

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Standards Sub-Committee

Date: Wednesday, 8th March, 2006

Place: Civic Suite, Civic Centre, Southend-on-Sea

Present: Reverend Stephen Burdett (Chairman), Mrs. Tetley, Councillors Miss Cushion and Game

In Attendance: J.K. Williams (Monitoring Officer) and F. Abbott (clerk)
Councillor Terry
Also present:
Councillor D Norman and P Tremayne (Investigating Officer)

Start/End Time: 14.00/16.30

Part I

1253 Apologies and substitutions.

Apologies for absence were received from Councillor Cole.

1254 Declarations of interest.

There were no declarations of interest made at the meeting.

1255 Hearing pursuant to Article 9.03(n) of the Constitution into allegations that Councillor Martin Terry failed to comply with the Member's Code of Conduct.

The Sub-Committee held a Hearing into a Complaint that Councillor Martin Terry had failed to comply with the Members Code of Conduct. The Complaint was referred by the Standards Board for England and had been the subject of a local investigation.

The Hearing was conducted in accordance with the Hearing Procedure Rules in Part 4 (i) of the Constitution.

The Sub-Committee found that Councillor Terry did breach the Code by failing to declare an interest at a meeting of the Traffic & Parking Working Party when it commenced consideration of the safety of the Victoria Road/Northumberland Avenue road junction adjacent to his house. Furthermore, Councillor Terry participated in the debate and sought to improperly influence others, when the Code required that he withdraw from the meeting by reason of having a prejudicial interest.

In reaching its decision on sanctions, the Sub-Committee gave careful consideration to, inter alia, the following matters:

- The advice on pages 10 and 11 of the Standards Board Guidance 'Standards Committee Determinations' July 2003.
- The report of the Investigating Officer and in particular paragraph 5.8 relating to the apology at Council on 26th April 2005.
- The mitigating circumstances put forward by Councillor Terry and in particular his explanation that his prime motivation for getting involved with the Victoria Road issue was because of concerns for public safety.
- The letter submitted to the Hearing by the Investigating Officer from Councillor David Norman dated 6th March 2006 relating to events at the Traffic & Parking Working Party on 1st March 2006.

The Sub-Committee emphasised that it would generally take a very serious view of a Councillor who had contravened the interest provisions in the Code of Conduct, as it is vital that members of the public have confidence in the integrity of their elected representatives. However in all the circumstances of this case and Councillor Terry's explanation recorded above, the Sub-Committee decided that the appropriate sanctions were to require Councillor Terry to undertake additional training.

Resolved:

1. The Standards Sub-Committee concurs with the findings of fact set out in the report of the Investigating Officer, Mr Tremayne.
2. The Standards Sub-Committee accepts the conclusions of the Investigating Officer that Councillor Martin Terry had contravened paragraphs 8.1, 9.1, 10.1, and 12 (1) (a) and 12 (1) (c) of the Code of Conduct.
3. That the sanctions imposed on Councillor Terry be that he should:
 - (a) Undertake a one-to-one training session with the Monitoring Officer, or his nominee, on the Code of Conduct to ensure that he fully understands the principles and obligations. Such session to take place within 6 weeks of the date of the decision; and
 - (b) Attend the next Members Training Event which deals, in whole or part, with the Code of Conduct; such a Training Event is planned for early in the next Municipal Year.
4. The Standards Sub-Committee also recommends to the Council that the process by which Members raise Highway issues within their wards and the town generally be clarified.