

HEARINGS SUB-COMMITTEE

5 December 2016

* Councillor Philip Brooker
Councillor Alexandra Chesterfield
*Councillor Colin Cross
Councillor Geoff Davis
*Councillor Jo Randall

* Present

Councillor Richard Billington attended as a substitute for Councillor Geoff Davis

1. ELECTION OF CHAIRMAN OF THE SUB-COMMITTEE

The Sub-Committee

RESOLVED: That Councillor Jo Randall be elected chairman of the Hearings Sub-Committee for the remainder of the 2016-17 municipal year.

2. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Alexandra Chesterfield and Geoff Davis.

In accordance with Council Procedure Rule 23 (j), Councillor Richard Billington attended as a substitute for Councillor Geoff Davis.

3. DISCLOSURE OF INTERESTS

There were no disclosures of interest.

4. ALLEGATION REGARDING THE CONDUCT OF A COUNCILLOR

The Sub-Committee received the report of the Council's Monitoring Officer on three complaints regarding the conduct of a Borough Councillor ("the Subject Member"), which had been the subject of an initial assessment and subsequent investigation.

To assist the Sub-Committee, the following documents were appended to the Monitoring Officer's report:

- Code of Conduct for Councillors (Appendix 1)
- Arrangements for dealing with Allegations of Misconduct by Councillors that applied at the time the complaints were received (Appendix 2)
- Complaint letters (Appendix 3)
- Response to complaints from the Subject Member (Appendix 4)
- Assessment report (Appendix 5)
- Independent Person's response to the Assessment report (Appendix 6)
- Investigating Officer's report (Appendix 7)
- Proposed local resolution by Subject Member (Appendix 8)

- Independent Person's view on the proposed local resolution (Appendix 9)
- Complainants' responses to the proposed local resolution (Appendix 10)

In order to facilitate the proper consideration of the matter before them, the Sub-Committee

RESOLVED: That under Section 100A(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the consideration of matters referred to in Appendices 3 to 10 to the report (inclusive) on the grounds that this would involve the likely disclosure of exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A to the Act.

Following receipt of the investigator's report, the Monitoring Officer, after consultation with the statutory Independent Person, had sought a local resolution under paragraph 8.1 of the Council's Arrangements for dealing with Allegations of Misconduct by Councillors. The Subject Member had proposed a local resolution, which had been sent to each of the Complainants. However, the Complainants had all confirmed that they did not accept the proposed local resolution.

Under these circumstances, paragraph 8.2 of the Arrangements required the Monitoring Officer to submit the Investigating Officer's report to the Hearings Sub-Committee for a local hearing to determine whether the Subject Member had failed to comply with the Councillors' Code of Conduct and, if so, to determine what action to take by way of sanction.

However, under paragraph 13 of the Arrangements, the Hearings Sub-Committee had the right to depart from the Arrangements where the Sub-Committee considered it expedient to do so in order to secure the effective and fair consideration of any matter.

The Sub-Committee had been convened, therefore, for the sole purpose of deciding whether:

- (a) (i) the Sub-Committee considers that the proposed local resolution provided by the Subject Member was a fair and reasonable resolution to the matter; and, if so,
- (ii) to agree a departure from the requirement of paragraph 8.2 of the Arrangements, that there would be no useful purpose in requiring the matter to be considered at a full hearing in accordance with the provisions of paragraph 13 of the Arrangements.

or

- (b) the matter should be referred for determination by way of a full hearing before the Hearings Sub-Committee

Having taking into account all relevant considerations, the Sub-Committee

RESOLVED:

- (1) To depart from the requirement to hold a local hearing referred to in paragraph 8.2 of the Arrangements for dealing with Allegations of Misconduct by Councillors, in accordance with the provisions of paragraph 13 of those Arrangements.
- (2) To accept the proposed local resolution provided by the Subject Member to the

Complainants as a fair and reasonable resolution to the matter.

(3) To take no further action in respect of the complaints as made.

Reasons for decision:

- The provision of a local resolution was a proportionate response to the allegations as made.
- The Subject Member had already provided a suitable remedy and there was no public benefit in proceeding to a hearing
- The cost of proceeding to a hearing cannot be justified in all the circumstances
- The Independent Person appointed under Section 28(7) of the Localism Act 2011 had been consulted and agreed that this was an appropriate course of action
- Departure from the provisions of paragraph 8.2 of the Council's Arrangements was considered expedient in order to secure the effective and fair consideration of the matter

The meeting finished at 7.17pm

Signed.....

Chairman

Date.....