

AGENDA ITEM NO. 6

TO: STANDARDS COMMITTEE - 20 DECEMBER 2005

**SUBJECT: INVESTIGATION INTO COMPLAINTS REFERRED BY THE
STANDARDS BOARD FOR ENGLAND**

FROM: DEPUTY MONITORING OFFICER

1. PURPOSE OF REPORT

To consider the outcome of the investigations into complaints made by a member of the public to the Standards Board for England regarding the conduct of two members of the Council.

2. BACKGROUND

- 2.1 The Standards Board for England received complaints from a member of the public, Mr D Harris, regarding the conduct of Councillors Martyn Ashford and Mrs Jane Knight at a meeting of the Planning Committee held on 12 July 2005.
- 2.2 Both Councillors are members of the Planning Committee and the complaints were made in relation to their actions when the Committee considered planning application W05/0556 submitted by Mrs S Harris for the use of 15 Radford Road, Leamington Spa for a day care nursery for 47 children aged 0 to 4 years old.
- 2.3 The Planning Officer had recommended approval but, on a vote of five against and four in favour, the application was refused on the grounds that:
- (a) the loss of the property's domestic character would be detrimental to the character and appearance of the Conservation Area in which it was located; and
 - (b) the limited amount of off-street parking available within the site and the scale of the commercial operation proposed (requiring a significant number of staff as well as being likely to result in many parents dropping off and picking up children by car) it was considered that this development would unacceptably add to the congestion within the locality.

- 2.4 A complaint against a third member of the Committee was made to the Standards Board for England but they decided that the allegation should not be investigated.
- 2.5 The two complaints were given preliminary consideration by an Ethical Standards Officer of the Standards Board who, under section 60(2) of the Local Government Act 2000, decided to refer them to me for investigation, as the Deputy Monitoring Officer (in the absence of a Monitoring Officer).

3. CURRENT POSITION

- 3.1 The complaints have now been investigated and the reports are attached at Appendix A (regarding Councillor Ashford) and Appendix B (Councillor Mrs Knight).
- 3.2 Copies of the reports have been forwarded to Councillors Ashford and Mrs Knight, Mr Harris, and the Ethical Standards Officer who referred the complaints for investigation.
- 3.3 The Standards Committee is requested to consider the reports. The role of the Committee is to decide whether, based on the facts set out in the reports, it agrees with the findings or believes that there is a case to answer.
- 3.4 If the Committee concludes that there is a case to answer, the full Committee or a sub-group, must hold a hearing to make a final determination on whether the Code of Conduct has been breached.

4. RECOMMENDATION

That the reports into the investigations be considered with a view to accepting the findings or deciding to hold hearings into the complaints.

Robert Inman
Deputy Monitoring Officer

BACKGROUND PAPERS

Areas in District Affected: None

Key Decision: No

Included in Forward Plan: No

Consultation method: Not applicable

For further information about this report please contact:

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