

Notice of Meeting

Standards Committee Advisory Panel

**Wednesday, 23rd January, 2013 at
10.00 am**

**in Meeting Room F2 Council Offices
Market Street Newbury**

Date of despatch of Agenda: 15 January 2013

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Moira Fraser, Democratic and Electoral Services Manager on (01635) 519045

e-mail: mfraser@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



**Agenda - Standards Committee Advisory Panel to be held on Wednesday, 23 January
2013 (continued)**

To: *Independent Members and Parish Councillors:* Peter Iveson, Tony Renouf and Mike Wall

Councillors: Councillor David Allen, Councillor David Holtby, Councillor Geoff Mayes and Councillor Andrew Rowles

Agenda

Part I

Page No.

- 1 **Election of Chairman**
Purpose: To elect a Chairman to preside over the meeting.
- 2 **Apologies**
To receive apologies for inability to attend the meeting (if any).
- 3 **Minutes** 1 - 4
To approve as a correct record the Minutes of the meeting of the Committee held on 14 November 2012.
- 4 **Declarations of Interest**
To receive any Declarations of Interest from Members.
- 5 **Exclusion of Press and Public**
RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. [Rule 9.10.4 of the Constitution](#) refers.

Part II

- 6 **NDC1/12** 5 - 74
(Paragraph 1 – information relating to an individual)

Purpose: To consider a report drafted by an Independent Investigator following receipt of a complaint about a District Councillor.

Andy Day
Head of Strategic Support

**Agenda - Standards Committee Advisory Panel to be held on Wednesday, 23 January
2013 (continued)**

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Agenda Item 3

STANDARDS COMMITTEE ADVISORY PANEL

MINUTES OF THE MEETING HELD ON WEDNESDAY, 14 NOVEMBER 2012

Present: Councillor David Allen, Peter Iveson, Councillor Geoff Mayes, Tony Renouf and Councillor Andrew Rowles

Also Present: Sarah Clarke (Team Leader - Solicitor), Mr D Russell (Parish Council Representative) and Moira Fraser (Democratic Services Manager)

Apologies for inability to attend the meeting: Mauline Akins, Councillor David Holtby and Mike Wall

PART I

1. **Declarations of Interest**

Peter Iveson was appointed to preside over the meeting.

(Peter Iveson on the Chair)

Councillor Andrew Rowles declared an interest in Agenda Items 4 and 5, and reported that, as his interest was personal he determined to remain to take part in the debate and vote on the matter.

2. **Exclusion of Press and Public**

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 4.2 of the Constitution](#) also refers.

3. **PC5/11**

(Councillor Andrew Rowles declared a personal interest in Agenda item 4 by virtue of the fact that he knew the subject member and the complainant. As his interest was personal he determined to take part in the debate and vote on the matter).

(Paragraph 1 – information relating to an individual)

The Panel considered this exempt report setting out the findings of an independent investigator into an alleged breach of the Code of Conduct by a former Parish Councillor.

The complaint was received on the 06 October 2011 and had been considered by an Assessment Sub-Committee on the 19 October 2011. The external investigator had been appointed on 30 October 2012. The investigation had been started in December 2011 but had to be suspended pending the outcome of another investigation. The Deputy Monitoring Officer informed the Panel that as the incident took place prior to the implementation of the Localism Act it would be dealt with under the previous arrangements but under the revised structures.

The Deputy Monitoring Officer noted that the complaint was within the remit of the Standards Committee's decision making powers as it related to a named Councillor who was in an office within its jurisdiction at the time of the incidents. The Advisory Panel was required to make a recommendation to the Standards Committee.

STANDARDS COMMITTEE ADVISORY PANEL - 14 NOVEMBER 2012 - MINUTES

The Advisory Panel concurred with the investigator's findings that the following paragraphs of the Code of Conduct had been breached:

- failing to treat others with respect;
- bringing your office into disrepute.

The Advisory Panel were however of the opinion that there was insufficient evidence to uphold the allegation of bullying in breach of the Code of Conduct.

RESOLVED that the Panel would make the following recommendation to the Standards Committee:

1. The following paragraphs of the Code of Conduct had been breached:
 - failing to treat others with respect;
 - bringing your office into disrepute.
2. There was insufficient evidence to uphold the allegation of bullying in breach of the Code of Conduct.
3. If the Standards Committee agreed with the finding that there had been a breach of the Code of Conduct, the Panel considered that in the circumstances an appropriate sanction might be that a formal press release be issued by the Standards Committee summarising its conclusions.

4. **PC7/11**

(Councillor Andrew Rowles declared a personal interest in Agenda item 5 by virtue of the fact that he knew the subject member and the complainant. As his interest was personal he determined to take part in the debate and vote on the matter).

(Paragraph 1 – information relating to an individual)

The Panel considered this exempt report setting out the findings of an independent investigator into an alleged breach of the Code of Conduct by a former Parish Councillor.

The complaint was received on the 23 November 2011 and had been considered by an Assessment Sub-Committee on the 14 December 2011. The investigation had been suspended between March and August 2012 pending the outcome of another investigation. The Deputy Monitoring Officer informed the Panel that as the incident took place prior to the implementation of the Localism Act it would be dealt with under the previous arrangements but under the revised structures.

The Deputy Monitoring Officer noted that the complaint was within the remit of the Standards Committee's decision making powers as it related to a named Councillor who was in an office within its jurisdiction at the time of the incidents. The Advisory Panel was required to make a recommendation to the Standards Committee.

The Advisory Panel concurred with the investigator's findings that the following paragraphs of the Code of Conduct had been breached:

- failing to treat others with respect;
- bullying;
- bringing your office into disrepute.

The Advisory Panel made no finding in respect of the alleged breach relating to the disclosure of confidential information, as the evidence in respect of this allegation was so finely balanced.

STANDARDS COMMITTEE ADVISORY PANEL - 14 NOVEMBER 2012 - MINUTES

RESOLVED that the Panel would make the following recommendation to the Standards Committee:

1. The following paragraphs of the Code of Conduct had been breached:
 - failing to treat others with respect;
 - bullying;
 - bringing your office into disrepute.

2. They made no recommendation in relation to the alleged breach of the following paragraph of the Code of Conduct:
 - disclosing confidential information.

3. If the Standards Committee agreed with the finding that there had been a breach of the Code of Conduct, the Panel considered that in the circumstances an appropriate sanction might be that a formal press release be issued by the Standards Committee summarising its conclusions.

(The meeting commenced at 10.00 am and closed at 11.05 am)

CHAIRMAN

Date of Signature

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Agenda Item 6

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