

Standards Committee - Assessment Sub-Committee

Thursday, 27th August, 2009

PRESENT:

Independent Members

Mike Wilkinson (Chair)

Councillors

R D Feldman B Selby

Parish Members

Councillor John C
Priestley

12 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.

13 Exempt Information - Possible Exclusion of the Press and Public

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:-

The final reports and bundles of evidence of the investigating officer in relation to investigations into complaints against Members, referred to under Minute 16 and 17, which are classified as exempt under Access to Information Procedure Rule 10.4 (7c). Members agreed that the public interest in maintaining the exemption at this stage of the process, namely the consideration function, outweighed the public interest in disclosing the information.

14 Late Items

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

15 Declarations of Interests

No declarations of interest were made at this point, however a declaration was made at a later point in the meeting (Minute 17 refers).

16 Final Investigation Report - Case Reference 0809001

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.

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.

Members agreed that the Councillor had not been acting in his official capacity at the time of the incident. Members therefore agreed to accept the Investigating Officer's finding that there had been no failure to comply with the code of conduct.

Members then considered whether they wished to make any recommendations to the relevant authority as a result of the complaint and investigation. The Committee asked the Monitoring Officer to discuss the matter further with the Member concerned.

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

17 Final Investigation Report - Case Reference 0809008

Councillor Priestley declared a personal and prejudicial interest in this item, as the complainant is a former close personal associate. He withdrew from the meeting for this item and took no part in the discussion or vote.

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.

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.

Members agreed that through her actions, the Councillor had not brought her 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.

Members then considered whether they wished to make any recommendations to the relevant authority as a result of the complaint and investigation. The Committee asked the Monitoring Officer to follow up the following issues:

- The level of formality expected between Members and officers;
- The need for the process of removing comments from the planning file to be available in writing and to be explained in the relevant sections of the planning website and of any printed guidance;
- The process regarding whether draft Plans Panels reports should be made available, and the need for planning officers to be aware of and understand any such procedure;
- The need for Code of Conduct training to be undertaken by the Member concerned.

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