STANDARDS AND ETHICS COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY, 27 FEBRUARY 2020

Present: Councillors Russell Studholme (in the Chair); Graham Calvin, Joan Hully, and Doug Wilson.

Officers: Sarah Pemberton (Director of Corporate Services and Commercial Strategy (Monitoring Officer)), Clinton Boyce (Solicitor), Stephanie Shaw (Electoral and Democratic Services Manager) and Clive Willoughby (Democratic Services Officer).

SEC 19/44 Apologies for Absence

Apologies for absence were received from Councillors Dave Banks and Steven Morgan.

SEC 19/45 Declarations of Interest

There were no Declarations of Interests made at this meeting.

SEC 19/46 Minutes of the Meeting held on 9 January 2020

RESOLVED:- that the minutes of the meeting held on 20 August 2019 be signed by the Deputy Chair as a correct record.

SEC 19/47 Exclusion of Press and Public

RESOLVED – that the press and public be excluded for the remaining items of business in view of the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of schedule 12A of the Local Government Act 1972.

SEC 19/48 Code of Conduct Complaints

Prior to the commencement of the consideration of the complaints, Members were introduced to the complainant and named Member. Mr John Graham confirmed that he was an independent member who was attending to observe, challenge and advise.

The Deputy Chair advised the Complainant and named Member that the meeting was in private and recording was strictly prohibited. The named
Member and supporter, Complainant, Members of the Committee, Independent Person and officers all confirmed that they were not recording the proceedings.

SEC 19/49 **Complaint 1**

Consideration was then given to an allegation that the subject Member, as Chair, failed to give sufficient notice of an Extraordinary General Meeting to be held, as required by law. By doing so, the subject Member had breached item 5(4) of the subject member’s Parish Council’s Code of Conduct.

The committee received representations from the Council’s Solicitor and the Deputy Chair invited comments from the Complainant and subject Member.

The Subject Member was given the last word in summing up.

At this point it was suggested to Members that all complaints be heard before the committee deliberated and considered their decisions.

SEC 19/50 **Complaint 2**

Consideration was then given to an allegation that the subject Member, as Chair, at an Extraordinary General Parish Council Meeting held, failed to adequately record all the resolutions passed including those relating to exclusion of press and public. By doing so, the subject Member had breached item 5(4), 5(5), 5(8) and 5(11) of the subject member’s Parish Council’s Code of Conduct.

The committee received representations from the Council’s Solicitor and the Deputy Chair invited comments from the Complainant and subject Member.

The Subject Member was given the last word in summing up.

SEC 19/51 **Complaint 3**

Consideration was then given to an allegation that the minutes written by the subject Member, as Chair, of an Ordinary Parish Council Meeting held, were completely inaccurate and not a true reflection of the discussions nor the resolutions passed in respect of seven items. By doing so, the subject Member had breached item 5(4) of the subject member’s Parish Council’s Code of Conduct.

The committee received representations from the Council’s Solicitor and the Deputy Chair invited comments from the Complainant and subject Member.
The Subject Member was given the last word in summing up.

SEC 19/52  Complaint 4

Consideration was then given to an allegation that at an Extraordinary Parish Council Meeting held, the subject Member, as Chair, (with no Clerk present) failed to adequately record the resolutions passed and at the subsequent meeting refused to make amendments particularly to votes cast. By doing so, the subject Member had breached item 5(4) of the subject member’s Parish Council’s Code of Conduct.

The committee received representations from the Council’s Solicitor and the Deputy Chair invited comments from the Complainant and subject Member.

The Subject Member was given the last word in summing up.

SEC 19/53  Complaint 5

Consideration was then given to an allegation that at an Ordinary Parish Council Meeting held, the subject Member, as Chair, (with no Clerk present), allowed motions to be moved without the required notice being given. By doing so, the subject Member had breached item 5(4), 5(7) and 5(8) of the subject member’s Parish Council’s Code of Conduct.

The committee received representations from the Council’s Solicitor and the Deputy Chair invited comments from the Complainant and subject Member.

The Subject Member was given the last word in summing up.

The Complainant, subject Member and Supporter then left the room whilst the committee deliberated on the five complaints and considered their decisions.

At the conclusion of the deliberation it was

RESOLVED – that the committee unanimously agreed that in respect of:-

Complaint 1 - there was not a breach of the Code of Conduct.

Complaint 2 - there was not a breach of the Code of Conduct.

Complaint 3 - the subject Member was in breach of the Parish Council’s Code of Conduct:-
“No 5 – When acting in your capacity as a Member:

(4) You must not bring your office or your Council into disrepute.

(7) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

(8) You must be as open as possible about your decisions and actions and the decisions and actions of your Council and should be prepared to give reasons for those decisions and actions.

(11) You must promote and support high standards of conduct when serving in your office.”

The complaint be upheld and the following sanctions applied.

a) The Subject Member be censured – an expression of strong disapproval or criticism – and that such censure will be in writing, copied to the leader of any relevant group and, if a parish member, copied to the Parish Clerk and Chairman of the Parish Council.

Complaint 4 - there was not a breach of the Code of Conduct.

Complaint 5 - there was not a breach of the Code of Conduct.

The Meeting closed at 5.30 pm