

**STANDARDS COMMITTEE**  
**13 MAY 2008**

Present: Independent member: -  
Mr V Kempner (in the Chair)

Councillors Bird, Daniel, Fawthrop, Soan and Waite

Also in attendance were Councillor Scott, David Powell, MA, MBA, FRICS, FRTPI, the Investigating Officer, Borough Solicitor and Monitoring Officer and Chris Barkshire-Jones the legal advisor.

Apologies for absence were received from Sue Fellows.

**10. MINUTES**

**RESOLVED** – that the minutes of the meeting held on 29 January 2008 be approved and signed by the chair as a correct record.

**11. DECLARATIONS OF INTEREST**

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

Councillor	Minute	Interest
Daniel	12 – Investigation of Complaint SBE 20295.07	Personal – Member of the Friends of the Conquest and a patient of the ENT department.
Fawthrop	12 – Investigation of Complaint SBE 20295.07	Personal – He knew someone who worked at the Conquest hospital.

**12. INVESTIGATION OF COMPLAINT SBE 20295.07**

The Borough Solicitor and Monitoring Officer had submitted the Investigating Officer's report for consideration. The Complainant, Councillor Stephen Springthorpe, alleged that Hastings Borough Council Cabinet had discussed a number of options relating to changes to local health services. The purpose of the discussion was to indicate to the local Primary Care Trust the Council's preferred option. Councillor Springthorpe alleged that Councillor Scott took part in the discussion and voting on the matter but failed to declare an interest. The Complainant alleged that the interest arose because Councillor Scott's wife worked at the Conquest Hospital, which was the specific site under discussion.

Councillor Scott was the respondent and was in attendance. He confirmed that he would not have legal representation at the meeting.

The Borough Solicitor and Monitoring Officer summarised her report and highlighted the issues that the Committee needed to address. The Investigating Officer addressed the Committee and highlighted points from his report.

Councillor Scott addressed the Committee and agreed that the report was factually correct. He made a statement in his own defence.

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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, Councillor Scott was a member of Hastings Borough Council;
2. at the time of the events complained of, Councillor Scott did take part in discussions and voting on the Council's preferred option at a Cabinet meeting held on 9 July 2007 as a member of Hastings Borough Council;
3. at the time of the events complained of, Councillor Scott was required to observe the Code of Conduct of Hastings Borough Council. He was aware of the provisions of the Code;
4. Councillor Scott did not declare a personal or prejudicial interest at the Cabinet meeting held on 9 July 2007; and
5. at the time of the events complained of Councillor's Scott wife was employed by the NHS Trust responsible for the provision of services to the Conquest Hospital.

The Investigating Officer addressed the Committee on why he considered that the findings of fact amounted to a breach of the Code of Conduct, as set out in paragraphs 4.1 and 4.2 of his report. He answered questions from members of the Committee.

Councillor Scott said that with hindsight he felt that he should have declared an interest. However his vote had made no difference to the decision. The Chair asked if Councillor Scott accepted that this was a breach of the Code of Conduct, and if so was that interest personal or prejudicial. Councillor Scott offered an apology to the Committee and said that he accepted that he did have a personal interest. There was no financial gain for himself or his wife.

The Committee withdrew during their deliberations.

**RESOLVED (unanimously) – that: -**

- (1) Councillor Scott by his own admission had failed to comply with the code of conduct of Hastings Borough Council. His wife did work for the NHS Trust and in hindsight he should have declared a personal interest. No action need to be taken in respect of this failure.**
- (2) Councillor Scott did not have a prejudicial interest and had not, therefore, failed to comply with the Code of Conduct of Hastings Borough Council. The discussions at Cabinet were part of a consultation exercise. Hastings Borough Council were one among a number of consultant bodies albeit an influential one. Councillor Scott's wife worked in the ENT department which was not a subject of the discussions. This led the Committee to believe that the objective test that a member of the public with knowledge of the same facts would reasonably regard as so significant that it would have prejudiced Councillor's Scott view of the public interest, would not be fulfilled.**

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- (3) in future the Borough Solicitor and Monitoring Officer write to all members reminding them of the need to consider any necessary declaration of interest whenever a high profile matter is under consideration.**

(The Chair declared the meeting closed at 7.25 pm)