

STANDARDS COMMITTEE HEARING

Minutes of a Standards Committee Hearing held in Committee Room 1, Sherwood Lodge, Bolsover, on Friday 19th November 2010 at 1000 hours.

PRESENT:-

Mr M. Mason (Independent Member, Newark and Sherwood District Council) - In the Chair

Councillor V. Mills (Bolsover District Council) and Councillor T. Munro (Whitwell Parish Council)

Officers:-

E. Hoggart (Deputy - Monitoring Officer - Legal Services Lincolnshire), P. Horsfield (Investigating Officer - Derbyshire Dales District Council), A. Turner (Legal and Standards Officer - Assisting the Investigating Officer), K. Shillitto (Principal Solicitor) and K. Rodda (Democratic Services Officer).

Subject Member: - Councillor B. Ingle (Subject Member - Barlborough Parish Council)

Mr I. Hemingway (Legal Representative of the Subject Member) and Mr. P. Stead (Representative of Subject Member).

A skeleton argument on behalf of the Subject Member was circulated to the panel members at the beginning of the meeting.

The Subject Member and her representatives and the Investigating Officer and the Assisting Investigating Officer were brought to the meeting.

Members of the public were in attendance and the Chair reminded them that they were present as observers and not allowed to make any comments.

The Chair introduced the panel of the Standards Hearing Committee and the other officers who were present.

The Chair explained the procedure to all present.

The Legal Representative of the Subject Member asked for one point of the information to be dealt with in private, this was information relating to the quantum of the settlement figure and the Deputy Monitoring Officer advised that this would be decided at the point of discussion, as it was a public hearing and the Committees preference would be to stay in open session where possible.

STANDARDS COMMITTEE HEARING

569. MINUTES OF A MEETING HELD ON 9TH SEPTEMBER 2010

Moved by Mr T. Munro, seconded by Councillor V. Mills

RESOLVED that the minutes of the Standards hearing held on 9th September 2010 be accepted.

570. PRELIMINARY MATTERS

Discussions took place about whether there should have been a draft report issued from the Investigating Officer.

The Chair adjourned the meeting at this point and the Standards Hearing Panel and the Deputy Monitoring Officer left the meeting.

The Standards Hearing Panel and the Deputy Monitoring Officer returned to the meeting.

The Chair stated to the meeting that the panel believed that there should have been a draft report, but that everyone had had the opportunity to read the final report and the decision of the panel was not to hold the meeting up any further due to the lack of the draft report.

There were no further procedural issues.

571. SUMMARY OF REPORT FROM INVESTIGATING OFFICER

The Chairman invited the Investigating Officer to present a summary of his report.

The Investigating Officer gave a summary of his report.

The Legal Representative of the Subject Member asked questions.

572. PRESENTATION OF THE CASE BY THE SUBJECT MEMBER

The Legal Representative presented the case on behalf of the Subject Member.

Discussions took place between the Legal Representative of the Subject Member and the Investigating Officer.

STANDARDS COMMITTEE HEARING

The Legal Representative of the Subject Member asked questions of the Investigating Officer.

The meeting adjourned for a comfort break at this point.

The meeting continued and further discussions took place.

573. QUESTIONS BY THE PANEL TO THE INVESTIGATING OFFICER

The Panel asked questions of the Investigating Officer.

574. QUESTIONS TO THE SUBJECT MEMBER

The Investigating Officer put questions to the Subject Member.

The Panel asked questions of the Subject Member.

The Chair asked questions.

The meeting adjourned for lunch at this point.

The meeting reconvened, the Chair reminded Members of the public that there were to be no disruptions and no comments.

The chair delivered the Findings of the Facts.

575. FINDINGS OF FACTS

The Subject Member is a Member of Barlborough Parish Council and was at the relevant time. She attended in that capacity a meeting of a Barlborough Parish Council on 10th November 2008 when the matter of legal issues with the Clerk were discussed and voted on. She did not declare any interest at that meeting but she did speak and vote on that item.

She attended in the same capacity a meeting of Barlborough Parish Council on the 27th November 2008 when the matter of legal issues with the Clerk were

STANDARDS COMMITTEE HEARING

again discussed and voted on. She did declare a personal interest at that meeting and again spoke and voted on that item.

No facts have been given in evidence to enable us to reach a conclusion that there was a close personal association between the Subject Member and the former Clerk. The Investigating Officer is saying that the fact of the declaration on the 27th November 2008 is itself all the proof required to establish the point of closer association.

We find as a matter of fact that Members of Barlborough Parish Council including the Subject Member did not fully understand the requirements on when and how to make declarations. This is clear from the minutes of their meetings and from the Investigator Report (para 6.8 page 14).

The meeting adjourned to enable the Investigating Officer and the Legal representative of the Subject Member to meet with the Deputy Monitoring Officer for legal advice. The Subject Member and her Legal Representative also left the room.

The meeting reconvened and all parties returned to the meeting room.

The Investigating Officer gave his representations as to whether the Findings of Fact amounted to a breach of the Code.

The Legal Representative of the Subject Member gave his representations as to whether the Findings of Fact amounted to a breach of the Code.

The meeting adjourned and the panel left the meeting.

The meeting reconvened.

576. FINDINGS OF THE PANEL

The Chair delivered the Findings of the Panel.

On the evidence we have received we make no findings of breach. We have heard no evidence to substantiate a view that the declaration of a personal or a personal prejudicial interest should have been made on either 10th November or 27th November 2008.

The evidence given leads us to the conclusion that the declaration of a personal interest on the 27th November 2008 was incorrectly made.

STANDARDS COMMITTEE HEARING

We further make the recommendation that the Monitoring Officer should seek urgently to ensure that all members of Barlborough Parish Council and their new Clerk once appointed are trained on Members interests and their appropriate declaration.

The Legal Representative of the Subject Member asked if the panel had the power to award costs.

The Deputy Monitoring Officer states that this would have to be pursued through the Council's procedural matters.

The meeting closed at 1511 hours.