

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Hearing Sub-Committee**
held on Thursday, 7th October, 2021 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor David Marren
Councillor Patrick Redstone
Councillor Margaret Simon

Mrs Margaret Rathbone, Independent Person

Mr Simon Goacher, Independent Investigator

Councillor David Jack, Subject Member

Mr Emyr Thomas, Independent Legal Advisor to the Hearing Sub Committee

Deborah Nickson, Deputy Monitoring Officer
Rachel Graves, Democratic Services Officer

1 APPOINTMENT OF CHAIR

It was moved and seconded that Councillor Margaret Simon be appointed as Chair for the meeting.

RESOLVED:

That Councillor Margaret Simon be appointed as Chair for the meeting.

2 DECLARATIONS OF INTEREST

Councillor Jack asked if it was appropriate for Councillor Redstone to be a member of the Sub Committee as he had been referenced in a post on Facebook and the post intimated that the conservative group were trying to postpone or influence this hearing. A copy of the Facebook post was handed to the Sub Committee.

The meeting was adjourned for a short time to allow the Sub Committee members to leave the meeting and consider the matter.

Upon return to the meeting the Chair stated that having considered the matter the Sub Committee did not think it was relevant to the hearing today and that hearing would proceed.

3 DETERMINATION IF HEARING TO BE HELD IN PUBLIC OR PRIVATE

In accordance with Cheshire East Council's Arrangements for Dealing with Standards Complaints Against Members complaints procedure, meetings of the Hearing Sub Committee are usually held in public.

The Sub Committee was invited to determine if this hearing should be held in public or private.

RESOLVED:

That the meeting be held in public.

4 CONSIDERATION OF COMPLAINT

The Chair stated that it had been the intention to consider the complaint against Councillor David Jack of Sandbach Town Council at this meeting. However, a request had been received from Councillor Jack requesting an extension to allow him to collect video screen shots and printed material. Councillor Jack had also informed that he intended to call three witnesses and had stated that the time set aside for this hearing would not be sufficient.

The Chair stated that it would be in the interest of all parties involved to set a timetable to enable the hearing to proceed and for Councillor Jack to provide the names and email details of the three witnesses to allow the Independent Investigator to contact each to take a note of their evidence.

Councillor Jack responded that he was not willing to provide these details but would provide statements from the three witnesses and a comprehensive pack of papers.

It was proposed that that the directions for the hearing would be as follows:

- 1) by 4 pm on 21 October 2021 Councillor Jack to submit
 - the witness statements of his three witnesses
 - respond to the report of the Independent Investigator
 - provide the video, screen shots and printed material which would form part of his evidence
- 2) following receipt of the above, they would be forwarded to the Independent Investigator who would have until 4 pm on 4 November to consider these documents and submit an addendum report by 4 pm on 18 November.
- 3) Councillor Jack would have until 4 pm on 2 December to respond to the addendum report.

- 4) If no addendum report was required, arrangements would be made to fix the date for the hearing as soon as practicable.

The views of the Independent Person were sought on the proposed directions and in response they confirmed that they were acceptable.

RESOLVED:

That the Directions, as set out above, be agreed.

The meeting was adjourned at 11.03 am.