

EAST STAFFORDSHIRE BOROUGH COUNCIL

Minutes of an Extraordinary Meeting of East Staffordshire Borough Council held in the Council Chamber at the Town Hall, Burton upon Trent on Friday 21st December 2018.

Present:

Councillor C Smith (Mayor) in the Chair

Councillors	Mrs P L Ackroyd	P Hudson
	G Allen	S A Hussain
	S Andjelkovic	Mrs J F Jessel
	E W R Barker	A Johnson
	M J Bowering	R Johnston
	K J Builth	C B Jones
	R J Clarke	Mrs J Jones
	M Fitzpatrick	D C Leese
	D F Fletcher	Ms A J Legg
	S P Gaskin	S McKiernan
	Mrs V Gould	B G Peters
	R G W Grosvenor	P Walker
	G Hall	C V Whittaker
	H Hall	C Wileman (Deputy Mayor)

Officers Present:

The Chief Executive, the Head of Service (Sal Khan and Mark Rizk), the Monitoring Officer, the Deputy Monitoring Officer, and the Principal Democratic Services Officer.

Apologies for absence were received from Councillors A A Chaudhry, R A Faulkner, D Florence-Jukes, D Goodfellow, Mrs J A Killoran, Ms A J Legg, G E Marjoram, S McGarry, L G Milner, Mrs L Shelton and Mrs B Toon.

270/18 **DECLARATIONS OF INTEREST**

There were no declarations of interest at the commencement of the meeting.

271/18 **URGENT BUSINESS**

There was no urgent business for consideration at the meeting.

272/18 **APPOINTMENT TO COMMITTEES**

The report of the Deputy Monitoring Officer on the numbers and allocation of Councillors to serve on committees was considered. Appendix 1: List of Members nominated to serve on Committees and Panels (December 2018) had been circulated with the report and is appended to the minutes.

Council noted the number of Councillors allocated to serve on each Committee and Panel as follows:

<u>Committee</u>	<u>Conservative</u>	<u>Labour</u>	<u>Liberal Democrat and Independent Group</u>	<u>Independent</u>	<u>Total</u>
Appeals Panel	2	1	0	0	3
Audit (Approval of Statement of Accounts) Committee	10	4	2	0	16
Complaints Panel	2	1	0	0	3
Development Plan Committee	3	2	0	0	5
Licensing Committee	10	5	0	0	15
Planning Committee	10	5	0	0	15
Scrutiny (Economic Growth Communities and Health) Committee	8	5	1	1	15
Scrutiny (Audit and Value Money Council Services) Committee	10	4	2	0	16
Senior Officer Employment Committee	3	2	0	0	5
Standards Committee	3	2	0	0	5

¹ The Leader of the Council has offered one seat of the Scrutiny (Economic Growth Communities and Health) Committee to Councillor Mrs Lynne Shelton.

The political groups had confirmed their nominations to the Committees and Panels, which were set out in Appendix 1 to the submitted report and duly noted by Council.

Council noted it was proposed that Councillor D F Fletcher replace Councillor M T Fitzpatrick on the Standards Committee.

At this juncture Councillor H Hall read the following statement:

“At the Full Council meeting on 3rd December 2018, Cllr Florence-Jukes stated that I had not been consulted on the changes to committees described in the Deputy Monitoring Officer’s Report to Council. In point of fact though I had been emailed by the Deputy Monitoring Officer on 28th August, together with Cllr Grosvenor and Cllr Fitzpatrick, when Mr Ebberley told us that there was a new vacancy on the Scrutiny (Strengthening Communities and Economic Growth) Committee, to be filled by the Labour Group; and that there were two outstanding Conservative Group vacancies on Planning Committee. None of the vacancies concerned my Group. I did not respond to Mr Ebberley’s email and by the time I received the agenda for the 3rd December Council meeting I had forgotten that I had received the email in the first place. I checked through my emails prior to the meeting but I did not check back far enough. I accept that my memory lapse resulted in me giving misleading and inaccurate information to Cllr Florence-Jukes, which she then relayed to the meeting without any correction by me (for the reasons I have already explained). I apologise for this error on my part.

I also accept that professional courtesy and the Protocol for Councillor and Officer Relations dictate that I should have contacted the Deputy Monitoring Officer in advance of the meeting to raise my queries over his Report, instead of allowing my Group member to ambush him during the debate on this agenda item. I would now like to apologise to Mr Ebberley for this discourtesy and I accept that he did contact me about this matter a little over 3 months in advance of the meeting.

Finally, I apologise that this meeting has had to be convened, causing inconvenience to my fellow members and to officers and resulting in additional cost to Council Taxpayers.”

Resolved:

- (i) That the number and allocation of Councillors serving on each Committee and Panel as set out in paragraph 4.2 of the report be agreed;
- (ii) That, subject to the above, the Council note the nominations of the political groups to the Committees and Panels (including that Councillor D F Fletcher replace Councillor M T Fitzpatrick on the Standards Committee);
- (iii) That, subject to the above, the Council appoint Councillors to serve on each Committee and Panel in accordance with those nominations.

Voting concerning the above was as follows:

THOSE VOTING FOR THE MOTION	THOSE VOTING AGAINST	THOSE ABSTAINING
Councillor Mrs P L Ackroyd		Councillor S A Hussain
Councillor G Allen		Councillor P Walker
Councillor S Andjelkovic		
Councillor E W R Barker		
Councillor M J Bowering		

Councillor K J Builth		
Councillor R J Clarke		
Councillor M T Fitzpatrick		
Councillor D F Fletcher		
Councillor S P Gaskin		
Councillor Mrs V J Gould		
Councillor R G W Grosvenor		
Councillor G Hall		
Councillor H Hall		
Councillor P Hudson		
Councillor Mrs J F Jessel		
Councillor A Johnson		
Councillor R A Johnston		
Councillor C B Jones		
Councillor Mrs J Jones		
Councillor D C Leese		
Councillor G E Marjoram		
Councillor S McKiernan		
Councillor B G Peters		
Councillor C Smith		
Councillor C V Whittaker		
Councillor C Wileman		

273/18 **UPDATE FROM THE CHAIRMAN OF THE STANDARDS COMMITTEE**

Councillor M J Bowering, Chairman of the Standards Committee read the following statement:

“At a meeting of the Council’s Standards Committee yesterday evening, Cllr George Allen and Cllr Sue McGarry were both found to have brought East Staffordshire Borough Council into disrepute by breaching the Code of Conduct for Councillors and the Planning Code for Councillors.

The Committee was called for the purpose of hearing six complaints against Cllr Allen and three complaints against Cllr McGarry. One of the complaints against Cllr Allen concerned his behaviour in relation to a planning application for a residential development at land off Westlands Road, Uttoxeter and in that case the Committee found that Cllr Allen had breached the relevant Codes by failing to declare an interest in a property close to the development site and that he had breached the general obligation of Openness by failing to act and take a decision in an open and transparent manner.

All of the remaining complaints, against both Cllr Allen and Cllr McGarry, concerned a planning application for a residential development at Hazelwalls Farm, Uttoxeter. It was alleged that both Councillors had failed to disclose that:

- they were part of an organised pressure group protesting and campaigning against the proposed development;
- that they had attended private meetings of that group unbeknown to officials, been involved in the production of campaign leaflets and had engaged in lobbying as part of the campaign group rather than simply representing residents.

In all those cases the Committee found that both Councillors had breached the relevant Codes as a result of their involvement with the campaign group and they had failed to uphold the general obligations of Openness, Selflessness and Objectivity.

The Committee imposed the following sanctions:

1. That its findings be published on the Council website and in the form of a press release;
2. That its findings be reported to Council at this meeting on 21st December;
3. That the Monitoring Officer arrange training for the two Councillors on the Code of Conduct for Councillors and the Planning Code for Councillors. Such training to be undertaken by 31 January 2019;
4. That neither Councillor should be allowed to sit on Planning Committee until the training referred to at 3 above has been completed.”

NOTED.

Mayor