

## Standards Committee - Consideration Sub-Committee

Monday, 1st February, 2010

### PRESENT:

#### Independent Members

Mike Wilkinson (Chair)

#### Councillors

D Blackburn            C Campbell

#### Parish Members

Councillor Paul Cook            Morley Town Council

### 1     **Appeals against refusal of inspection of documents**

There were no appeals against refusal of inspection of documents in accordance with Procedure Rule 25 of the Access to Information Procedure Rules.

### 2     **Exempt Information - Possible Exclusion of the Press and Public**

In relation to agenda item 5 (Minute 5 refers), Appendix 1 (the final report and bundle of evidence of the investigating officer in relation to an investigation into a complaint against a Member), was classified as exempt under Access to Information Procedure Rule 10.4 (7c). Members of the Sub-Committee agreed that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

In relation to agenda item 6 (Minute 6 refers), Appendix 1 (the final report and bundle of evidence of the investigating officer in relation to an investigation into a complaint against a Member), was originally classified as exempt under Access to Information Procedure Rule 10.4 (7c). However, the Sub-Committee decided that the public interest in maintaining the exemption was outweighed by the public interest in disclosing the information, as the complaint involves planning matters.

**RESOLVED** – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of

the press and public were present there would be disclosure to them of exempt information, as follows:-

- Appendix 1 of agenda item 5 (Minute 5 refers).

### **3 Late Items**

There were no late items submitted to the agenda by the Chair for consideration.

### **4 Declarations of Interest**

There were no declarations of personal/prejudicial interests for the purpose of section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.

### **5 Final Investigation Report - Case Reference 0910005**

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the findings of the Investigating Officer in a Code of Conduct investigation into a complaint against a Member. The investigation followed the submission of a complaint to the Assessment Sub-Committee, who had resolved to refer the complaint for investigation.

Appendix 1 to the report was designated as exempt under Access to Information Procedure Rule 10.4 (7c).

The Investigating Officer was present at the meeting to present her findings and to respond to any questions from Members.

There were two separate allegations to be considered by the Sub-Committee. In relation to the first allegation, the Sub-Committee accepted the finding of the Investigator that the subject Member had not failed to comply with the Code of Conduct.

In relation to the second allegation, the Investigator had found that the subject Member had failed to:

- Treat others with respect, contrary to paragraph 3(1) of the Code of Conduct;
- Bullied others, contrary to paragraph 3(2)(b) of the Code of Conduct;
- Conducted themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute, contrary to paragraph 5 of the Code of Conduct; and
- Used their position improperly to confer on or secure an advantage or disadvantage for themselves or others, contrary to paragraph 6(a) of the Code of Conduct.

The Sub-Committee resolved to refer the second allegation to the Hearings Sub-Committee for determination.

**RESOLVED –**

- (a) In relation to the first allegation, Members of the Consideration Sub-Committee resolved to accept the Investigating Officer's finding of no failure; and
- (b) In relation to the second allegation, Members of the Consideration Sub-Committee resolved to refer the matter to the Hearings Sub-Committee for determination.

**6 Final Investigation Report - Case Reference 0809014(ii)**

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the findings of the Investigating Officer in a Code of Conduct investigation into a complaint against a Member. The investigation followed the submission of a complaint to the Assessment Sub-Committee, who had resolved to refer part of the complaint for investigation.

The Investigating Officer was present at the meeting to present his findings and to respond to any questions from Members.

Members agreed that through their actions, the Councillor had not brought their office or authority into disrepute. Members therefore agreed to accept the Investigating Officer's finding that there had been no failure to comply with the Code of Conduct.

**RESOLVED –** Members of the Standards Committee resolved to accept the Investigating Officer's finding of no failure.