

Notice of Decision
Standards Committee (as the Local Determinations Sub-Committee)

21 August 2008 at 6pm

Councillors	Independent Members	Parish Council Reps
Angie Mills	Anthony Case (Chairman)	Mary Hamblin (Lancing)
Janet Mockridge	Julian Cioffi (Vice-Chairman)	Ken Bashford (Sompting)
Ben Stride		

*= Absent

Also present: Mr N Pigott (former Councillor). Mr W Johnson, Investigator. Mr J Cook , Monitoring Officer as complainant)

S/160/08-09 Questions & Statements by the Public

There were no Members of the public present

S/161/08-09 Items Raised under Urgency Provisions

There were no items to be considered under the urgency provisions.

S/162/08-09 Declarations of Interest

No interests were declared

S/163/08-09 Exclusion of press and public

Resolved that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting from the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12 A to the Act indicated against the item

S/164/08-09 Complaint about the conduct of a member of the Adur District Council (Paragraph 1)

The Sub-Committee had before it a report by the Executive Head of Legal and Democratic Services and Monitoring Officer as item 5(1), this detailed the pre-hearing processes undertaken for the complaint. The Procedure for the Hearing was attached as Annex B to the agenda.

Attached to the agenda was an exempt information report as Appendix 5(2) from the Investigation Officer, Mr Johnson. The Investigation was carried out under section 60(2) of the Local Government Act 2000 a copy is attached to this decision notice in the minute book. Delivered to members of the committee was a bundle of background papers used by Mr Johnson in forming his report.

A complaint relating to the then Councillor Pigott had been made to the Standards Board for England and had been referred for local investigation. As the complainant was the

Monitoring Officer, an independent local investigator had been appointed. The report of the Investigator had been submitted to the Council and also to former Councillor Pigott. (Former councillor Pigott did not seek re-election in May 2008 at the end of his term of office).

Nature of Complaint: That (former) Councillor Pigott failed to complete a new Code of Conduct and Register of Interest Form as required by the Code of Conduct for Members following the adoption of the new code in 2007. The Code was adopted on 23 July to be filed by 20 August. Letters and reminders had been sent on various dates including a report to the Standards Committee on 28 November 2008.

The sub-committee had the report from the Investigator and received verbal representations from Mr Pigott. Mr Pigott admitted that he had not signed the Code as required to which he was sorry but in mitigation could not remember having received the letters, forms and reminders. Until the letter from the Standards Board for England regarding the complaint he stated that he not understood the implications of the Code of Conduct. He also felt that such an important document should have been sent recorded delivery.

The Committee questioned Mr Pigott on matters in the evidence.

There was no dispute that Mr Pigott had not signed the Code of Conduct form.

Following the written and oral evidence, the Committee adjourned at 6.20pm to consider the facts

The meeting recommenced at 6.35pm.

Facts: On the balance of probabilities, Mr Pigott did receive the new Code and several reminders in 2007.

Mr Pigott had a duty to complete the new form on adoption of the new Code by the Council in July 2007.

Mr Pigott, by verbal admission at the meeting, stated that he did not complete the Code.

The opportunity was given for further representations but none were made.

Findings: That Mr Pigott, by his own admission failed to complete the Code of Conduct as required by the Council and thereby broke the Code of Conduct.

The Legal Advisor informed the Committee that as Mr Pigott was no longer an elected member of the District Council the only course of action was censure.

The Committee adjourned at 6.55pm to consider the decision and any recommendations to the Council.

The Hearing recommended at 7pm

Decision: As a former councillor, the only action open to the Hearing was to censure Mr Pigott for failing in his duty to sign the Member's Code of Conduct and Business Register Forms as required by the Monitoring Officer on behalf of the Council.

That Adur District Council be recommended:

To report to the next meeting of the Standards Committee on the process for the completion of the Code of Conduct and Register of Interest form, this process to include guidance, administration and posting arrangements, reminders and training.

(this is the full version of the Notice of Decision)

The Chairperson declared the meeting closed at 7pm, it having commenced at 6.00pm

CHAIRPERSON

Jas/standards/8.08