

NORTH DEVON COUNCIL

Minutes of a meeting of the STANDARDS COMMITTEE held at the Civic Centre, Barnstaple on Wednesday 25th January 2012 at 10.00 a.m.

PRESENT: Members:

Mr. Loft (Independent Member – Chairman)

Independent Members Mrs. Arnold, Mr. Condron and Miss. Irwin.

North Devon Councillors Edgell, White and Wilkinson.

Parish Councillors Evans and Monroe.

Officers:

Head of Legal Services and Monitoring Officer (MS), Head of Contentious Law and Investigating Officer (TB) and Democratic Services Co-ordinator (JG).

51 MINUTES

RESOLVED, that the minutes of the meeting held on 14th December 2011 (circulated previously) be approved as a correct record and signed by the Chairman.

52 DECLARATIONS OF INTEREST

There were no declarations of interest announced.

53 PROCEDURAL REPORT REFERENCES NDC 02.11, 03.11, 05.11 AND 06.11

The Head of Legal Services and Monitoring Officer outlined a report (circulated previously) in relation to the consideration of allegations of a breach of the Members Code of Conduct.

RESOLVED, that the Committee proceed with the hearing in accordance with the hearing procedure.

54 EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

- (a) that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item as it involved the likely disclosure of exempt information as defined by Paragraphs 1 and 7(a) of Part 1 of Schedule 12A of the Act, namely information relating to any

individual and information which is subject to any obligation of confidentiality; and

- (b) that all documents and reports relating to the item be confirmed as “Not for Publication”.

55 HEARING INTO ALLEGATION OF BREACH OF MEMBERS CODE OF CONDUCT: COMPLAINT REFERENCE NDC 02.11, 03.11, 05.11 AND 06.11

The Head of Legal Services and Monitoring Officer outlined the purpose of the hearing and gave a summary of the allegations of breach of the Members Code of Conduct. He advised that owing to ill health, the Member subject of the complaint would not be attending the hearing.

He advised that, in response to forms A – E sent to the Member, a voluminous bundle of papers and statements were subsequently received which led to the preparation of a supplementary report by the Investigating Officer (circulated previously).

The Committee was informed that the Investigating Officer would make substantial submissions in relation to the evidence submitted by the Member and also in relation to how much of the hearing should be held in private.

The Head of Legal Services and Monitoring Officer advised that the hearing should therefore proceed with steps 4 – 7 of the hearing procedure before adjourning and setting a date for the substantive hearing.

The Investigating Officer made submissions in support of his proposal that the entirety of the hearing should be held in private.

RESOLVED, in accordance with the additional descriptions of exempt information, of parts 1 to 3 of Schedule 12A of the 1972 Local Government Act: -

- (a) that the hearing be held in private;
- (b) that the Investigating Officer’s report, together with supporting papers be restricted from public access;
- (c) that Item 8 remains under Part B of the agenda for consideration;
- (d) that the public and press be excluded from the entirety of the meeting; and
- (e) that all documents and reports relating to the item be confirmed as “Not for publication”.

In reaching its decision, the Committee considered that the defence of the allegations had been constructed with a scatter-gun approach naming and identifying some 40 persons not directly involved in the allegation; and that

the public interest in a public hearing was outweighed by the public interest in preserving the identity of individuals not directly involved in the allegation which would otherwise be divisive and damaging.

The Investigating Officer made further submissions to the Committee in relation to the evidence and witnesses proposed to be called by the Member subject of the complaint.

RESOLVED: -

- (f) that the statement referred to in paragraph C2 of the Investigating Officer's supplementary report be disregarded as it was not considered relevant to the allegations made against the Member subject of the complaint;
- (g) that the witness referred to in paragraph C2 of the Investigating Officer's supplementary report not be called to give evidence in accordance with the decision made above;
- (h) that the statement referred to in paragraph C3 of the Investigating Officer's supplementary report would only be considered and given weight by the Committee if, during the hearing process a breach were found, and then by way of mitigation only as it was not considered relevant to the allegations made against the Member subject of the complaint;
- (i) that the statement referred to in paragraph C4 of the Investigating Officer's supplementary report would only be considered and given weight by the Committee if, during the hearing process a breach were found, and then by way of mitigation only as it was not considered relevant to the allegations made against the Member subject of the complaint;
- (j) that the statement referred to in paragraph C5 of the Investigating Officer's supplementary report remain and be considered by the Committee, as he was present at meetings specifically referred to within the complaint and could therefore be called as a relevant witness; and
- (k) that having completed the preliminary procedural issues within the hearing procedure, the meeting be adjourned and reconvened on Friday, 24th February 2012 at 2:30 p.m. in order to consider the remaining business to be transacted with the commencement of Stage 1 of the hearing procedure, that being Findings of Fact.

Chairman

The meeting adjourned at 11:10 a.m.

NOTE: these minutes will be confirmed as a correct record at the next meeting of the Standards Committee.