

MINUTES
OF A MEETING OF THE
STANDARDS HEARINGS SUB-COMMITTEE

held on 13 October 2020

Present:

Mrs C Storey (Chairman)
Cllr G W Elson (Vice-Chair)

Cllr A J Boote Cllr M A Whitehand
Cllr I Johnson

Also Present: Councillor J E Bond, Tim Stokes (Independent Person), Peter Bryant (Director of Legal and Democratic Services / Monitoring Officer and John Austin (John Austin Associates).

1. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of items 2 to 4 in view of the nature of the proceedings that, if members of the press and public were present during these items, there would be disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A, to the Local Government Act 1972.

Paragraph 1 – information relating to any individual.

2. DECLARATIONS OF INTEREST

No Declarations of Interest were made.

The Director of Legal and Democratic Services / Monitoring Officer advised that due to Councillor Bond being unable to sit on the Sub-Committee for the Local Hearing, Councillor Boote was attending the meeting as his appointed Substitute.

3. ELECTION OF VICE-CHAIRMAN

Councillor Elson was elected Vice-Chairman of the Sub-Committee for the remainder of the Municipal Year.

4. LOCAL HEARING - ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER LOCALISM ACT 2011 STA20-015

The Chairman stated that the purpose of the meeting was to hold a Local Hearing into a complaint that Councillor Bond had failed to comply with the Members' Code of Conduct. The process to be followed at the Hearing was outlined and it was noted that the Sub-

Committee would need to determine whether there had been a failure to comply with the Code of Conduct and, if so, what, if any, action should be taken as a result.

The Chairman introduced John Austin to the Sub-Committee who had been appointed by the Monitoring Officer to investigate the matter and report the findings to the Sub-Committee, following the decision of the Monitoring Officer in consultation with the Independent Person, Tim Stokes, that local resolution of the complaint was not appropriate.

In addition to the committee report circulated alongside the publication of the agenda, a supplementary report was received which contained the response submitted by Councillor Bond to the report from John Austin.

John Austin advised that he was independent of the local authority and referred Members to his summary biography which was included in the report. He advised that he had been commissioned to investigate an alleged breach of the Code of Conduct by Councillor Bond by way of submitting a formal complaint to the Monitoring Officer on 19 October 2019 regarding Declarations of Interest reported at a Council meeting, which did not follow the requirements set out in the 'Protocol for Complaints Submitted by Members under the Members' Code of Conduct', adopted by the Council on 4 April 2019. John Austin thanked Councillor Bond for co-operating fully with the investigation.

John Austin outlined his report and stated that the investigation had concluded that there was evidence to show that Councillor Bond had breached the confidentiality provisions within the Protocol, and therefore had breached the Council's Code of Conduct, specifically in relation to paragraph 2.6, which required Members to comply with any related Member Protocols.

Councillor Bond advised that he had no questions for John Austin. Sub-Committee Members asked questions of John Austin regarding the issue of Declarations of Interest. The Monitoring Officer was asked a question of training on Protocols for Members and the availability of the latest version of the Constitution on the Council's website.

The Chairman gave Councillor Bond the opportunity to present his case to the Sub-Committee. Councillor Bond referred to his concerns over Declarations of Interest for the Council's subsidiary companies and stated that the information held by Companies House and the listing on the Thameswey website had been updated. He stated that he welcomed transparency and had not realised he was in breach of the Code of Conduct by the way in which the formal complaint was submitted, adding that he was happy to apologise for the mistake.

John Austin stated that he had no questions for Councillor Bond. A Sub-Committee Member asked a question regarding raising the issue as a formal complaint as opposed to a question regarding process.

The Chairman gave the Independent Person, Tim Stokes, the opportunity to provide advice to the Sub-Committee. Tim Stokes stated that he had read the report from John Austin and listened to the comments made during the Hearing. He thanked Councillor Bond for co-operating with the investigation and for the comments made at the meeting. He advised that there had been an alternative way to have raised the issue and had concluded that there had been a breach of the Protocol and Code of Conduct by the manner in which the formal complaint was submitted.

The Chairman asked John Austin and Councillor Bond whether they would like to make a closing statement. John Austin advised the Sub-Committee that it was vital for people to have trust in the complaints process to maintain the integrity of that process. All parties to a complaint would need assurance that a complaint was dealt with properly and confidentially, in accordance with the Council's procedures, and any breach should be taken seriously. Councillor Bond stated that he had no further comments to make.

The Chairman advised those present that the Sub-Committee would now determine whether there had been a breach of the Code of Conduct.

The Sub-Committee deliberated in private. Once all parties had returned to the meeting, the Chairman stated that in making its decision, account had been taken of the written evidence set out in the report, the oral statements made at the meeting, and the Members' Code of Conduct. The decision of the Sub-Committee was that Councillor Bond had breached the Code of Conduct. Under Standing Order 10.8, Councillor Boote requested that her vote against the decision be recorded.

The Chairman asked Councillor Bond, Tim Stokes and John Austin whether they had any additional statements to make. No further comments were made.

The Chairman stated that the Sub-Committee would now determine what action, if any, should be taken as a result of the breach of the Code of Conduct.

The Sub-Committee deliberated in private and, before reporting its decision, requesting that the Monitoring Officer join them briefly, only for the purpose of answering questions regarding the Decision Notice to be made available for public inspection. Subsequently, the Sub-Committee completed its deliberation without the Monitoring Officer being present.

Once all parties had returned to the meeting, the Chairman stated that the Sub-Committee had completed its deliberations in respect of Councillor Bond's failure to comply with the Members' Code of Conduct and that the action to be taken was that the Sub-Committee would report its findings to Council for information. The report would state in broad terms, subject to fine tuning of the wording, that Councillor Bond had acknowledged that his actions were not in line with the Protocol and as such there had been a breach of that Protocol.

The Chairman advised that the Monitoring Officer would, in consultation with her, prepare a formal Decision Notice of the decision, a copy of which would be sent to Councillor Bond. Under the Council's arrangements under the Code of Conduct, the Decision Notice would be made available for public inspection and would be reported to the meeting of the Standards and Audit Committee on 26 November 2020. The Chairman thanked everyone for attending the Hearing.

RESOLVED

That a report from the Sub-Committee be reported to Council following its decision that there had been a breach of the Members' Code of Conduct by Councillor Bond.

The meeting commenced at 7.00 pm
and ended at 9.15 pm

Chairman: _____

Date: _____