

## AGENDA

### STANDARDS HEARING SUB-COMMITTEE MEETING

Date: Friday, 27 January 2017

Time: 10.00 am

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Duncan Dewar-Whalley, Paul Fleming and Sue Gent.

Parish Councillor to be confirmed (observer)

Independent Person Mrs Sally Pirie (non-voting)

Quorum = 3

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	Pages
1. Election of Chairman	
To elect a Chairman for this meeting.	
2. Apologies for Absence and Confirmation of Substitutes	
3. Fire Evacuation Procedure	
The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.	
The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.	
The Chairman will inform the meeting that:	
(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and	
(b) the lifts must not be used in the event of an evacuation.	
Any officers present at the meeting will aid with the evacuation.	

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

#### 4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

#### **Part B decision to be taken by the Sub-Committee**

##### 5. Consideration of Complaint No. SBC 2.15

1 – 4

##### 6. Exclusion of the Press and Public

To decide whether to pass the resolution set out below in respect of the following item: -

That under Section 100A(4) of the Local Government Act 1972, as amended, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

1. Information relating to any individual.
7. Consideration of Complaint No. 2.15

**Issued on Monday, 16 January 2017**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of this Committee, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

Director of Corporate Services, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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<b>STANDARDS HEARING SUB-COMMITTEE</b>	<b>Agenda Item: 5</b>
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<b>Meeting Date</b>	27 January 2017
<b>Report Title</b>	<b>COMPLAINT OF MEMBER MISCONDUCT: Ref: SBC 2.15</b>
<b>Portfolio Holder</b>	Leader
<b>Report Lead</b>	Mark Radford, Director of Corporate Services as Monitoring Officer
<b>Lead Officer</b>	Donna Price, Interim Deputy Head of Legal Partnership (Solicitor)
<b>Key Decision</b>	<b>No</b>
<b>Classification</b>	<b>Open with Restricted Appendices</b>
<b>Forward Plan</b>	<b>Reference number N/A</b>

<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That the Standards Sub-Committee considers the Investigator’s report and determines whether there has been any breach, or breaches, of the Code of Conduct</li> <li>2. If the Standards Sub-Committee finds that there has been a breach, or breaches, of the Code of Conduct, that it should determine what sanction, if any, should be recommended to the Parish Council.</li> </ol>
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## 1. Purpose of Report and Executive Summary

1.1.1 This report concerns the Hearing of the Complaint of Member Misconduct: SBC 2.15. It presents the Investigating Officer’s report, which found that there has been a breach of the Members’ Code of Conduct. The Sub-Committee is asked to determine whether there has been any breach, or breaches, of the Code of Conduct. If it finds that there has been a breach, then to determine what sanction, if any, should be recommended to the Parish Council.

## 2 Background

2.1 On the 27 August 2015 the Monitoring Officer in consultation with the Independent Person considered the complaint of alleged misconduct

## 3 Proposals

3.1 The Investigating Officer found that there had been a breach of the Code. The Standards Hearing Sub-Committee is now being asked to hear the matter and decide whether or not there has been a breach, or breaches, of the Code of Conduct. If it determines that there has been a breach, the Sub-Committee must consider what sanction to recommend, if any.

3.2 The Investigating Officer’s Report is attached as exempt Appendix I. Members will see from the Pre-Hearing Process Summary, Appendix II, that form C, Appendix III, was not returned by the Subject Member to inform if he disagrees with some of the Investigating Officer’s findings of fact and denies being in breach of paragraphs 2, 8, 10 and 11 of the Code of Conduct.

3.3 The Hearing Procedure for this Sub-Committee is attached as Appendix IV.

**4 Alternative Options**

4.1 There are no alternative options.

**5 Consultation Undertaken or Proposed**

5.1 Not applicable.

**6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	None
Financial, Resource and Property	The cost of servicing the Council's committees will be met within existing budgets.
Legal and Statutory	The proposals in this report relate to duties imposed by the Localism Act 2011.
Crime and Disorder	None identified at this stage
Sustainability	None identified at this stage
Health and Wellbeing	None identified at this stage
Risk Management and Health and Safety	None identified at this stage
Equality and Diversity	None identified at this stage

**7 Exempt Appendices**

7.1

- **APPENDIX I** – The Investigator’s report, including appendices EC1 – EC24
- **APPENDIX II** – The pre-hearing process summary
- **APPENDIX III – Form C** (not returned) Areas in dispute with comments from the Subject Member
- **APPENDIX IV** – Hearing Procedure

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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