of the exempt categories of decisions

The exempt categories are: contained in Paragraph 10(2) of the Code of Conduct. Paragraph 10(2) states that you do not have a prejudicial interest in any business of the authority where that business—

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and traveling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

The first element of the test was therefore met. The matter did not fall within one of the exempt categories of decisions set out in Paragraph 10(2) of the Code. It is therefore necessary to consider whether the second element is satisfied.

The second element is that the matter affects a Members’ financial position or the financial position of any person or body through whom the Member had a personal interest or the matter relates to a regulatory matter that affects the

Member or any person or body with which the Member had a personal interest or the matter related to an approval, consent, licence, permission or registration that affects the Member or any person or body with which the Member has a personal interest.

This element was also satisfied because the agenda item did relate to a regulatory matter that is the consideration of a planning matter which affected Councillor Coe's land at Stanhoe Road.

The third element was that a Member of the public, who knew the relevant facts, would reasonably think the Member's personal interest was so significant that it is likely to prejudice their judgement of the public interest.

In other words, the interest must be perceived as likely to harm or impair the Member's ability to judge the public interest. Councillor Coe was the owner of a parcel of land which was one of a number of parcels of land being considered for promotion by the Parish Council for inclusion within the Parish's development boundary.

Whilst the Investigating Officer accepted that Councillor Coe stated in interview that he had no intention of developing the land, it was her opinion that a member of the public knowing the relevant facts, would reasonably think that Councillor Coe's personal interest was so significant as to prejudice his judgement because the inclusion of land within a development boundary had the effect of significantly increasing its value because land within the development boundary was more likely to be granted planning permission than land outside of the boundary.

Finding

The Investigating Officer advised that she found that there had been the following breaches of Bircham Parish Council's Code of Conduct by Mr Colin Coe:

1. A failure by Councillor Coe to declare in his Register of Interests his tenancy of Lower Farm and his ownership of the land at Stanhoe Road in his Register of Members' Financial and Other Interests in breach of paragraph 13 of the Code.
2. A failure by Councillor Coe to declare a prejudicial interest in the agenda item relating to his land at Stanhoe Road at the Parish Council meeting on the 11th June in breach of paragraph 10 of the Code and consequently a further breach of paragraph 12 of the Code which requires Members with prejudicial interests to physically leave the room.

Councillor Coe's additional submissions

In response to the Investigating Officer's draft report Councillor Coe acknowledged her findings that he was in breach of the Code of Conduct in two respects:-

1. that he failed to declare the tenancy of Lower Farm and ownership of a parcel of land at Stanhoe Road and
2. a failure to declare a prejudicial interest in the item of business at the meeting held on June 11th 2009.

The following statement made by Councillor Coe had been reproduced verbatim in the Investigating Officer's report.

He stated that:

"With respect to the first point, I am the third generation of my family to hold the tenancy of Lower Farm and a field in Stanhoe Road. It did not occur to me to state where I live as the overwhelming majority of local people know where I live and what land that I farm. I really do not understand why the tenancy of Lower Farm should be a factor in this matter. It is the Queen's land, and nothing I might do or say could have any possible impact on how it might be used for a non-agricultural purpose.

On the second point, the meeting at which I declared a personal interest had only one agenda item. I saw no need to elaborate on the nature of my personal interest given that the Parish Council was meeting to discuss that one item of a possible extension to the development boundary of the parish.

I took no further part in the meeting once I had made my declaration and handed over the Chair. No one disputes this. I played no part in preparing the papers for the meeting that included possible locations for inclusion within the development boundary. This was done by the clerk.

Nor did I have any participation in the submission that was made to the Borough. That again was done by the clerk.

I acknowledge that I am in breach of the Code of Conduct, but I would strongly refute any suggestion that I have breached the spirit of the Code. I acted as I thought appropriate to the situation".

In response to questions from the Chairman regarding Councillor Coe not leaving the room, but vacating the Chair being akin to declaring a prejudicial interest, the Investigating Officer explained that it was accepted that Councillor Coe declared a personal interest at the Parish Council meeting on 11th June 2009; that was, the item relating to the consideration of possible sites for inclusion within its development boundary.

The Investigating Officer further explained that the minutes recorded that at the meeting Councillor Coe, 'declared a potential conflict of personal interest

in view of the agenda item and therefore passed the meeting over (to) the Vice-Chair Mrs Daniels'. When declaring a personal interest, the Councillor would not be required to vacate the Chair and would continue to participate in the meeting. However, when declaring a prejudicial interest the Councillor must leave the meeting room during consideration of that particular item. It appeared therefore that Councillor Coe had recognised there was an issue by declaring an interest and handing over the Chair to the Vice-Chair, but had failed to leave the meeting room.

In response to further questions from the Panel, the Investigating Officer explained that Parish Councillor Coe was the tenant of Lower Farm which was owned by the Queen. However, it was a requirement for a Councillor to declare on their Register of Interests Form any tenancies he/she held. Councillor Coe had failed to enter the tenancy of Lower Farm on his form. Lower Farm was not on the list of sites being considered at the Bircham Parish Council meeting on 11 June 2009, but Stanhoe Road was.

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

The Panel retired at 11.10 am to consider its decision in private.

At 11.48 am the Panel reconvened.

The Chairman explained that the Legal Advisor had been asked to provide advice on the possible sanctions available on the Panel's likely finding and took no part in the proceedings.

The Chairman outlined the findings of fact as follows:

Allegation (a)

Members of the Standards Committee at the Panel Hearing considered the Investigating Officer's report and the additional information provided by Councillor Colin Coe and were satisfied that Councillor Coe's failure to register his beneficial interest in his Register of Members' Financial and Other Interests form amounted to a breach of Bircham Parish Council's Code of Conduct paragraph 13.

Allegation (b)

Members of the Standards Committee at the Panel Hearing considered the Investigating Officer's report and the additional information provided by Councillor Colin Coe and were satisfied that the actions of Bircham Parish Councillor Colin Coe at the meeting on 11 June 2009 by failing to declare a personal and prejudicial interest in the item of business had breached Bircham Parish Council's Code of Conduct, paragraphs 10 and 12

Decision

The Chairman explained that the Standards Committee had reached the following decision after considering the submissions of the parties:

Allegation (a)

Bircham Parish Councillor Colin Coe **did breach** the Bircham Parish Council's Code of Conduct paragraph 13.

Allegation (b)

Bircham Parish Councillor Colin Coe **did breach** the Bircham Parish Council's Code of Conduct paragraphs 10 and 12.

The Standards Committee's reasons for this decision were:

Allegation (a)

Given the Panel's findings of fact Members were satisfied that Councillor Coe had failed to register his beneficial interest on his Register of Members' Financial and Other Interest form, and thereby breached Paragraph 13 of the Bircham Parish Council's Code of Conduct.

Allegation (b)

Given the Panel's finding of fact Members were satisfied that Councillor Coe had failed to declare a personal and prejudicial interest in the item of business and act accordingly at the Bircham Parish Council meeting held on 11 June 2009 he had thereby breached Paragraphs 10 and 12 of the Bircham Parish Council's Code of Conduct.

Sanction

The Standards Committee reached the following decision after considering the submissions of the Investigating Officer.

To impose censure on Councillor Coe and request that he attends a training course relating to declaration of interests provided by a recognised organisation such as the Association of Town and Parish Councils within a period of six months from the date of the decision notice, and to provide written evidence of his attendance to the Monitoring Officer. If an extension of time is required in order to identify an available suitable training course, Councillor Coe is required to seek the agreement of the Monitoring Officer in writing before the expiry of the 6 month period. If the sanction imposed is not adhered to by Councillor Coe within the timescale requested, Councillor Coe shall be suspended in participating in Parish Council business for a period of one month.

The Panel's reasons for deciding to impose sanction are:-

That Councillor Coe failed to declare his beneficial interests in Lower Farm, and in land at Stanhoe Road in his Register of Interests and at Bircham Parish Council's meeting on the 11 June 2009, Councillor Coe failed to declare a personal and prejudicial interest in the agenda item relating to his land at Stanhoe Road and leave the room.

Recommendation to Bircham Parish Council

The Panel made the following recommendation to Bircham Parish Council:

The importance of the Parish Clerk providing correct advice to Parish Councillors relating to the declaration of interests was highlighted. The Panel therefore recommended that the Clerk and Parish Councillors attend a training course relating to declaration of interests run by a recognised organisation such as the Association of Town and Parish Councils.

Right of Appeal

Parish Councillor Coe has 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 28 days of the member's receipt of notification of the Panel of the Standards Committee's finding.

Publicity

The Chairman explained that Bircham Parish Councillor Coe would be sent a letter informing him that with regard to the allegations in that he had breached the Code of Conduct, a notice would be required to be published in the local press.

The meeting closed at 11.59 am