

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 13 DECEMBER 2010

Present: Councillors: N Clarkson; Mrs M Docherty; G Garrity; D Moore; R Salkeld; P Watson; Mrs M Woodburn

Dr S Bradley (Independent Member) (Chairman); Mr A Payne, (Independent Member); Mrs P Routledge (Independent Member)

Officers: M Jepson, Head of Legal and Democratic Services; C A Boyce, Legal Services Manager; D James, Member Services Officer

STA 37 Minutes

The minutes of the meeting held on 6 September 2010 were signed by the Chairman as a correct record.

STA 38 Declaration of Personal and Prejudicial Interests

Councillor D Moore and M Jepson declared personal and prejudicial interests in Agenda Item 9 due to being witnesses and left the meeting before it's considerations.

STA 39 Ongoing Cases

The Committee received an update on outstanding investigations.

In view of the continuing concern of Members at the length of time of investigations it was agreed that the Chairman and the Monitoring Officer be asked to continue keeping cases under review on behalf of the Committee.

STA 40 Notes of the standards Committee Liaison Meeting

RESOLVED – That the notes of the Quarterly meeting of the Standards Committee Liaison meeting held on the 31 August 2010 be noted.

STA 41 The Future of the Standards Committee

It was noted that the anticipated Localism Bill had not yet been published and therefore this item was deferred to a future meeting.

STA 42 Exclusion of Press and Public

RESOLVED – that the press and public be excluded for the remaining items of business in view of the likely disclosure of exempt information as

defined in paragraph 7C of Part I of Schedule 12A of the Local Government Act 1972 as amended.

STA 43 **Case Reference 2009/17 – Consideration of Monitoring Officer's Report**

The Committee received the final report into the investigation of the above complaint which resulted from an incident at a meeting of the Copeland Borough Council on the 8th September 2009. The report set out in detail the nature of the allegations, method of investigation, an assessment of the evidence gathered and reached a conclusion that there had not been a breach of the Code of Conduct. The report appended a variety of documents including notes of interviews with the complainant, member and witnesses.

Members accepted the findings of the Investigating Officer that there had not been any breach of the Code of Conduct for the reasons set out in pages 12 to 16 of the final report. The apology offered by the Member concerned to the complainant was noted.

Concern was expressed by all Members at the delay occasioned in dealing with this complaint. A period of fifteen months from the incident to hearing was unacceptable. Whilst the investigation had suffered problems due to a variety of different issues Members felt that procedures could be improved to conclude matters more quickly.

After a full and proper consideration of the final report it was

RESOLVED: That

- (a) the Committee accepts the Investigating Officer's finding of no failure;
- (b) unless the Member requests otherwise, the decision of no failure be advertised in the Whitehaven News and on the Council's web site; and
- (c) in respect of the delay in dealing with the matter that officers be asked note the Committee's concerns at the unacceptable delays encountered in dealing with the investigation, that procedures are improved to reduce delays and to ensure that wherever possible matters referred for investigation are referred back to the Committee within 3 months of the date of referral.

The meeting closed at 11.33 am

Chairman

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 24 DECEMBER 2010

Present: Councillors: G Garrity; D Moore; R Salkeld; P Watson; Mrs M Woodburn

Mr A Payne, (Independent Member in the Chair)
R Stewart (Parish Member)

Officers: M Jepson, Head of Legal and Democratic Services; D James, Member Services Officer

Apologies for absence were received from Dr S Bradley (Independent Member) (Chairman) Councillor N Clarkson and Mrs M Docherty and Mrs P Routledge (Independent Member)

STA 44 To Consider and Item of Business Taken on Grounds of Urgency

RESOLVED – That it be noted that in accordance with the Local Government Act 1972 4(b) that the Chairman has agreed to take Agenda Item 6 Local Determination of Complain on grounds of Urgency.

STA 45 Exclusion of Press and Public

RESOLVED – that the press and public be excluded for the remaining items of business in view of the likely disclosure of exempt information as defined in paragraph 7C of Part I of Schedule 12A of the Local Government Act 1972 as amended.

STA 46 Case Reference 2010/1 – Consideration of the Report under Section 59 of the Local Government Act 2000 by R Claydon into an Allegation Concerning Councillor P Whalley

The Committee received the report of the investigating officer into allegations of Breaches of the Code of Conduct by Councillor P Whalley. Both the Investigating officer and Councillor Whalley were given the opportunity to address Members and were both questioned in accordance with procedures.

Concern was expressed by all Members at the delay occasioned in dealing with this complaint. Whilst the investigation had suffered problems due to a variety of different issues Members felt that procedures could be improved to conclude matters more quickly.

The Investigating officer and Councillor Whalley asked that it be noted that each felt that the investigation had been conducted professionally.

After a full and proper consideration of the final report it was

RESOLVED: That a) Councillor Whalley be suspended from his duties the Council until such time as he attends training on the Member Code of Conduct to the satisfaction of the Head of Legal and Democratic Services; and

b) it be noted that it is the intention to arrange for the session to take place in the week of 4th January 2011.

The meeting closed at 11.33 am

Chairman