

SOUTH LAKELAND DISTRICT COUNCIL

South Lakeland House, Kendal, Cumbria LA9 4UQ

www.southlakeland.gov.uk



**You are requested to attend a meeting of
the Standards Hearing Committee
on Monday, 15 February 2010, at 10 a.m.
in**

The Conference Room, South Lakeland House

Committee Membership

Jim Morrison [Independent Member] [Chairman]

Elwyn Bradshaw [Parish Member]

Pat Ford [Independent Member]

David Thomas [Independent Member]

Councillor Janette Jenkinson

Date : 1 February 2010

Debbie Storr, Corporate Director [Monitoring Officer]

For all enquiries, please contact:-

Monitoring Officer *Debbie Storr*

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e-mail: d.storr@southlakeland.gov.uk

AGENDA

PART I

1. APOLOGIES

To receive apologies for absence, if any.

2. DECLARATIONS OF INTEREST

To receive declarations by Members of any personal and prejudicial interests in respect of items on this Agenda.

3. LOCAL GOVERNMENT ACT 1972 – EXCLUDED ITEMS

The Chairman will move:-

“That under Section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in paragraph 7c of part 1 of Schedule 12 (a) of the Act.”

4. Case 2009/004

To consider a Hearing in relation to possible failure to follow the Model Code of Conduct for Parish and Town Councils Reference: 2009/04.

5. Case 2009/006

To consider a Hearing in relation to possible failure to follow the Model Code of Conduct for Parish and Town Councils Reference: 2009/06

**PLEASE BRING WITH YOU YOUR STANDARDS COMMITTEE PROCEDURES
AND GUIDANCE MATERIAL TO THE MEETING**

SOUTH LAKELAND DISTRICT COUNCIL

Standards Hearing Sub-Committee

Date of Meeting:	15 February 2010	Part I	
Report From:	Debbie Storr Corporate Director (Monitoring Officer)	Agenda <table border="1"><tr><td>4</td></tr></table>	4
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Report Author:	Matthew Neal, Solicitor to the Council / Deputy Monitoring Officer	Item No:	
Report Title:	Hearing in relation to possible failure to follow the Model Code of Conduct for Parish and Town Councils Reference: 2009/04		

Summary

To consider the Investigating Officer's report into a matter referred by the Standards Assessment Sub-Committee for local determination

Recommendations

To consider the investigating Officer's report into alleged breaches of the Code of Conduct and to make a decision on that report in accordance with the Council's procedures for local determination and the Guidance issued by the Standards Board for England.

Report

Background

1. The Standards Assessment Sub-Committee has referred a matter for determination by a hearing in accordance with the Council's procedures for local determination. The former Deputy Monitoring Officer appointed one of the Council's Solicitors, Nicola Hartley as the Investigating Officer and she has investigated the complaint made against a former Town or Parish Councillor and produced a report. A copy of the report is being circulated with the agenda papers. The report is confidential at this stage.

Pre-Hearing Process

2. In accordance with the Council's Procedure, the former Councillor the subject of the complaint has been provided with a copy of the Investigating Officer's report and has been requested to identify any elements where he disagrees with any findings of fact.
3. The former Councillor has indicated that he denies the allegations of breach of the code although he does not dispute any of the facts set out in the Investigating Officer's report.

Key Issues

4. The key issues for determination by the Sub-Committee are whether the former Councillor:-
 - Failed to treat others with respect treat others with respect (contract to paragraph 3(1) of the code);
 - Bullied any person (contrary to paragraph 3(2)(b) of the code;
 - Did anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, his authority (contrary to paragraph 3(2)(d) of the code);

- Conducted himself in a manner which would reasonably be regarded as bringing his office into disrepute (contrary to paragraph 5 of the code);
- Used or attempted to use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage (contrary to paragraph 6 of the code);
- Failed to declare a personal interest in any business of the authority contrary to paragraph 8(1) and 9(1) of the code).

Decision

5. The conclusions of the Investigating Officer are set out in her report. She considers that there has been a breach of the Model Code of Conduct for Parish and Town Councils in the following respects:
 - Failure to treat others with respect (contract to paragraph 3(1) of the Code); and
 - Conducting himself in a manner which would reasonably be regarded as bringing his office into disrepute (contrary to paragraph 5 of the code).
6. Formal findings are required from the Sub-Committee.

Procedure for Hearing

7. The Standards Board for England has issued detailed guidance to assist Monitoring Officers/Standards Committees in dealing with local determinations. Members of the Sub-Committee have been circulated with this guidance. A copy of the Council's procedure for local determinations based on the guidance is appended to the agenda papers in this matter for Members' information.
8. The Investigating Officer will be in attendance at the hearing but does not intend to call any witnesses.
9. The former Councillor has indicated that he will be attending the hearing and he intends to call one witness.
10. The former Councillor has indicated that he does not wish any part of the hearing to be in private nor any of the report or relevant documents to be withheld from the public. Based on the information available, it is recommended that the hearing be held in public.

Background Documents

Document:	Local Government Act 2000 and accompanying Regulations.	Contact:	Matthew Neal Deputy Monitoring Officer
	Standards Board Guidance on Local Investigations and Standards Committee Determinations		

Date: 08/02/2010
Version No:
Amended by:

SOUTH LAKELAND DISTRICT COUNCIL

Standards Hearing Sub-Committee

Date of Meeting:	15 February 2010	Part I	
Report From:	Debbie Storr Corporate Director (Monitoring Officer)	Agenda <table border="1"><tr><td>5</td></tr></table>	5
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Report Author:	Matthew Neal, Solicitor to the Council / Deputy Monitoring Officer	Item No:	
Report Title:	Hearing in relation to possible failure to follow the Model Code of Conduct for Parish and Town Councils Reference: 2009/06		

Summary

To consider the Investigating Officer's report into a matter referred by the Standards Assessment Sub-Committee for local determination

Recommendations

To consider the investigating Officer's report into alleged breaches of the Code of Conduct and to make a decision on that report in accordance with the Council's procedures for local determination and the Guidance issued by the Standards Board for England.

Report

Background

1. The Standards Assessment Sub-Committee has referred a matter for determination by a hearing in accordance with the Council's local determination procedures. The former Deputy Monitoring Officer appointed one of the Council's Solicitors, Nicola Hartley, as the Investigating Officer and she has investigated the complaint made against a former Town or Parish Councillor and produced a report. A copy of the report is being circulated with the agenda papers. The report is confidential at this stage.

Pre-Hearing Process

2. In accordance with the Council's Procedure, the former Councillor, the subject of the complaint, has been provided with a copy of the Investigating Officer's report and has been requested to identify any elements where he disagrees with any findings of fact.
3. The former member has indicated that he denies the allegations of breach of the code although he does not dispute the words that he used. He feels that the incident has been deliberately exaggerated

Key Issues

4. The key issues for determination by the Sub-Committee are whether the former Councillor:-
 - Failed to treat others with respect (contrary to paragraph 3(1) of the Code); or
 - Bullied any person (contrary to paragraph 3(2)(b) of the code; or
 - Conducted himself in a manner which would reasonably be regarded as bringing his office into disrepute (contrary to paragraph 5 of the code).

Decision

5. The conclusions of the Investigating Officer are set out at in her report. She considers that there has been a breach of the Model Code of Conduct for Parish and Town Councils in respect of paragraphs of the code referred to in paragraph 4 of this report.
6. Formal findings are required from the Sub-Committee.

Procedure for Hearing

7. The Standards Board for England has issued detailed guidance to assist Monitoring Officers/Standards Committees in dealing with local determinations. Members of the Sub-Committee have been circulated with this guidance. A copy of the Council's procedure for local determinations based on the guidance is appended to the agenda papers in this matter for Members' information.
8. The Investigating Officer will be in attendance at the hearing but does not intend to call any witnesses.
9. The former Councillor has indicated that he will be attending the hearing and he intends to call two witnesses.
10. The former Councillor has indicated that he does not wish any part of the hearing to be in private nor any of the report or relevant documents to be withheld from the public. Based on the information available, it is recommended that the hearing be held in public.
11. The complainant has requested personal details be kept confidential and has expressed a wish to remain anonymous. The complainant has been provided with an edited version of the evidence in this matter with information revealing the identity of the complainant removed. Is at the discretion of the Sub Committee whether or not to comply with the complainant's request for anonymity.

Background Documents

Document: Local Government Act 2000 and accompanying Regulations.
Standards Board Guidance on Local Investigations and Standards Committee Determinations

Contact: Matthew Neal
Deputy Monitoring Officer