



Minutes of the meeting of the STANDARDS SUB-COMMITTEE held on WEDNESDAY 10 MAY 2017 at 10.00am

Present: Councillor Miles (Chair)
Councillors McDonald and McPake.

Officers: S Bridglalsingh (Service Director [Legal and Democratic Services and Monitoring Officer]), J Kealey (Interim Head of Legal Services, Procurement, Planning & Property) and S Muir (Committee Manager)

Also Present: Councillor C Williams
M Briggs (Independent Person) and M Neale (Head of Legal Services/Deputy Monitoring Officer (Bedford Borough Council))

SHSC01 CHAIR

Councillor Miles, Chair of the Standards Committee, took the Chair.

SHSC02 DECLARATION OF INTEREST

Councillor McPake declared a personal interest as she had taken part in discussions about the transport arrangements for the Electric Daisy Carnival event referred to, with Milton Keynes Council Transport Officers, but stated that she knew nothing of the incident included in the complaint.

SHSC03 EXCLUSION OF PUBLIC AND PRESS

The Hearing Sub-Committee heard from the subject Member who indicated that he did not consider that the press and public should be excluded from the meeting.

The Service Director (Legal and Democratic Services and Monitoring Officer) clarified that as the complainant was not present to indicate otherwise and as there were personal details of the identity of that person included in the report and annexes and although it was a matter for the Sub-Committee to decide, her advice was that the need to keep information exempt outweighed the public interest in disclosing the information.

The Chair proposed that the public and press representatives be excluded from the meeting by virtue Paragraph 2 (Information which is likely to reveal the Identity of an Individual) of Part I of Schedule 12A of the Local Government Act 1972, in order that the Standards Hearing Panel may consider the Annexes and Appendixes to Item 5 (Report of the Monitoring Officer).

The Sub-Committee heard from Councillor Macdonald who indicated his support for the proposal.

The Sub-Committee also heard from Councillor McPake who indicated a contrary view.

RESOLVED -

That the public and press representatives be excluded from the meeting by virtue Paragraph 2 (Information which is likely to reveal the Identity of an Individual) of Part I of Schedule 12A of the Local Government Act 1972, in order that the Standards Hearing Panel may consider the Annexes and Appendixes to Item 5 (Report of the Monitoring Officer). On these grounds it was considered that the need to keep information exempt outweighed the public interest in disclosing the information.

SHSC04

MONITORING OFFICER ASSESSMENT REPORT

The Standards Hearing Sub-Committee considered the Monitoring Officer's report which set out the nature of the allegation against the subject Member.

The Sub-Committee were informed that the complaint had previously come before it on 2 December 2016, when it decided that an external investigation would not be in the public interest and it resolved instead that the complaint be referred to the Monitoring Officer for further investigation in conjunction with a fellow Monitoring Officer, with a view to a resolution being sought.

It was reported that on 3 March 2017 a meeting took place between the Subject Member, the Council's Deputy Monitoring Officer and the Deputy Monitoring Officer of Bedford Borough Council, but that resolution had not proved possible. The matter had therefore been referred back to the Standards Hearing Sub-Committee.

The Hearing Sub-Committee heard from the Monitoring Officer, that the role of the Hearing Sub-Committee was to determine whether, the actions of the Subject Member, constituted a breach of the Code of Conduct, and if so, whether any action should be taken on the complaint against the Subject Member. The Councillors of Milton Keynes Council must:

2. respect others and not bully any person; and
6. not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Authority into disrepute.

In deciding whether there had been a breach of the Code of Conduct the Hearing Sub-Committee considered the facts of the complaint and the Subject Member's response and decide whether, in the light of the Subject Member's response, the complaint against him was proved.

If the Sub-Committee decided that the complaint that the Subject Member was proved it must proceed to consider what sanction(s), if any, should be applied to him. The following sanctions were available:

The Hearing Sub-Committee may:

1. Censure the Councillor.
2. Publish its findings in respect of the conduct.
3. Report its findings to the Council for information.
4. Instruct the Monitoring Officer to arrange training for the Member.
5. Recommend the Group Leader to remove (the Subject Member) from Committees or Cabinet.
6. Withdraw facilities (only where this is an appropriate response in the context of the acts complained of and must not prevent the Subject Member from carrying out their duties as a Councillor).
7. Bar from the offices (only where this is an appropriate response in the context of the acts complained of and must not prevent the Subject Member from carrying out their duties as a Councillor)

The Hearing Sub-Committee also considered the report from the Head of Legal Services/Deputy Monitoring Officer (Bedford Borough Council) who had met with the Subject Member to attempt to explore a potential resolution.

The Hearing Sub-Committee also heard from the Subject Member that he had considered the report of the Deputy Monitoring Officer (Bedford Borough Council) and had nothing further to add that that stage.

The Deputy Monitoring Officer (Bedford Borough Council) clarified the complainant did not wish to take an active part in the complaints process, but had not withdrawn her complaint and wished to be informed of the outcome.

The Monitoring Officer of Milton Keynes Council explained that the Hearing Sub-Committee was required to consider whether the Subject Member had breached the Code of Conduct.

The Hearing Sub-Committee heard representation from the Subject Member and asked questions of him to clarify his position. The Sub-Committee also heard from the Independent Person.

The Hearing Sub-Committee was then adjourned in order that it could consider the report and the Subject Member's representations, and consult with the Independent Person. The Deputy Monitoring Officer (Bedford Borough Council) and the Head of Legal Services, Procurement, Planning & Property, left the meeting.

Following detailed consideration of the facts of the evidence the Sub-Committee found that the Subject Member had breached the Council's Code of Conduct with regard to the following sections of Part 1 of the General Obligations of the Milton Keynes Council Code of Conduct for Members and Co-Opted Members. This was seconded by Councillor McDonald.

The Members of Milton Keynes Council must:

Section 2. Respect others and not bully any person; and

Section 6. Not conducting them-selves in a manner which could reasonably be regarded as bringing their office or the Authority into disrepute.

The Sub-Committee decided that the following sanctions be applied:

1. The Member be censured;
2. The Sub-Committee's findings in respect of the conduct be published;
3. The findings be reported to Council for information; and
4. The Monitoring Officer be instructed to arrange tailored training in respect of the Code of Conduct for the subject Member.

It was unanimously

RESOLVED -

1. That the complaint Subject Member be found in breach of the Code of Conduct with regard to the following sections of Part 1 of the General Obligations of the Milton Keynes Council Code of Conduct for Members and Co-Opted Members:
 - Paragraph 2. Respect others and not bully any person; and
 - Paragraph 6. Not conduct them-selves in a manner which could reasonably be regarded as bringing their office or the Authority into disrepute.
2. That the following sanctions be applied:
 1. The Member be censured;
 2. The Sub-Committee's findings in respect of the conduct be published;
 3. The findings be reported to Council for information; and
 4. The Monitoring Officer be instructed to arrange tailored training in respect of the Code of Conduct for the subject Member.
3. That it be noted that:
 1. The Member would be written to within 10 working days detailing the Sub Committee's findings; and

2. That the Member would have 21 days from the issue of the Sub Committee's letter to request an appeal of the Sub Committee's Decision.

THE CHAIR CLOSED THE MEETING AT 11:10 AM