

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1A, County Hall, Wynnstay Road, Ruthin on Friday 13 November 2009.

PRESENT

Mr C B Halliday (Chair), Ms M E Medley, Mr G F Roberts and Mrs P White, Councillor H LI Jones.

ALSO PRESENT

Cllr R E Barton, Clerk of Llandegla and Llanferres Community Councils (Mrs G Dillon), Monitoring Officer (IKH), Solicitor (LJ) and Committee Administrator (GG)

APOLOGIES

Apologies were received from Councillors D A Thomas and G A Green.

482 URGENT MATTERS

There were no urgent matters for consideration by the committee.

483 MINUTES

RESOLVED that the minutes of the Standards Committee meeting held on 25 September 2009 be received and approved as a correct record.

484 ATTENDANCE AT MEETINGS

The County Clerk advised that no reports of attendance at County, Town or Community Council meetings had been submitted by members of the Standards Committee.

485 URGENT ITEMS

There were no urgent items for consideration by the committee.

EXCLUSION OF PRESS AND PUBLIC

It is recommended that, pursuant to Section 100A(4) of the Local Government Act 1972, the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that they would be disclosed to them exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

PART II

486 CODE OF CONDUCT

Following receipt of a report relating to an investigation carried out by the Public Services Ombudsman into an allegation of a breach of the Code of Conduct made against a Councillor (previously circulated), the Councillor in question had been given the opportunity to make representations in respect of this matter to the Committee in accordance with the legislation.

Before hearing representations from the Councillor, the Monitoring Officer outlined the procedural issues.

- It had been noted that the numbering on the bundle sent to the Councillor by the Ombudsman did not tie up with the numbering on the bundle the Committee had received. It was agreed that the latter would be used as the definitive version although the Monitoring Officer and the Councillor had prepared a schedule to cross-reference the documents.

- The Councillor would present his case at this meeting, and at the end of this presentation the Committee should reach one of the following conclusions:
 - i) what has been reported does not amount to a breach of the Code of Conduct
 - ii) it was acknowledged that there had been a breach of the Code of Conduct and that some sanction should be applied
 - iii) if (ii), then the sanction could be either a reprimand or a period of suspension for a period of up to 6 months.
 - iv) If (ii), then the Councillor had a right of appeal within 21 days of the receipt of the decision of the Committee. The sanction would not apply until it had been upheld.
- This meeting had been held to allow the Councillor to present his case and offer to answer any questions. Once this had taken place, the Councillor would be asked to leave, and the committee would consider its conclusion. Should any clarification be needed, then the Councillor would be asked back into the meeting.
- The Monitoring Officer would assist the Chair in writing to the Councillor with details of the outcome of the hearing.

At this stage the Councillor was invited to proceed with his representations. He stated that his representation would relate to the key elements contained within the Appendices to the Ombudsman's report, and that he had questions to ask of the Clerk of Llandegla and Llanferres Community Councils. Following his representation, he asked to be given the opportunity of commenting on the process that had been followed.

The Councillor outlined his service as both a County and Community Councillor since 1991. He also explained to the Committee how a medical condition affected him.

In relation to the first allegation, that he continually interrupted the meeting, he disputed this fact. He stated that at all times he had raised his hand and waited for the Chair to allow him to speak. With regard to comments he had made, he stated that the layout of the hall, and the acoustics, were so bad that the Chair could not possibly have known who he had addressed his comments to. With regard to the second allegation, that he had refused to leave the meeting when asked, he stated that although page 7 of the Ombudsman's report refers to a member saying he warned him on two occasions, he had not been aware of any formal warning, and there had been nothing in the minutes of the meeting referring to that. The Clerk of Llandegla and Llanferres Community Councils confirmed that she had not been aware of a formal complaint against the Councillor.

He stated that in his opinion the Ombudsman's report had been biased and unjust, and that questionnaire sent to witnesses had been weighted against him. He pointed out items within the report that in his opinion were incorrect, but confirmed that although he had not drawn these to the Ombudsman's attention, he would do so following the conclusion of this meeting.

At 11.25 a.m. the meeting adjourned. The Clerk and the Councillor left the room.

The meeting re-convened in private at 11.35 a.m. The Monitoring Officer stated that following the representations, a determination had to be made on one of the following:

- a) there was no evidence on failing to comply with the code of conduct and no action needed to be taken
- b) that the member had failed to comply with the code of conduct but no action needed to be taken
- c) there had been failure to comply with the code and the Councillor should be censured
- d) there had been a failure to comply with the code and the Councillor should be suspended or partially suspended for a period of up to 6 months.

The Monitoring Officer confirmed that should c) or d) be agreed, the Councillor had the right to appeal within 21 days. Following detailed discussion, it was agreed that the Councillor should be suspended for a period of 3 months. Confirmation was given that should an appeal be made then ongoing work being undertaken by the Councillor would not be affected.

At 12.20 p.m. the Councillor returned to the meeting. He was informed that a decision had been made to suspend him for a period of 3 months, and that he had the right to appeal within 21 days of receiving the written determination.

The Councillor expressed his disappointment at the decision. As agreed at the commencement of the meeting, he was allowed to comment on the process that had been followed, which he did as follows:

- He should have been advised of the complainant's letter when it had first been received.
- He had received post from the Authority sent second class, when in his opinion anything of importance should have been sent out first class.
- There was nothing on Denbighshire's website outlining the complaints procedure.
- He was not told that he had 21 days in which to appeal against any decision made.
- Correspondence from the Ombudsman had been sent to an incorrect address.
- He had not seen the Ombudsman's report until the week before this meeting, and in his opinion this meeting should have been deferred. He would write to the Ombudsman outlining this concern.
- He did not feel that his medical condition had been taken sufficiently into account.
- He would decide whether or not to appeal once he had received written confirmation of the decision and met with his advisors.

The meeting concluded at 12.35 p.m.
