

NORTHAMPTON BOROUGH COUNCIL

ASSESSMENT SUB-COMMITTEE

Tuesday, 18 August 2009

PRESENT: I. Harley (Chair), Mr D. Hughes and Councillor Flavell

1. CONSIDERATION OF REPORT INTO COMPLAINTS AGAINST COUNCILLOR WOODS BY MESSRS DICKIE AND WATTS

The Monitoring Officer submitted a report that had resulted from two complaints against an individual Councillor that there had been a breach of the Model Code of Conduct. Originally these complaints had been considered by the Referral Sub-Committee who had instructed that an investigation be carried out. An external Investigator had been appointed and the Sub-Committee now had the report that had been produced. The Monitoring Officer noted that the public report had been anonymised. The first decision that the Sub-Committee needed to make was whether to publish the report or for it to remain exempt. He commented that the Standards Board for England advice was a presumption in favour of publication.

The Monitoring Officer stated that this meeting itself did not constitute a Hearing but the Sub-Committee did need to decide whether to refer the complaint to the Adjudication Panel, an independent tribunal, who had greater powers of sanction. Alternatively as the Investigator had concluded that a breach of the Model Code of Conduct had taken place that matter now be referred to a Hearing of the Hearings Sub-Committee. The Borough Solicitor advised that the discussion as to the release of the papers into the public domain should take part in private.

The Chair moved "That the public and press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(i) of the Local Government Act 1972 (as amended)". The motion was carried.

The Sub-Committee discussed the release of the Investigator's report and appendices into the public domain. The Sub-Committee agreed that the Investigating Officer's report and the appendices referring to newspaper cuttings and the Adjudication Panel advice be made publicly available and that for the time being the remaining appendices remain exempt pending consultation with the parties concerned that they be released into the public domain between this meeting and any Hearing taking place.

The Chair moved "That the public and press be re-admitted into the meeting." The motion was carried.

The Monitoring Officer commented that the Sub-Committee had considered the issue of exemption of the Investigator's report carefully and had to arrive at a balance between the rights of the public and the individual rights of the subject Member. The Sub-Committee also needed to measure this requirement against the Standards Board for England advice. Following discussion the Sub-Committee had decided that the Investigator's Report and the appendices covering the Adjudication Panel guidance and newspaper cuttings should be made public but that the remaining appendices which included e-mails from staff and the Leader of the Council would remain exempt pending consultation on their public release between this meeting and a Hearing taking place.

The Monitoring Officer referred to the Investigator's report which set out two complaints against Councillor Woods in respect of allegations of the inappropriate use of a Council car park and an untaxed vehicle. At this stage the Investigator had come to a conclusion that a breach of the Model Code of Conduct had taken place but a Hearing would determine if a breach had taken place or not. The Sub-Committee now had to consider whether this matter should be referred to the Adjudication Panel who might decide not to accept the issue. Reference to the Adjudication Panel was likely to succeed if it was felt that a fair Hearing could not be held locally or that having read the report the sanctions available to the Sub-Committee were not sufficient potential remedies. Reference was made to the Adjudication Panel's guidance appended to the report.

The Monitoring Officer commented that the Adjudication Panel could issue Disqualification Orders and this Sub-Committee could suspend a Councillor for up to six months at one extreme or censure a member at the other with restricting access to facilities for up to six months (bearing in mind the role the Councillor needed to fulfil); or a partial suspension up to six months; or require a written apology (which couldn't be enforced); or require specified training to be undertaken as other outcomes. Reference was made to other sanctions in Regulation 19(3) of the The Standards Committee (England) Regulations 2008. Except in very serious cases the Adjudication Panel was unlikely to go beyond the sanctions that could be applied locally. The Monitoring Officer suggested that having read the Investigator's Report and taking the Adjudication Panel's advice into account that they were unlikely to accept a referral of this matter to them. However, the decision was for the Sub- Committee to make.

The Sub-Committee discussed this matter and agreed that a Hearing take place and be heard locally and then discussed possible dates for it to take place.

RESOLVED: (1) That the Investigating Officer's report and the appendices referring to newspaper cuttings and the Adjudication Panel advice be made publicly available and that for the time being the remaining appendices remain exempt pending agreement by the parties concerned that they be released into the public domain between this meeting and a Hearing taking place.

(2) That a Hearing into the complaints made against Councillor Woods be held locally.

(3) That subject to consulting the relevant parties concerned, a Hearing take place on either 7 September 2009 or 10 September 2009.

The meeting concluded at 16.12 hours