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## STANDARDS HEARING SUB-COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Monday, 23 January 2017 from 10.00am - 1.46 pm.

**PRESENT:** Councillors Duncan Dewar-Whalley (Chairman), Paul Fleming and Sue Gent.

**OFFICERS PRESENT:** Jo Millard, Donna Price, Mark Radford and Gary Rowland.

**ALSO IN ATTENDANCE:** Estelle Culligan (Investigating Officer), Parish Councillor Pat Sandle, Parish Councillors Brenda Hardman and Sue Guest (Witnesses for Councillor Pat Sandle), Graham Addicott (Parish Council Observer) and Sally Pirie (Independent Person).

### 1114 ELECTION OF CHAIRMAN

***Resolved: That Councillor Duncan Dewar-Whalley be elected as Chairman for this meeting.***

### 1115 FIRE EVACUATION PROCEDURE

The Chairman outlined the Emergency Evacuation Procedure.

### 1116 DECLARATIONS OF INTEREST

No interests were declared.

### 1117 CONSIDERATION OF COMPLAINT NO. SBC 4.15

The Chairman welcomed everyone to the meeting and asked all those in attendance to confirm their name and role.

### 1118 EXCLUSION OF THE PRESS AND PUBLIC

***Resolved: To not pass the resolution to exclude the Press and Public and to hold the meeting in public session.***

### 1119 CONSIDERATION OF COMPLAINT NO. SBC 4.15

The Director of Corporate Services, in his role as Monitoring Officer, introduced the report which set-out the complaint of Member misconduct: SBC 4.15. The Investigating Officer's report had found that there had been a breach in the Members' Code of Conduct. The Sub-Committee was being asked to determine whether there had been a breach of the Code of Conduct, and if there had, to determine what sanction, if any, should be recommended to the Parish Council.

The Chairman asked the subject member whether she agreed with the information in the Pre-Hearing Summary report. The subject member said she had requested

that a witness be interviewed by the Investigating Officer but the witness was not interviewed. In response, the Investigating Officer, explained that she had contacted and spoken to a number of witnesses, had corresponded by email with the particular witness mentioned, and considered that sufficient information had been gathered by the email exchange with the witness.

The Chairman then invited the Investigating Officer to present the findings of her investigation into the alleged breaches of the Code of Conduct. Members were given the opportunity to ask questions of the Investigating Officer.

The Chairman then invited the subject member to present her case into the alleged breaches of the Code of Conduct. The subject member's witnesses also presented their evidence on the alleged breaches. Members were given the opportunity to ask questions of the subject member and witnesses.

The Chairman invited the Independent Person and the Parish Council Observer to present their representation as to whether there had been a breach of the Code of Conduct. Both found that there had been a breach of the Code of Conduct.

The Sub-Committee, Interim Deputy Head of Legal Partnership, Legal Assistant and Senior Democratic Services Officer left the meeting at 12.10pm and returned at 1.20pm to advise on the Sub-Committee's decision.

The Sub-Committee determined that there had not been a breach of paragraph 8 but there had been a breach of paragraphs 5, 7, 9 and 10 of the Code of Conduct.

The Chairman invited the Independent Person, the Investigating Officer, the Monitoring Officer and the Parish Council Observer to make representations on any sanctions they considered should be implemented.

The Sub-Committee, Interim Deputy Head of Legal Partnership, Legal Assistant and Senior Democratic Services Officer left the meeting at 1.35pm and returned at 1.45pm to advise of the Sub-Committee's decision on any sanctions that were to be implemented.

In concluding the meeting, the Chairman confirmed that a written decision would be published within 20 working days.

**RESOLVED:**

- (1) That the Sub-Committee found that there was no breach of Paragraph 8 of the Code of Conduct.**
- (2) That the Sub-Committee found that there was a breach of Paragraphs 5, 7, 9 and 10 of the Code of Conduct and that a sanction be applied to the Parish Council.**

**RECOMMENDED:**

- (1) That the Sub-Committee's findings be reported to the Parish Council for information.**

- (2) That the Chairman of the Parish Council attend training on the role of Parish Clerk and refresher training on the role of Chairman.**
- (3) In the interests of promoting high standards of conduct all members of Warden Parish Council could attend training on:
  - (i) the role of the Clerk;**
  - (ii) meetings procedures, specifically closed sessions; and**
  - (iii) employment matters, policies and procedures.****
- (4) That any new Parish Clerk attends training on the role as part of their induction.**
- (5) That there should be a review of Standing Orders to ensure that the outcomes of any training is incorporated within.**

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel