

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Hearing Sub-Committee**
held on Friday, 18th March, 2011 in the Executive Suite, (Top Floor),
Municipal Buildings, Crewe, CW1 2BJ

PRESENT

Mr D Sayer (Chairman – Independent Member)

Councillors M Hollins, B H Dykes, Edwards, Sayer and Pomlett

Independent Member

Mr R Pomlett

Parish Representative

Mr K Edwards

OFFICERS

Julie Openshaw
Carol Jones

Deputy Monitoring Officer
Democratic Services Officer

1 ELECTION OF CHAIRMAN

In accordance with the Standards Committee (England) Regulations 2008, the Chairman must be an independent Member of the Standards Committee.

RESOLVED That Mr David Sayer be elected Chairman of the meeting.

2 DECLARATIONS OF INTEREST

Councillors B H Dykes and M A Hollins each declared a personal interest in Complaint No. CEC/10/02 on the basis that he was a Council colleague. Mr K Edwards declared a personal interest in Complaint No. CEC/10/02 on the basis that he was a former Council colleague of the Subject Member when he was a Member of Cheshire County Council.

No other declarations of interest were made.

3 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7C of

Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

4 COMPLAINT NO. CEC/10/02

The Sub-Committee considered the report of the Interim Borough Solicitor and Monitoring Officer which provided details in respect of a complaint made against a serving Councillor.

The complaint was made on 21 May 2010 by a complainant who asserted that the Subject Member had breached Paragraph 3(1) of the Code of Conduct in that he had “failed to treat others with respect”. The Assessment Sub-Committee considered the complaint on 13 July 2010 and concluded that the Subject Member may have breached the Code of Conduct. The matter was referred to the Monitoring Officer for investigation.

Jonathan Goolden of Wilkin Chapman Goolden, Solicitors conducted the investigation and his report was now submitted for consideration. Mr Goolden had concluded that the Subject Member had breached the Code of Conduct.

In accordance with Regulation 17 of the Standards Committee (England) Regulations 2008 (“the Regulations”), the Sub-Committee was required (a) to determine that a hearing should be held, or (b) refer the matter to the First-Tier Tribunal, as the investigation had concluded that there had been a breach of the Code of Conduct. Referral to the First-Tier Tribunal would only be appropriate if it was determined that the action available against the Member would be insufficient if a finding of breach was made, and that the First-Tier Tribunal had agreed to accept the referral.

Having taken into account the report’s contents and Members’ obligations under the Regulations, together with relevant Guidance issued by Standards for England, the Sub-Committee concluded that, taking into account the significance of the allegations, a local hearing was sufficient. Accordingly, it was

RESOLVED: (a) That in light of the findings of the Investigator’s Report in respect of the complaint, namely that there had been a breach of the Code of Conduct by the Subject Member, arrangements be made for a full Hearing before this Sub-Committee;

(b) That there should be no referral to the First-Tier Tribunal; and

(d) That the subject Member and the complainant be informed of the Sub-Committee’s decision.

5 COMPLAINT NO. CEC/10/04

The Sub-Committee considered the report of the Interim Borough Solicitor and Monitoring Officer which provided details in respect of a complaint made against a Parish Councillor.

The complaint was made on 19 May 2010 and had been considered by the Assessment Sub-Committee on 13 July 2010. The complainant had asserted that the Parish Councillor had breached Paragraph 5 of the Code of Conduct (*"you must not conduct yourself in a manner which could be reasonably regarded as bringing your office or authority into disrepute"*). That Sub-Committee had concluded that the Subject Member may have breached the Code of Conduct and referred the matter to the Monitoring Officer for investigation.

Jonathan Goolden of Wilkin Chapman Goolden, Solicitors had conducted the investigation and his report was now submitted for consideration. Mr Goolden had concluded that the Subject Member had not breached the Code of Conduct.

The Sub-Committee's role was to consider the report and in particular, to decide in accordance with Regulation 17 of the Standards Committee (England) Regulations 2008 whether (a) to accept the findings; (b) not to accept those findings and refer the matter either for a full hearing before this Sub-Committee; or (c) refer the matter for consideration at a hearing to the First-Tier Tribunal for determination. This latter step would only be appropriate if it were determined that the action available against the Member would be insufficient if a finding of breach was made, and that the First-Tier Tribunal had agreed to accept the referral.

Having taken into account the report's contents and relevant Guidance issued by Standards for England, the Sub-Committee accepted the findings set out in the report. Accordingly, it was

RESOLVED: (a) That the findings of the Investigator's Report in respect of the complaint, be accepted, namely that there had been no breach of the Code of Conduct by the Subject Member;

(b) That there should be no Determination Hearing into the allegations made by the complainant;

(c) That there should be no referral to the First-Tier Tribunal;

(d) That the Subject Member and the complainant be informed of the Sub-Committee's decision; and

(e) That, unless requested otherwise by the Subject Member, the Decision Notice be published in the local press.

The meeting commenced at 10.00 am and concluded at 11.50 am

David Sayer (Chairman)