

NORTHAMPTON BOROUGH COUNCIL

Standards Hearing Panel

Your attendance is requested at a meeting to be held at The Jeffrey Room,
The Guildhall, St. Giles Square, Northampton, NN1 1DE on
Monday 18 November 2019 at 10:30am

**George Candler
Chief Executive**

If you need any advice or information regarding this agenda please phone Tracy Tiff, extension 7408 who will be able to assist with your enquiry.

Members of the Standards Hearing Panel

Chair	Councillor Suresh Patel
Hearing Panel Members	Councillor Les Marriott Councillor Brian Oldham Substitute: Councillor Brian Markham
Co-opted Members	Ika Castka Parish Councillor David Lewis (Co-optee), Parish Councillor Co Optee to Standards Committee

Northampton Borough Standards Hearing

Agenda

Item No	Title	Pages	Action required
1.	Apologies for absence		
2.	Decision Notice	1 - 4	The Hearings Panel to note the Decision Notice of the Hearings Panel held on 23 July 2019.
3.	Declarations Of Interest		<p>Members are invited to declare any interests (including the nature of those interests) they have in the item appearing on this agenda.</p> <p>Note: If any of the Hearing Panel's Members believe they may have an interest they are asked to inform the Deputy Monitoring Officer before the date of the Hearing as the attendance of a replacement Member may need to be arranged</p>
4.	Exclusion of Public and Press		<p>The Chair to move:</p> <p>"That the public and press be excluded from the remainder of the meeting on the grounds that there is likely to be disclosure to them of such categories of exempt information as defined by section 100I of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12a to such Act."</p>
5.	Code of Conduct Complaint	5 - 54	<p>The Hearings Panel to consider the finding of the Investigating Officer into an allegation that a Parish Councillor has breached that Parish Council's Code of Conduct for Members.</p> <p>Members of the Panel will also note the enclosed proposed procedure for the Standards Hearing which will be explained by the attending Solicitor at the Hearing on 18 November 2019.</p>



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DECISION NOTICE

STANDARDS COMMITTEE HEARING

23 JULY 2019

DECISION NOTICE: BREACH OF THE CODE OF CONDUCT

REFERENCE: DS72 2018

SUBJECT MEMBER

A Parish Councillor of Upton Parish Council

COMPLAINANT

Councillor Pape, Chairman of Upton Parish Council on behalf of Upton Parish Council

CONSIDERATION STANDARDS PANEL

Councillor Suresh Patel (Chair) – Northampton Borough Council

Councillor Brian Oldham – Northampton Borough Council

Councillor Les Marriott – Northampton Borough Council

Ika Castka – Co Optee (Independent Member)

Councillor David Lewis – Co Optee (Parish Councillor)

Peter Glover, Independent Person

DEPUTY MONITORING OFFICER

Laurie Gould

CLERK

Tracy Tiff

DATE OF HEARING

23 July 2019

DATE OF REPORT

18 December 2018

SUMMARY OF THE COMPLAINT

On 23 July 2019 a Standards Committee Hearing of this Authority considered a complaint from Councillor Pape, Chairman of Upton Parish Council, on behalf of Upton Parish Council concerning the alleged conduct of a member of Upton Parish Council. A general summary of the complaint is set out below:

Councillor Pape, Chair, Upton Parish Council, advised that the May 2018 meeting of Upton Parish Council voted unanimously to refer a number of complaints to the Monitoring Officer for breach of the Upton Parish Council Code of Conduct.

The Deputy Monitoring Officer invited the Investigating Officer to explain to the Hearing Panel how she had approach the investigation and in addition informed the Hearing Panel of two key issues for consideration:

- 1 The Parish Councillor concerned was not present at this Hearing Panel despite being informed of its date, initially on 7 May 2019 and again in July 2019. He did not respond until 19 July 2019 when he stated he would not engage in the process as he had not received a full disclosure of all the evidence, which comprised a number of relevant emails.
- 2 The Hearing Panel needed to decide whether to adjourn the meeting on the understanding that the Councillor concerned felt that he had not received a full disclosure of a number of relevant and disclosable emails and it would also provide an opportunity for him to re-consider his refusal to attend any Panel Hearing into the allegations against him.

The Investigating Officer advised that on 24 September 2018 she contacted the Parish Councillor who was the subject of the complaint and asked him to attend an interview with her to look at the evidence received and provide his response to the allegations made against him. This Councillor had stated that he saw no merit in attending such a meeting. The Investigating Officer met with witnesses and gave the subject Member a further opportunity for a meeting. He did not meet with the Investigating Officer. The draft report was sent to both the complainant and the subject Member for comment. A period of three weeks was allowed for this process and the said subject Member advised that he had not read the report and no further response was received from him.

Email correspondence was sent to the Monitoring Officer at Northampton Borough Council, from the Subject Member on 19 July 2019 and 21 July 2019 – copies of which were presented to the Hearing Panel for consideration. Copies of letters on behalf of the Monitoring Officer that were sent to the subject Member advising of the date of the Hearing Panel were also provided for the Panel's consideration.

The Hearing Panel made comment:

- The subject Member appears to be suggesting that he would have liked to have the opportunity to review the relevant emails prior to responding to the Investigating Officer.
- The subject Member could have had sight and copies of the disclosable emails that he now refers to, if he had met with the Investigating Officer. It is normal practice of the Investigating Officer to provide such details at a meeting with the subject Member.
- The Deputy Monitoring Officer was concerned about breaching the rules of natural

justice as the subject Member appears to feel that this process was unfair in that he had not seen the disclosable emails that were relevant to the complaints against him. There is therefore a risk of injustice and it would be beneficial to give the subject Member the opportunity to see the Investigator's report again together with copies of the relevant emails that he refers to. The Hearings Panel could adjourn to a later date to ensure this takes place.

- The Hearing Panel emphasised that the subject Member had declined the opportunity to meet with the Investigating Officer and that he should be reminded of the opportunities that had been provided to him to meet with her and that he should meet with her before the next Panel Hearing into the matter to both discuss and comment on her report.
- It was noted that there would still be a certain amount of evidence that could not be supplied to the subject Member as this was provided in confidence to the Investigating Officer on the understanding that it would not be shared with the subject Member. This was accepted by the Panel as reasonable.

It was therefore suggested that in order to provide the subject Member with further opportunity to consider disclosable email correspondence in relation the Investigating Officer's report the Hearing Panel should resolve to adjourn the Hearing and reconvene at a later date. In addition, this would also give him the opportunity to re-consider his decision not to attend such Hearings.

DECISION

In order to provide the subject Member with a further opportunity to attend a future Panel Hearing into the complaints against him and to consider the relevant and disclosable correspondence in relation the Investigating Officer's report the Hearing Panel resolved to adjourn the Hearing and reconvene at a later date. The subject Member to be provided with a copy of this Decision Notice.

PTO:

Signed



Date 23 July 2019

Councillor Suresh Patel

Chair of the Hearings Panel

Agenda Item 5

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