
STANDARDS HEARING SUB-COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Friday, 27 January 2017 from 10.00 am - 11.54 am.

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

OFFICERS PRESENT: Kellie MacKenzie, Donna Price, Mark Radford and Gary Rowland.

ALSO IN ATTENDANCE: Sally Pirie (Independent Person).

1146 ELECTION OF CHAIRMAN

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

1147 FIRE EVACUATION PROCEDURE

The Chairman outlined the Emergency Evacuation Procedure.

1148 DECLARATIONS OF INTEREST

No interests were declared.

1149 CONSIDERATION OF COMPLAINT NO. SBC 2.15

The Chairman welcomed everyone to the meeting and outlined the procedure that would be taken.

1150 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.

1151 CONSIDERATION OF COMPLAINT NO. 2.15

The Chairman reported that the subject member had confirmed that they would not be able to attend the Sub-Committee due to ill-health. The Chairman asked the Interim Deputy Head of Legal Partnership to confirm whether to adjourn to another date or proceed with the hearing. The Interim Deputy Head of Legal Partnership noted that the subject member had not requested that the meeting be adjourned, and recommended that the hearing proceed.

The Director of Corporate Services, in his role as Monitoring Officer, introduced the report which set-out the complaint of Member misconduct: SBC 2.15. 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 Interim Deputy Head of Legal Partnership advised that the Investigating Officer had been delayed and would not be able to attend the hearing. The Chairman then invited the Interim Deputy Head of Legal Partnership to present the findings of the Investigating Officer into the alleged breaches of the Code of Conduct. Members were given the opportunity to ask questions of the Interim Deputy Head of Legal Partnership.

The Interim Deputy Head of Legal Partnership stated that a written representation from the subject member had been received. The Interim Deputy Head of Legal Partnership read out the representation for Members.

The Interim Deputy Head of Legal Partnership reported that the subject member had recently informed officers that he had resigned from the Parish Council due to ill-health. This had not been confirmed by the Parish Council. She confirmed that because no written confirmation of resignation had been received, Members should proceed with the hearing as if he was a Parish Councillor, and advised on what would happen in the event of the Sub-Committee finding a breach in relation to any sanctions that might be imposed.

The Chairman invited the Independent Person to present their representation as to whether there had been a breach of the Code of Conduct. They found that there had been a breach of the Code of Conduct.

The Sub-Committee, Interim Deputy Head of Legal Partnership, Legal Assistant and Democratic Services Officer left the meeting at 10.21am, to consider (a) whether or not there had been a breach of the Code of Conduct; and (b) whether to make any recommendations to the authority with a view to promoting high standards of conduct among Councillors, and returned at 11.30am to advise on the Sub-Committee's decision.

The Sub-Committee determined that there had been a breach of paragraphs 2, 8, 10 and 11 of the Code of Conduct.

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

The Sub-Committee, Interim Deputy Head of Legal Partnership, Legal Assistant and Democratic Services Officer left the meeting at 11.45am and returned at 11.50am 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 a breach of Paragraphs 1, 8, 10 and 11 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 Monitoring Officer be instructed to recommend that the Parish Council arrange equalities training for the subject member.**
- (3) That the Parish Council remove the subject member from all outside appointments to which they have been appointed or nominated by the Parish Council, until such time as they have undertaken the necessary equalities training.**
- (4) That in the interests of promoting high standards of conduct the Parish Council review and approve their policies in relation to current legislation relating to equalities and the code of conduct.**
- (5) That all members of the Parish Council attend training in relation to current legislation relating to equalities and the code of conduct.**

Chairman

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