

Public Document Pack

Date of meeting Friday, 18th December, 2020
Time 6.00 pm
Venue Virtual Meeting - Conference
Contact



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Audit and Standards Hearing Panel

AGENDA

PART 1 – OPEN AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

To receive declarations of interest from Members on items included in the agenda.

3 MINUTES OF A PREVIOUS MEETING (Pages 3 - 6)

To consider the minutes of the previous meeting held on 2nd September 2020.

4 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the following items, because it is likely that there will be disclosure of exempt information as defined in paragraphs 1 and 2 contained within Part 1 of Schedule 12A of the Local Government Act 1972.

5 FIRST HEARING (Pages 7 - 16)

6 SECOND HEARING (Pages 17 - 24)

7 THIRD HEARING (Pages 25 - 38)

Members: Councillors Mark Holland, Kenneth Owen and Sarah Pickup

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

AUDIT AND STANDARDS HEARING PANEL

Wednesday, 2nd September, 2020

Time of Commencement: 6.00 pm

Present:

Councillors: Mark Holland Kenneth Owen Sarah Pickup

Officers: Daniel Dickinson Head of Legal & Governance
/Monitoring Officer
Denise French Democratic Services Team
Leader

Also in attendance:

1. **ELECTION OF CHAIR**

Resolved: that Councillor Mark Holland be appointed Chair for the Hearing.

2. **APOLOGIES**

There were no apologies for absence.

3. **DECLARATIONS OF INTEREST**

Councillor Sarah Pickup declared that she knew one of the subject Members due to a former role. The Monitoring Officer advised that he had discussed this with Councillor Pickup and there was no inherent interest to declare. There were no other declarations.

4. **DISCLOSURE OF EXEMPT INFORMATION**

Resolved: That the public be excluded from the meeting during consideration of the following matters because it is likely that there will be disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

5. **FIRST HEARING**

The Panel considered the report of the Monitoring Officer regarding a Code of Conduct complaint against a Member.

The report outlined the detail of the complaint including the aspects of the Code which were alleged to have been breached. The report debated whether the behaviour complained about was subject to the Code of Conduct and outlined investigations made by the Monitoring Officer and outlined the views of the Independent Person.

RESOLVED: That

- (a) The Panel is of the view that the Subject Member was subject to the Code of Conduct at the time of the behaviour that gave rise to the complaint;

- (b) The Panel agrees that the Subject Member has breached the Code of Conduct;
- (c) The complaint will not progress to formal investigation;
- (d) The Monitoring Officer will write to the Subject Member to explain that their behaviour was subject to the Code of Conduct and has been found to be in breach and setting out recommended guidance for future behaviour;
- (e) The Monitoring Officer will write to the Clerk to ask that Councillors be reminded of the provisions of the Code of Conduct and its application;
- (f) The complainant will be advised of the outcome of their complaint; and
- (g) The Monitoring Officer will circulate to all local Councils the LLG Social Media Toolkit recently published as background guidance.

6. SECOND HEARING

The Panel considered the report of the Monitoring Officer regarding a Code of Conduct complaint against a Member.

The report outlined the detail of the complaint including the aspects of the Code which were alleged to have been breached. The report debated whether the behaviour complained about was subject to the Code of Conduct and outlined investigations made by the Monitoring Officer.

RESOLVED: That:

- (a) the Subject Member, Clerk and complainant be invited to a meeting of the Panel to assist in further deliberations prior to the Panel coming to a view on the complaint; and
- (b) in the light of the issues raised at the Panel regarding social media, a training session be offered to all Borough Council Members once the new Code of Conduct has been introduced and any relevant refresh of the Council's Social Media Toolkit be made at that time.

7. THIRD HEARING

The Panel considered the report of the Monitoring Officer regarding a Code of Conduct complaint against a Member.

The report outlined the detail of the complaint including the aspects of the Code which were alleged to have been breached. The report looked at whether the behaviour complained about was subject to the Code of Conduct and outlined the investigations undertaken by the Monitoring Officer and the views of the Independent Person.

RESOLVED: That

- (a) The Panel is of the view that the Subject Member was subject to the Code of Conduct at the time of the behaviour that gave rise to the complaint;
- (b) The Panel agrees that the Subject Member has breached the Code of Conduct; and
- (c) To assist with deliberations around the merits of any further action or investigation, the Subject Member be invited to a future meeting of the Panel to provide further information.

Chair

Meeting concluded at 8.00 pm

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of the Local Government Act 1972.

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