

STANDARDS COMMITTEE ADVISORY PANEL

MINUTES OF THE MEETING HELD ON WEDNESDAY, 23 JANUARY 2013

Present: Councillor David Allen, Councillor Geoff Mayes, Tony Renouf, Mike Wall and Councillor Andrew Rowles

Also Present: Sarah Clarke (Team Leader - Solicitor) and Moira Fraser (Democratic Services Manager)

Apologies for inability to attend the meeting: Councillor David Holtby and Peter Iveson

PART I

5. Election of Chairman

Mike Wall was appointed to preside over the meeting.

6. Minutes

The Minutes of the meeting held on 14 November 2012 were approved as a true and correct record and signed by the Chairman.

7. Declarations of Interest

Councillors David Allen, Geoff Mayes and Andrew Rowles declared an interest in Agenda Item 6, but reported that, as their interest was personal they determined to remain to take part in the debate and vote on the matter.

8. 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 Paragraphs 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.

9. NDC1/12

(Councillors Geoff Mayes and David Allen declared a personal interest in agenda item 6 by virtue of the fact that the subject member was a fellow Liberal Democrat Councillor. As their interest was personal they determined to take part in the debate and vote on the matter)

(Councillors Andrew Rowles declared a personal interest in agenda item 6 by virtue of the fact that the subject member was a fellow District Councillor. 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 Advisory Panel considered this exempt report (Agenda Item 6) setting out the findings of an independent investigator into an alleged breach of the Code of Conduct by a District Councillor.

The complaint was received on 02 July 2012. An initial assessment of the complaint was undertaken by the Council's Monitoring Officer in consultation with the Independent Person on the 06 September 2012 in accordance with the provisions of section 28 of the Localism Act 2011. Following the initial assessment it was agreed that the matter would be referred for further investigation. An **independent** external investigator was appointed and his final report was submitted on the 20 December 2012.

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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 office at the time of the incident. The Advisory Panel was required to make a representation to the Standards Committee.

A detailed discussion took place on the content of the investigator’s report and the information that was provided to the Panel to base their recommendation on. The Panel noted the comment from the investigator on page 17 of the agenda where he stated that ‘I find it difficult to reach a conclusion as to whether Councillor X has lied in the manner complained about’.

The Panel were concerned about the conflicting statements contained within the paperwork presented to them. They were also concerned that the investigator’s report did not focus sufficiently on the meeting of 11th June 2012 where the alleged breaches took place. It was noted that a lot of the report pertained to the historical context of the complaint which had been dealt with under a previous complaint DC7/12. This matter had been determined at an Assessment Sub-Committee on the 25 April 2012 where it had been agreed that no further action would be taken on the complaint.

The Panel accepted that any resolution by them would be an ‘on balance decision.’ The majority of the Panel, based on the information presented to them at the meeting, concurred with the conclusion reached by the investigator

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

1. The Advisory Panel concurred with the conclusion of the investigator that there was no conclusive evidence that the Councillor had committed a breach of the Code of Conduct,
2. The Advisory Panel noted that this was an ‘on balance decision’ and the recommendation was supported by the majority of the panel.
3. The Advisory Panel noted that there was insufficient information provided to positively conclude that a breach of the Code of Conduct had occurred.

(The meeting commenced at 10.00am and closed at 11.10am)

CHAIRMAN

Date of Signature