



## **Standards Hearing Sub-Committee**

### **Decision Notice**

**Hearing held on 10 September 2020**

#### **Attendance**

Sub-Committee:	Councillor Vanessa McPake (Chair) Councillor Dan Gilbert Councillor Charlie Wilson-Marklew
Independent Person:	John Jones
Investigating Officer:	Olwen Jones
Legal Advisor:	Katrina Hulatt
Committee Manager:	Jane Crighton
Subject Member:	Councillor Moriah Priestley

#### **Details of the Complaint**

The Monitoring Officer received two separate complaints on 22 May 2020 about Councillor Moriah Priestley. Complaint 1 was submitted by an individual who has remained anonymous and Complaint 2 was submitted by Dr Chinwe Osuchukwu. On 15 July 2020, Dr Osuchukwu submitted a third complaint (Complaint 3).

On 23 July 2020, the Assessment Sub-Committee of the Milton Keynes Council Standards Committee met to consider the allegations.

The Assessment Sub-Committee concluded that Complaint 1 and part of Complaint 2 concerned matters which occurred prior to the election of Councillor Priestley as a Councillor and therefore the Code of Conduct of Members could not have been engaged and no further action would be taken with regard to these aspects of the complaints.

In respect of the remainder of Complaint 2, concerns were raised regarding the entries made by Councillor Priestley on the Members' Register of Interests. In addition to this, the Assessment Sub-Committee held concerns regarding Councillor Priestley's use of the 'Councillor' title.

The allegations in Complaint 3 related to a member of Councillor Priestley's family contacting the Complainant. The Assessment Sub-Committee decided that this required further investigation.

The Standards Assessment Sub-Committee on 23 July 2020 asked the Monitoring Officer that the following be investigated:

1. Did the Subject Member breach the Code of Conduct by failing to enter their interests correctly on the Members' Register of Interests? This includes consideration of whether the operations of an incorrectly disclosed business within the Council also led to a breach of the Code ('Allegation 1')?
2. Did the Subject Member breach the Code of Conduct by allowing a family member to contact the Complainant ('Allegation 2')?

These will be referred to as Allegations 1 and 2.

### **Preliminaries**

The Subject Member, the Investigating Officer and the Independent Person were in attendance at the meeting. The meeting was held in public.

### **Findings of Fact and Reasons**

Based on the answers given by the Investigating Officer and Councillor Priestley, alongside the documents provided and the legal advice advanced, the facts of the case were accepted by the Hearing Sub-Committee as they as they appeared in the Investigator's Report in respect of paragraphs 9, 10 and 12.

- '9. I find that the Code applies to the first allegation.'*
- 10. I find that in respect of the first allegation, there is sufficient evidence that Councillor Priestley failed to declare her interests correctly on the Members Register of Interests to justify the finding that there was a breach of the Code.'*
- 12. I find that in respect of the second allegation there is some doubt as to whether the Code applies with regard to the disclosure of the telephone number, as it is not clear that this was only supplied to Councillor Priestley in her member role, given the other involvement between her and the complainant; nor that this was confidential information where the duty was owed. I therefore do not feel that there is sufficient evidence to justify a finding of a breach of the Code in respect of this allegation.'*

In respect of paragraph 11, the Hearing Sub-Committee, though accepting that the Investigator had made no finding as to whether the operation of an undisclosed business (interest) led to a breach of the Code, they were not satisfied that this finding was subject to the level of investigation this required and although there was no evidence put forward, they noted their discontent and intention to ask Councillor Priestley about the matter at the next stage.

### **Decision on Breach**

The Hearing Sub-Committee asked Councillor Priestley whether either of the businesses that she had failed to declare appropriately had ever done any business with the Council, or whether she had used her position as a Councillor to gain any

advantage for them, this was asked in context of the potential breach of the Code regarding registration of interests. Councillor Priestley advised that to the best of her knowledge, she had not, and that she did not recall having done so and that with regard to gaining advantage based on her position as a Councillor, she was active in the public domain before she became a Councillor.

On the basis of its finding of fact and upon considering the agenda papers including the Investigator's Report and upon considering the view of the Independent Person, the Hearing Sub-Committee made the following decision:

1. They found that in failing to declare her interests Councillor Priestley had breached Part 2, A, Paragraph 1 of the Milton Keynes Council Code of Conduct in failing to 'comply with the statutory requirements to register a Disclosable Pecuniary Interest as defined by the Localism Act 2011'; and
2. Paragraph 2 in failing to 'ensure that (her) register of interests is kept up to date and notify(ing) the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of (her) Disclosable Pecuniary Interests.

### **Decision on Sanctions**

The Hearing Sub-Committee (having considered and voted on all available sanctions) made the following decision:

- Councillor Priestley should submit a formal, written apology to the Full Council, via the Monitoring Officer, to be published as part of the Council Meeting agenda.
- They recommended to the Group Leader that Councillor Priestley not be on the Audit Committee, as they found it concerning that a Councillor who admitted that she tends to 'skip' and 'fill things in quite quickly' should be on a Committee where attention to details was key.
- They further recommended that Councillor Priestley should undertake training on Disclosures of Interests and how to fill out the Members' Register of Interests, to be held annually for the duration of her term in office.

### **General Recommendations**

- That the Standards Committee should give consideration to the Declaration of Interests training and ensure detailed formal training is available in terms of interests. This should be provided at the Councillor Induction and annually to all Councillors.
- That the Standards Committee should ask officers to produce guidance on Disclosure of Interests to reflect best practice, including, and in particular, the guidance given in the meeting on disclosing roles in companies whether or not they are dormant. The Standards Committee should also consider amending the form to ensure that it can easily be understood.

- That consideration should be given to a mechanism to ensure that investigation reports reflect the original decision notices and can be expanded if required, and also that the investigation can be reopened if the decision maker is not satisfied that the investigation has met the scope.

## **Appeals**

This Appeal process only applies to complaints which have been considered by a Hearing Sub-Committee. There is no right of appeal for complaints that have been decided at an earlier stage of the process.

If either the Complainant or the Subject Councillor against whom a complaint has been made is dissatisfied with the outcome, they may Appeal to the Monitoring Officer at the above address.

**Any Appeal, setting out full reasons, must be received in writing within 10 working days of issue of the written decision notice and may only be made on the grounds of:**

- (a) the procedure being wrongly applied; or**
- (b) significant new evidence has come to light since the Hearing Sub-Committee (hearing).**

which has resulted in the Appellant's view, an unfair decision.

The Monitoring Officer, in consultation with the Chair and Vice-Chairs, of the Standards Committee will decide if the Appellant has set out sufficient grounds for appeal under (a) and/or (b) above.

## **Appeal Sub-Committee**

An Appeal Sub-Committee will be convened to hear the appeal consisting of no less than three Members of the Standards Committee on a politically balanced basis, where possible.

The Councillors must not previously have been involved in the Hearing Sub-Committee (hearing) of the complaint.

The Standards Committee Hearing Procedure will apply to the Appeal Sub-Committee.