



GREAT YARMOUTH
BOROUGH COUNCIL

Standards Committee

Date: Friday, 11 March 2016
Time: 10:00
Venue: Council Chamber
Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

Open to Public and Press

1 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

2 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3 **EXCLUSION OF PUBLIC**

In the event of the Committee wishing to exclude the public from the meeting, the following resolution will be moved:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

4 **MINUTES**

3 - 4

To confirm the minutes of the meeting held on 18 November 2015.

5 **CODE OF CONDUCT COMPLAINT AGAINST COUNCILLOR
JOHNSON**

a **CODE OF CONDUCT COMPLAINT FORM FOR COUNCILLOR
JOHNSON**

5 - 13

Report attached.

b **INDEPENDENT PERSONS REPORT REGARDING COUNCILLOR
JOHNSON**

14 - 16

Report attached.

c **MONITORING OFFICERS REPORT REGARDING COUNCILLOR
JOHNSON**

17 - 17

Report attached.

Standards Committee

Minutes

Wednesday, 18 November 2015 at 14:00

Present :

Councillor Lawn (In the Chair), Councillors Andrews and Robinson-Payne.

Councillor Jermay attended as a substitute for Councillor M Coleman.

Also present were :

Mr L Gent (Parish Council Representative), Mr C Skinner (Monitoring Officer), Mr R Hodds (Deputy Monitoring Officer), Parish Councillor R Huxtable and Sarah Hunt (Martham Parish Council)

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor M Coleman.

3 MINUTES

4 CODE OF CONDUCT COMPLAINT AGAINST COUNCILLOR HUXTABLE

The committee considered the report of Mr D Johnson, Solicitor nplaw who had been appointed as the Investigating Officer into a complaint by Mr T Willis of 7 Pine Close Martham, that a Martham Parish Councillor Robert Huxtable had breached the Parish Council's Code of Conduct by failing to declare an interest as required by the code. The Monitoring Officer had concluded that there had been no breach of the code by Parish Councillor Huxtable but Mr Willis had exercised his right of appeal and had requested that the matter be considered by the Standards Committee.

The Monitoring Officer reminded the Committee that they should decide if it considers a breach has occurred and if so what, if any, sanctions would be appropriate.

The Monitoring Officer pointed out that the complainant Mr Willis had been invited to attend but had chosen not to do so. The Committee also considered comments made by Parish Councillor Huxtable and by the Parish Clerk of Martham Parish Council.

RESOLVED

That having heard the evidence and having read the papers the Standards Committee conclude that no further action should be taken on this matter.

5 CODE OF CONDUCT COMPLAINT AGAINST COUNCILLOR JOHNSON

The Committee agreed that in the absence of Parish Councillor Johnson this matter should be deferred to a future meeting.

6 VACANCY FOR PARISH COUNCIL REPRESENTATIVE TO SERVE ON STANDARDS COMMITTEE.

The Standards Committee considered applications for the Parish Council representative to serve on the Standards Committee from Mr P Manifold of Martham Parish Council and Mr H Webb of Caister on Sea Parish Council.

RESOLVED

That Council be recommended to agree that Mr P Manifold of Martham Parish Council be appointed as a Parish Council Representative to serve on the Standards Committee.

The meeting ended at: 15:10

Reference: GYBC13169

Members Code of Conduct Complaint Form

Please note that the eform you are about to complete is from an earlier version of our eforms software. This means it is not currently possible to complete it within your personalised 'My Account', so you will not see your saved or submitted form listed in your transaction history.

We are working hard to convert all eforms to our new software and transition them over to 'My Account'. Please bear with us during this transitional period.

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

We will however tell the following people that you have made this complaint:

- The Member(s) you are complaining about
- The monitoring officer
- The parish or town clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and details of your complaint being released, please complete section four of this form.

Additional help

Complaints must be made in writing, this includes fax and email, however in line with the requirements of the [Disability Discrimination Act 2005](#) we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language by using our [Translation Services](#).

Title	Mr
First name	Thomas
Last name	Willis
Other name(s)	

Property name/number	7
Street	Pine Close
Area	Martham
County	Norfolk
Postcode	NR29 4SG

Telephone number	01493 749885
Email address	tomwillis581@yahoo.co.uk
Confirm your email address	tomwillis581@yahoo.co.uk
Which type of complainant best describes you	Member of the public

Please give the name of the Member(s) you believe have breached the Code of Conduct and the name of their council

Title	First name	Last name	Council name
Chairman of Council	Mark	Johnson	Martham Parish Council

Please explain what the Member has done that you believe breaches the Code of Conduct.

Mr Johnson was co opted onto the Martham Parish Council in December 2013 and signed his Declaration of Interests on joining the Council. In November 2013 he formed a company called Watea and is the sole director. He failed to declare this interest on joining the Council, surely he could not forget his company as it was only a month old. This company was only recently added to his Declaration probably June 2015. at the same time he declared his new company Broadland Training Solutions which he formed in April 2015. I think 18 months is rather a long time before declaring his interests and only happened I think on hearing of the complaint regarding my complaint about another Martham Councillor. I consider this a breach of the Code of Conduct over a long period of time.

If you are complaining about more than one Member you should clearly explain what each individual person has done.

You should provide all information you wish to have taken into account by the standards committee. For example:

- Be specific wherever possible about what exactly you are alleging the Member said or did
- Provide the dates of the alleged incident(s) where possible, if not please provide a general timeframe
- Confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible
- You should provide any relevant background information

Do you want to request that your identity is kept confidential? No

You do not need to complete the information below, please move to the next page

In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint.

Requests for confidentiality or requests of suppression of complaint details will not automatically be granted. The assessment sub-committee will consider the request alongside the substance of your complaint. We will contact you with the decision. If your request for confidentiality is not granted we will usually allow you the option of withdrawing your complaint.

It is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide details of why you believe we should withhold you name and/or the details of your complaint.

Please tick

- I confirm that the information given is complete and accurate to the best of my knowledge.
- I understand that the information provided on this application will be used for the purpose(s) for which it has been supplied and where appropriate, will also be used by the Borough Council in carrying out its various functions effectively. Information will not be shared with other organisations unless we are required to do so by law. However we will always use or share information for the prevention or detection of crime or the apprehension or prosecution of offenders.
- I understand that giving false information may result in prosecution.

[Link to our Privacy and Cookie Policy](#)

**REGISTRATION OF PECUNIARY INTERESTS
LOCALISM ACT 2011 - SECTION 29 AND 30 AND THE RELEVANT
AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012**

I, [FULL NAME IN CAPITAL LETTERS] **I**
a member of **MARK JOHNSON - MARTHAM COUNCIL**
give notice that

I, and to the best of my knowledge my spouse/civil partner, person with whom I live as husband or wife, or person with whom I live with as a civil partner (i.e. being relevant persons in accordance with the regulations) have the following pecuniary interests which are specified for the purpose of section 30(3) of the Localism Act 2011 (PLEASE STATE NONE WHERE APPROPRIATE).

1. **Employment, office, trade, profession or vocation**
Any employment, office, trade, profession or vocation carried on for profit or gain.

Member

Firefighter / Watch Manager
Norfolk Fire and Rescue Service,
Training Co-Ordinator.

Spouse/Civil Partner/Cohabitee

Manager
Martham Lodge (res care)

2. **Contracts**
Any contract which is made between you and/or your spouse/civil partner/cohabitee (or a body in which you and/or your spouse/civil partner/cohabitee have a beneficial interest) and the authority of which you are a member:

- (a) under which goods or services are to be provided or works are to be executed; and
(b) which has not been fully discharged.

Member

Spouse/Civil Partner/Cohabitee

3.

Land

Any beneficial interest in land which is within the area of your authority
Please specify so that the land is clearly identified.

Member

Willowcroft, cress lane, Martham, NR29 4TZ
44 Buck Lane, Martham, NR29 4PE
70 Marlborough Green Crescent, Martham, NR29 4ST
88 Marlborough Green Crescent, Martham, NR29 4ST
16 Cromwell Close, Martham
11 A The Green, Martham, NR29 4PL

Spouse/Civil Partner/Cohabitee

46 Buck lane, Martham, NR29 4PE

4.

Licences

Any licence (alone or jointly with others) to occupy land in the area of your
authority for a month or longer.

Member

Spouse/Civil Partner/Cohabitee

5. **Corporate Tenancies**

Any tenancy where (to your knowledge):

- (a) the landlord is your authority; and
- (b) the tenant is a body in which you and/or your spouse/civil partner/cohabitee has a beneficial interest.

Member

Spouse/Civil Partner/Cohabitee

6. **Securities**

Any beneficial interest in securities of a body where:

- (a) that body, to your knowledge, has a place of business or land in the area of your authority; and
- (b) either-
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you and/or your spouse/civil partner/cohabitee has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Member

Broadland Training Solutions, ^{Ltd.} Flaggy House, The Green
Murchum NR29 4PL (Director).

WATER Ltd., 11a The Green, Murchum NR29 4PL
(Dormant) (Director).

Spouse/Civil Partner/Cohabitee

7. Sponsorship (only applies to Member)

Any payment or provision of any other financial benefit (other than from your authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).

Member

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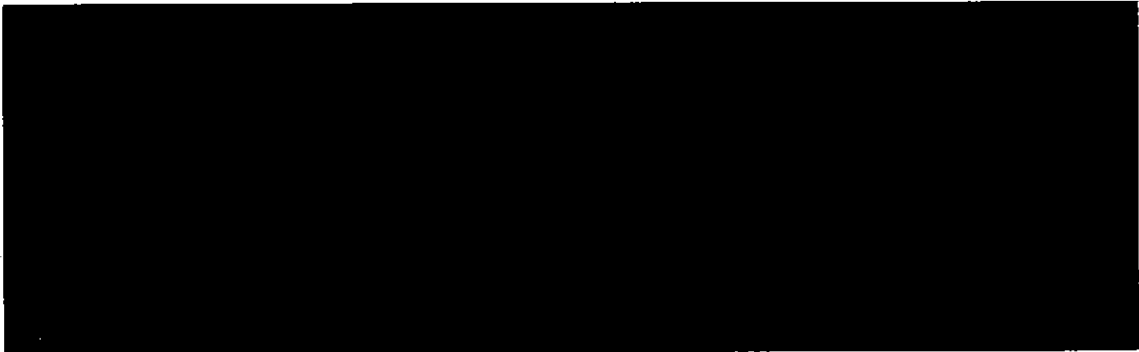
Other Interests as specified in your Council's Code of Conduct

Member

--

Spouse/Civil Partner/Cohabitee

--



Note:

Please check your entries in the register regularly to ensure that they are up to date.

The [<u>MARTHAM</u>] Parish Council Register of Members' Interests		Notes
<p>Name: <u>Mark Johnson</u></p> <p>These are the interests which you are required to register by virtue of section 30 of the Localism Act 2011</p> <p>It is a breach of the Code and an offence to fail to disclose a registerable interest within 28 days of taking office with the Council or within 28 days of declaring a new interest at a meeting.</p> <p>You must register your interests and those of your spouse or civil partner or a person with whom you live as a spouse or civil partner.</p>		<p>(a) Please state in full the names of any organisations referred to rather than use abbreviations or acronyms.</p> <p>(b) Please if possible type your responses.</p> <p>(c) Where there is no interest please write "NONE".</p> <p>(d) There is no need to register "sensitive information" provided the Borough Council's Monitoring Officer agrees. "Sensitive information" is information which, if made public, could lead to you or a person connected to you being subjected to violence or intimidation.</p>
Registered Interests		
<p>Employment</p>	<p>(a) Any employment, office, trade, profession or vocation carried on for profit or gain by me or my spouse/partner</p> <p><u>Norfolk Fire and Rescue</u></p> <p><u>Martham lodge (res care)</u> <u>(spouse)</u></p>	<p>This includes company directorships but only if you receive payment or other gain (including expenses) in return.</p>
<p>Sponsors</p>	<p>Names of people and organisations who pay or have paid or given a financial benefit towards:</p> <p>(i) my appointment with the Council; or</p> <p>(ii) The expenses I incur in carrying out my duties for the Council:</p>	<p>This does not include expenses paid by the Authority but does include payment or financial benefit from a Trade Union.</p>

<p>Shareholdings</p>	<p>Names of any company or other body which has a place of business or owns land in the Council's area and in which I or my spouse/partner have shares or other securities with a nominal value of more than £25,000 or are more than 1% of the total issued share capital or of any one class of share capital</p>	
<p>Contracts</p>	<p>Contracts between the Council and (a) me (or my spouse/partner) (b) a firm in which I am (or my spouse or partner is) a business partner, (c) a company of which I am (or my spouse/partner is) a director (d) a company or other body in which I have (or my spouse/partner has) shares or other securities</p>	<p>List contracts which are for goods, services or works. Do not list contracts which have been completed.</p>
<p>Land and Property</p>	<p>Address or description of :</p> <p>(a) Land or premises in the Council's area which are owned or leased by me (or my spouse/partner) or in which there is another beneficial interest.</p> <p>(b) Land or premises let by the Council to (i) a firm in which I am (or my spouse/partner is) a business partner (ii) a company which I am (or my spouse/partner is) a director (iii) a company or other body in which I have (or my spouse/partner has) shares or other securities</p> <p>(c) Land or premises in the Council's area in respect of which I have (or my spouse/partner has) a licence to occupy for at least a month.</p>	<p>If necessary, in order to clearly identify your land, a plan should be attached edging it in red.</p>

	Willowcroft, Cess Lane Martham
	44 Back lane, Martham
	70 Marlborough Green Crescent, Martham
	88 Marlborough Green Crescent, Martham
	18 Cromwell close, Martham
	22 Repps Road, Martham
	11a The Green, Martham
	46 Back lane, Martham (Spouse).



Christina L. Webb

From: Skinner, Chris <chris.skinner@norfolk.gov.uk>
Sent: 09 November 2015 19:54
To: Christina L. Webb
Subject: FW: FW: Investigation Report Cllr Huxtable 3-9-15 - Confidential

Hope this is what you need. This email provides the IP's comments on the Bob Huxtable investigation report and on the complaint against Councillor Johnson.
Chris

From: Alex Oram [<mailto:alex.oram@chi-assoc.com>]
Sent: 13 September 2015 20:32
To: Skinner, Chris
Subject: Re: FW: Investigation Report Cllr Huxtable 3-9-15 - Confidential

Hi Chris

Based on the report and David's findings I think that the recommendations are fine. I hope that is sufficient - I am happy to draft a separate document going into more detail (though there is very little to comment on given the lack of information in the report - which is not a criticism given the detail of this specific complaint!)

Looking back through emails I can see that I missed commenting in the other complaint relating to Martham Parish Council - sorry about that must have got lost in the pile I was dealing with when I got back from holiday. Not sure what you have done with that one, but for what its worth my position would be that it is not really in the public interest to be looking into potential breaches that appear to have been resolved (in that the member's register is now correct.) My view is that you should initially ask the clerk to confirm that the Parish Council have had no dealings with Watea or Broadland Training Solutions since Councillor Johnson became a member in December 2013. If there have been no instances where Councillor Johnson's interests in these companies came up, I would write to Councillor Johnson reminding him of his obligations but advising that no further action is required in relation to this matter.

Thanks Chris

Alex

Alex Oram
ch&i associates
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On 10 September 2015 at 16:15, Skinner, Chris <chris.skinner@norfolk.gov.uk> wrote:

Alex

I would be grateful for your comments on this Investigation Report. Thanks.

Chris Skinner, Solicitor

nplaw

[01603 223736](tel:01603223736)

[07796 941314](tel:07796941314)

chris.skinner@norfolk.gov.uk



Norfolk County Council, County Hall, Martineau Lane, Norwich, Norfolk, NR1 2DH
www.nplaw.co.uk
Award Winners for Procurement and Planning – Lawyers in Local Government 2014

From: Johnson, David - nplaw
Sent: 04 September 2015 14:57
To: Skinner, Chris
Subject: Investigation Report Cllr Huxtable 3-9-15 - Confidential

Chris,

I have completed my report and here it is. I have not referred to the Independent Person – happy to do so if you think it appropriate in this case.

David

David Johnson

Solicitor

nplaw

[01603 223247](tel:01603223247)

[07796 941318](tel:07796941318)

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CODE OF CONDUCT COMPLAINT- MARTHAM PARISH COUNCIL

1. Tom Willis made a Code of Conduct complaint against Mark Johnson, Chairman of Martham Parish Council, alleging that he had failed to declare on his register form a company in which he had an interest. The complaint form is at document "A".
2. Mark Johnson had formed Watea Limited in 2013 but did not declare his interest in it until this year.
3. The Independent Member was consulted on the complaint and his view is at document "B". The Monitoring Officer contacted the Clerk, as recommended, and ascertained that no issues concerning either company had come before the Parish Council.
4. It was decided to take no action on the complaint; save to remind Mark Johnson that he should register interests on his form as soon as they arise.
5. Tom Willis has asked the Standards Committee to reconsider the Monitoring officer's decision.