

Standards Committee

Minutes of a Meeting of the Standards Committee held in Committee Room 1 (Fougères Room), Civic Centre, Tannery Lane, Ashford on the **22nd December 2008**

Present:

Mrs C Vant (Chairman);

Cllr. Mrs Hawes (Vice-Chairman);

Cllrs. Mrs Blanford, Mrs Laughton

Mr M Sharpe - Independent Member, Ms J Adams, Mr R Butcher and Mr D Lywood – Parish Council representatives.

Apologies:

Cllrs. Honey, Wood

Mr Dowsey

Also Present:

Mr Murray, Monitoring Officer, Mr T Drew – External Investigator, Member Services and Scrutiny Manager.

354 Minutes

Resolved:

That the Minutes of the meeting of this Committee held on the 12th December 2008 be approved and confirmed as a correct record.

355 Local Investigation and Determination Hearing – Reference SBE19763.07 – Councillor Duncan Murray of Rolvenden Parish Council

The Chairman welcomed everyone to the meeting. The Monitoring Officer confirmed that the meeting was quorate after which the Chairman invited the parties to say if they wished the press and public to be excluded from the Hearing. All parties were content for them to remain present and the Chairman then confirmed that the Hearing would be held in public and described the process for the Hearing.

The Monitoring Officer then introduced his report and advised that the case had been referred to him for local investigation by the Standards Board on the 1st October 2007 and he had appointed Mr Tony Drew to undertake the investigation on his behalf. He advised that Mr Barham, the complainant, had alleged that Councillor Duncan Murray had failed to declare a personal interest at and withdraw from a meeting of the Rolvenden Parish Council on the 28th August 2007. He advised that

the allegation centred around discussions and decisions at the Parish Council meeting in relation to a planning application for housing on a site known as Glebe Field. It was alleged that Mr Murray lived close enough to the Glebe Field site to be affected by any development. He drew attention to the Investigating Officer's report findings set out on Page 24 of the Agenda (paragraph 5.1 refers) and indicated that the Investigator had concluded that Councillor Murray had failed to comply with paragraph 9(1) but that he had not failed to comply with paragraphs 12 (1a) and 12 (1c) of the Code of Conduct. The reasons for the findings were set out on pages 22 and 23 of the Investigating Officer's report. The Monitoring Officer referred to Document M27 and in particular to the four photographs included within the Agenda in that section of the document. He advised that regrettably there had been a mistake in assembling the documents and he clarified that only the photograph on page 140 of the Agenda related to Councillor Murray's case. He therefore asked the Committee to ignore the photographs on pages 139, 141 and 142 of the Agenda. The Monitoring Officer distributed a copy of a further photograph to which he had given the reference M29 which had been omitted from the original bundle of papers and he advised that the photograph had been taken from a location at the edge of the Glebe Field site, looking towards Councillor Murray's house.

In accordance with the Procedure for Local Determination Hearings (paragraph 8(b)) refers, Councillor Murray was asked whether he accepted that there had been a breach of the Code.

Councillor Murray confirmed that the Monitoring Officer's summary of the position was accurate from his point of view and confirmed that he did not consider that he had breached the Code.

The Investigating Officer then introduced his report and highlighted the background to the complaint. He summarised the history of the proposed development of the Glebe Field site and advised that a key fact was that prior to becoming a Councillor in May 2007, Mr Murray had been aware of issues regarding the Glebe Field site in 2004 and had campaigned against that particular development. The Investigating Officer referred to the interview notes with Mr Murray on page 54 and advised that Mr Murray had expressed concerns in terms of the residents of Monypenny's fears. The Investigating Officer also commented that Councillor Murray's view was the Glebe Field site was unsuitable for the development because it was a special corner of the village and the development would change the existing character of the area. The Investigating Officer also referred to extracts from the Minutes of the Rolvenden Parish Council meeting on the 28th August 2007 when the complainant, Mr Barham, had spoken from the floor and he advised that the Chairman at the meeting had invited declarations of interest. However, Councillor Murray had said he had no interest to declare and he voted on the motion. The Investigating Officer agreed that the distance between the boundary of Councillor Murray's house and the Glebe Field development site was 80 yards. He referred to plans on page 134 of the Agenda and advised that Plot 10 shown on the drawing would be the nearest property and would in part be visible from Councillor Murray's home. He advised that he agreed with Councillor Murray's comment that the property shown as Plot 10 was the most relevant but he did disagree with his view that the others were not relevant. He advised that the copy of Mr Barham's original plan was included within the Agenda papers as it had formed part of his original complaint, but he confirmed he had not

used this sketch in reaching his conclusions or assessing the impact, as this had been done using more accurate available materials. He then concluded by summarising the findings of his report set out in Section 4.

Councillor Murray advised that the summary given by the Monitoring Officer and the Investigating Officer was fair but he wished to clarify that he was not against the development at Glebe Field but was more concerned about the proposed access via Monypenny. He advised that he was pleased that the issue about the incorrect photographs included within the documents had been clarified and he said that the black canvass in Photograph M29 were new barriers. He confirmed that it would not be possible to view the site from his living room. Councillor Murray advised that he was a new Parish Councillor in May 2007 and at the time of the issue being raised at the Parish Council, he had been unaware that he could have sought advice from Ashford Borough Council as to his position in terms of the Code. Councillor Murray advised that he had examined cases on the Standards Board website and explained that in the previous year a complaint involving a similar case, had been dismissed where the person's property was 150 metres from the relevant site. He referred to the photograph on page 159 of the Agenda and drew attention to the fact that the property Monypenny could be seen from his property. In terms of the new development at Glebe Field he indicated that all he would be able to view from his property would be the upper elevation of a property which had a small bathroom window. He said that this issue had no significance to him. He believed on four separate occasions at Parish Council meetings he had made clear the reasons why he did not consider he had a personal or prejudicial interest. In conclusion he referred to a recent case involving Councillor Hindley of Rolvenden Parish Council who had a property the same distance from the Glebe Field site and he advised that that complaint had been dismissed.

The Chairman then offered Members of the Committee an opportunity to ask questions. A Member commented that at the particular Council meeting in August 2007 the Council was only in effect considering an issue relating to access to the site as the principle of the development had already been determined on appeal by the Secretary of State.

In response to a question, Mr Drew explained that he had not been provided with a copy of the actual Agenda for the meeting of the Parish Council on the 28th August 2007 as part of the documents that he had requested. He had also not investigated the ownership of the field lying between Councillor Murray's property and the Glebe Fields site. Mr Murray confirmed that he had not attended training in terms of the Code of Conduct but he had asked to view a video which was available. In terms of the alternative sites for affordable housing in Rolvenden, Councillor Murray also confirmed that he had sent a copy of that document to the Parish Council.

The Committee retired to consider the alleged breach and returned with the verdict that there had been no failure to comply with the relevant Code of Conduct.

Resolved:

That the Ashford Borough Council Standards Committee, having considered the Investigating Officer's report and the representation of the Investigator and

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of Councillor Murray, concluded that there had been no failure to comply with the relevant Code of Conduct at or in relation to the Parish Council meeting on the 28th August 2007 in relation to paragraphs 9 or 12 of the Code of Conduct. The reason for the decision was that there was no personal interest in the matter under consideration at that meeting as the matter was effectively in relation to access only (not the principle of the development as a whole) and the issue of access was not something which could be reasonably regarded as affecting Councillor Murray's personal wellbeing or interest.

(KRF/AEH)

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Queries concerning these Minutes? Please contact Keith Fearon:
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