

**STANDARDS COMMITTEE
14 NOVEMBER 2007**

Present: Independent member: -
Mr V Kempner (in the Chair)
Councillors Bird, Daniel, Smith and Soan
Also in attendance were David Powell the Investigating Officer
and Kirsty Cameron the legal advisor.
Apologies for absence were received from Sue Fellows and
Councillor Fawthrop.

4. MINUTES

RESOLVED – that the minutes of the meeting held on 7 June 2007 be approved and signed by the chair as a correct record.

5. DECLARATIONS OF INTEREST

The following Councillors declared their interests in the minute indicated: -

Councillor	Minute	Interest
Bird	6 – Investigation of Complaint SBE 18319.07	Personal – She represents the same ward as the respondent.
Smith	6 – Investigation of Complaint SBE 18319.07	Personal – He knew the complainant.

6. INVESTIGATION OF COMPLAINT SBE 18319.07

The Borough Solicitor and Monitoring Officer had submitted the Investigating Officer's report for consideration. Councillor Tucker was the respondent. Councillor Tucker had orally indicated that he did not wish to attend the hearing. The Monitoring Officer had written to him reminding him of the date of the hearing and he had been sent a copy of the agenda. He was not present nor was he represented at the meeting.

RESOLVED - (unanimously) – that consideration of the complaint would continue in Councillor Tucker's absence.

The Borough Solicitor and Monitoring Officer summarised her report and highlighted the issues that the Committee needed to address. She reported that she had accompanied all members of the Committee present on site visits to the Sandrock site and the location of Councillor Tucker's home. Kirsty Cameron, legal advisor had also attended the site visit.

The Investigating Officer addressed the Committee and highlighted points from his report.

The Committee retired to consider their findings of fact. They returned and announced their findings of fact, as follows: -

1. at the time of the events complained of, in February, March and April 2007, Councillor Tucker was a member of Hastings Borough Council;

**STANDARDS COMMITTEE
14 NOVEMBER 2007**

2. at the time of the events complained of, Councillor Tucker was required to observe the Code of Conduct of Hastings Borough Council;
3. Councillor Tucker did sit as a member of a Working Group advising Cabinet on the suitability of three possible sites as a Traveller Transit Site;
4. he did so as a member of Hastings Borough Council;
5. the Code of Conduct applied to the Working Group;
6. Councillor Tucker did not declare a personal interest at the Working Group on 15 February, Cabinet on 5 March or Council on 18 April; and
7. Councillor Tucker's private residence was at 6 Centurion Rise throughout that period.

The Investigating Officer addressed the Committee on why he considered that the findings of fact amounted to a breach of the Code of Conduct. He answered questions from members of the Committee.

The Committee decided not to withdraw during their deliberations.

RESOLVED (unanimously) – that: -

- (1) the complaint is not upheld as Councillor Tucker did not fail to comply with the Code of Conduct because the location of his residence was such that he did not have a personal interest. The reasons for this decision were as follows: -**
 - (a) there was a significant distance between the Sandrock site and Councillor Tucker's residence in view of the topography of the area;**
 - (b) by road the distance between the two sites was considerably more than 600 yards;**
 - (c) if an itinerant site were to be developed at Sandrock it would have no effect on the value of Councillor Tucker's property;**
 - (d) an ordinary member of the public visiting the sites would not consider that Councillor Tucker had a personal interest;**
- (2) the Borough Solicitor and Monitoring Officer write to all members reinforcing the advice previously given to them of their opportunity to consult with the Monitoring Officer about issues of interest at meetings including informal meetings of the Council; and**
- (3) all members of the Council should attend any training on the Code of Conduct and ways in which they should conduct themselves. A report on attendance at training sessions be submitted to the next meeting.**

(The Chair declared the meeting closed at 6.58 pm)