

Standards (Determination) Sub-Committee – Meeting held on Wednesday, 31st March, 2010.

Present:-

Co-opted Independent Members:-

The Reverend Paul Lipscomb, Mr Fred Ashmore and Mr Mike Field

Elected Members:-

Councillor Brian Hewitt

Parish Council Representative:

Wexham Court Parish Councillor Dalip Rajput

Also present:-

Colnbrook with Poyle Parish Councillor Laurie Tucker (Subject Member), Kuldip Channa (Investigating Officer), Steven Quayle (Monitoring Officer) and June Cook (Administrator)

Apology for absence:- Councillor Mewa Mann

PART I

5. Declarations of Interest

Councillor Hewitt indicated that he had served with Councillor Tucker as representatives of their respective Authorities on the Local Authority Aircraft Noise Council but was advised that this did not constitute a personal interest which he had to declare.

6. Minutes

The minutes of the last meeting of the Sub-Committee held on 17th December 2008 were approved as a correct record and signed by the Chair.

7. Alleged Breach of Local Code of Conduct - Colnbrook with Poyle Parish Councillor Laurie Tucker

The Sub-Committee met to determine an allegation that Councillor Laurie Tucker had failed to comply with the Local Code of Conduct. The complaint had been referred to the Council's Monitoring Officer for investigation by the Standards (Assessment) Sub-Committee on 16th September 2009. In accordance with the arrangement agreed by the Standards Committee, the Monitoring Officer had delegated the conduct of the investigation to Kuldip Channa, Assistant Solicitor (Litigation) i.e. the Investigating Officer.

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The general summary of the complaint against Councillor Tucker was that

- (a) he failed to declare a personal and prejudicial interest when Colnbrook with Poyle Parish Council considered an application for planning permission submitted in respect of 4 Daventry Close at its meetings on 10th April and 16th October 2007 and 17th July 2008 and further did not withdraw from the meetings contrary to paragraphs 10 and 12 of the Parish Council's Code of Conduct ; and
- (b) he breached paragraph 4 of the Code of Conduct by disclosing planning documents sent in confidence to the Parish Council.

The complaint has been made by Mr and Mrs Leybourne of 4 Daventry Close, Colnbrook, Slough.

The Investigating Officer's final written report outlining the result of her investigation and her conclusions were submitted together with Councillor Tucker's written response thereto.

The Investigating Officer presented her report and in doing so drew attention to the apparent tensions which existed between all the residents in Daventry Close over the planning application and the personal mutual animosity between the complainants and the Subject Member. In addition she also highlighted the Parish Council's belief that there was a lack of co-operation by Slough Borough Council's Planning Services over planning matters and planning enforcement issues in the Parish.

Councillor Tucker then read out a short statement responding to the matters raised in the report. In his statement, amongst other things, he disputed that he had a personal and prejudicial interest in the planning application submitted in respect of 4 Daventry Close because he had no benefit to gain from the matter; he maintained that the Parish Council had no decision making powers in respect of the matter and that due to its limited resources the Parish Council sought to conduct its business as efficiently and cost effectively as possible and that meeting places were limited in supply and costly. He accepted that he and the Parish Council as a whole could benefit from additional training on the Code of Conduct and that the Parish Council's procedures had not been applied uniformly and some had arisen out of custom and practice. He asserted that he had declared an interest and withdrawn from the meetings. He accepted that this was not properly recorded in the formal minutes of the Parish Council and that Members of the Parish Council had not observed this error in the final formal version of the minutes which had been approved.

The Clerk to the Parish Council had been requested to attend the hearing as a witness but had declined to do so.

The Sub-Committee having heard all the evidence and being satisfied that it had sufficient information withdrew to deliberate.

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In considering this matter the Sub-Committee had regard to the following:

1. Councillor Tucker lived in such close proximity to 4 Daventry Close that any reasonable person would be of the view that he had a personal and prejudicial interest in the planning application submitted in respect of that property.
2. That Councillor Tucker's signature on the petition against the proposed development at 4 Daventry Close had demonstrated his personal opposition to the planning application.
3. That the approved published minutes of the meetings which were the subject of the complaint showed that Councillor Tucker had failed to declare a personal and prejudicial interest and withdraw from the meetings when the planning application was considered.
4. That although Councillor Tucker maintained that he did declare his interest and did withdraw from the meetings and that the minutes for those meetings were inaccurate, this claim was not supported by the Clerk to the Parish Council who had prepared the minutes which had subsequently been approved and there was no other clear evidence to substantiate Cllr Tucker's assertion.
5. There was clear evidence that the plans referred to (b) above had not been supplied by Councillor Tucker but by Slough Borough Council and in any event they were not confidential.

In respect of item 5 above the Sub-Committee did express its concern about the incorrect advice given by Slough Council's Planning Services concerning the provision of copy plans and its inconsistency in the provision of copies to members of the public.

On reconvening the hearing the Chair advised that the Sub-Committee had come to the following conclusions:-

- (a) That on the balance of probabilities Councillor Tucker had
 - (i) breached paragraphs 9, 10 & 12 of the Code in respect of the meeting of the 10th April 2007 in that he did not withdraw from the meeting.
 - (ii) breached paragraphs 8, 9, 10 & 12 of the Code in respect of the meeting on the 16th October 2007 in that he did not declare a personal and prejudicial interest or withdraw from the meeting.
- (b) That there was inconclusive evidence to conclude a breach had occurred in respect of the meeting of 17th July 2008 due to the accepted typographical/administrative errors in the minutes.

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- (c) That Councillor Tucker had not breached confidentiality in respect of the planning documents contrary to paragraph 4.1 (a) of the Code.

The Sub-Committee then deliberated in private on the sanction to be imposed.

On reconvening the hearing, the Chair indicated that the Sub-Committee had not chosen to suspend the Member as they expected him, as Chair of the Parish Council, to take an active and positive lead in the implementation of the recommended improvements in the Parish Council's procedures and arrangements.

He advised Councillor Tucker of his right to appeal against the Sub-Committee's decision to the First-tier Tribunal.

Resolved –

- (a) That Councillor Tucker, having been found in breach of paragraphs 8, 9, 10 & 12 of the Code of Conduct be censured.
- (b) That the Parish Council be recommended to approve and adopt the Investigating Officer's further recommendations as now amended and set out below:
 - i. That the process of recording Parish Council Minutes, in particular the Environment Sub-Committee, needs to be reviewed to ensure that they accord with statutory and current best practice.
 - ii. That the process of checking Minutes before they are formally approved requires review to ensure that they accord with statutory and current best practice.
 - iii. That arrangements for convening and giving notice of meetings of the Environment Sub-Committee need to be reviewed to ensure that they accord with statutory and current best practice and an alternative venue suitable for meetings to which the public have access should be found.
 - iv. That efforts should be made to make residents within the Parish more aware of their rights of access to Parish Council meetings, particularly those dealing with planning matters, and these should be more widely publicised.
 - v. That an agreed protocol for the issue of formal correspondence in the name of the Parish Council should be drawn up and a system of checks to ensure that these are adhered to should be put in place.

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- vi. That further training of all Colnbrook with Poyle Parish Councillors in all aspects of the Local Code of Conduct be arranged as a matter of urgency and all Parish Councillors be required to attend.
- vii. That the Clerk to the Colnbrook Parish Council be required to attend appropriate training relevant to his position.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 9.55 pm)