

Minutes of the meeting of the STANDARDS SUB-COMMITTEE held on TUESDAY
12 FEBRUARY 2018 at 10.03 am

Present: Councillor McPake (Chair)
Councillors Small and Wallis.

Officers: K Hulatt (Deputy Monitoring Officer/Acting Head Legal and Democratic Services), P Smith (Junior Solicitor) and T Milner (Committee Manager).

Also Present: Councillor Darlington, E Griffiths (Investigating Officer (Lawyer, Oxford City Council)), M Briggs (Independent Person), P Todd (Chair, Loughton and Great Holm Parish Council) and 1 member of the public

SSC13 CHAIR

In the absence of Councillor P Geary (Chair of the Standards Committee), it was proposed and agreed by the Sub-Committee members that Councillor McPake take the Chair at today's Sub-Committee meeting to consider an Appeal.

SSC14 DECLARATION OF INTEREST

No declarations were made.

SSC15 EXCLUSION OF PUBLIC AND PRESS

The Chair opened discussion on whether 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 Appeal Panel consider the report and annexes to Item 4 (Appeal of the Against the Decision of the Standards Sub-Committee held on 16 November 2018).

The Sub-Committee heard from the Subject Councillor and the Appellant who both indicated that they did not consider that the press and public should be excluded from the meeting.

The Monitoring Officer/Acting Service Director (Legal and Democratic Services) advised that due to there being no objections from the Sub-Committee, the Subject Councillor or persons present, that the Sub-Committee meeting should proceed in public, as was agreed at the meeting held on 16 November 2018.

RESOLVED -

That the Sub-Committee meeting be conducted in public.

SSC16

APPEAL AGAINST THE DECISION OF THE STANDARDS SUB-COMMITTEE HELD ON 16 NOVEMBER 2018

The Sub-Committee considered a report setting out details of the appeal, made by the Parish Councillor P Todd (the Appellant) in respect of a breach of the Loughton and Great Holm Parish Council's Code of Conduct by an elected Parish Councillor.

The Sub-Committee was informed by the Deputy Monitoring Officer that the complaint had previously come before it on 11 June 2018, when it decided that the complaint be referred to a Hearing which was held on 16 November 2018. Consequently an Appeal was received by the Council in respect of one of the decisions from the meeting that took place on 16 November 2018.

The Sub-Committee's recommended sanctions as indicated in the following link at the Sub-Committee meeting on 16 November 2018 were: [Link to Decision Notice for Hearing](#)

The Sub-Committee heard from the Subject Councillor that he objected to the Appeal being heard on the fact of a very small area of the law and queried whether the law was correct and that this meeting should not be considered a re-Hearing. The Deputy Monitoring Officer responded that the Sub-Committee was to consider a very 'narrow' point on the Appeal.

The Sub-Committee adjourned for 5 minutes to allow everyone involved in the Appeal to read a late representation from Councillor P Geary (Chair of the Standards Committee). Following adjournment, whilst taking into consideration comments from the Appellant and Subject Councillor, the Sub-Committee agreed unanimously not to accept the late submission as part of the Appeal.

The Sub-Committee heard from the Appellant, who referred to part 1 of the Loughton Code of Conduct, point 2, and commented that there were disparaging remarks made towards Councillor Nolan, and that the decision by the Sub-Committee on the Finding of Fact in his view was incorrect.

The Independent Person and the Investigating Officer informed the Sub-Committee that reference had been made in their reports to indicate that personal insults had been made and were intended as an aggravating factor towards Councillor Nolan.

The Deputy Monitoring Officer indicated that at the meeting held on 16 November, the Independent Person (J Jones) was in favour of the comments made and that the Sub-Committee had miss-directed itself as they could not explain why or how the decision came about. She advised that the Sub-Committee should set aside whether it was a breach of the Code about the comments made, which were

seen as being disrespectful towards Councillor Nolan, and that the decision notice of 16 November should stand as published.

The Investigating Officer further re-iterated that there had been a breach in respecting of others, and that the Code set a tone for ethical culture. Whilst councillors might be robust in a political arena, the situation in question occurred in a public arena with constituents in attendance. The two named councillors have had past dealings with one another, and Councillor Dransfield had, at times, been disrespectful and condescending towards Councillor Nolan. On the occasion in question, Councillor Nolan was clearly upset and Councillor Dransfield should have apologised.

The Sub-Committee heard from the Subject Councillor that the evidence of the witness (Parish Councillor Howe) who attended on 16 November, gave information about the mutual respect between councillors, and that occasionally comments could be heard as being 'tit for tat'. The Subject Councillor concurred that there had been regular mutual disrespect and arguments between Councillor Nolan, but he did not know what the minds of the Sub-Committee were. He commented about the acrimony of the Standards Sub-Committee and the shambolic way in which the Parish Council meetings were held with constant interruptions. Equally, he was not confident in the way the Chair conducted Parish Council meetings.

The Subject Councillor further indicated as to whether the higher levels of Standards were being conducted and requested that the Deputy Monitoring Officer expand on the submission of the Appellant, which in his view appeared to be black and white, and whether that constituted a breach, taking into account the background of the mitigating circumstances of the Standards Sub-Committee and the point made at the meeting on 16 November 2018.

In response to the Subject Councillor, the Deputy Monitoring Officer reported that the information provided on 16 November 2018 was from the Monitoring Officer, who indicated that it a higher bar might be awarded when political opponents were involved, and it may be different when public were in attendance and repeated that everyone should be addressing others with respect. On the occasion in question a different level of respect was given by the Subject Councillor.

The Chair informed the Sub-Committee that the rules for the Appeal were the Parish Council's bar, and it should be debated with the same rules being adhered to. The Chair further commented that the Sub-Committee was not going to re-address the information given at the meeting held on 16 November 2018.

The Sub-Committee heard further from the Appellant, who questioned the procedure on how information was provided for the Appeal being held today. Information had not been put to him that the initial Hearing was for him to comment on. In respect of the Sub-

Committee coming to its decision on 16 November, it should have looked at the reason and not to speculate on other accounts or advice at the time of that meeting, but to look at the facts provided at today's meeting. The Code of Conduct was very clear about being respectful towards everyone, and he stressed the importance of councillors and Parish Councillors being respectful towards each other, but they must be respectful and hold a high standard of discourse. It was not acceptable to have sexist, personal or derogatory comments made towards anyone.

In summing up, the Deputy Monitoring Officer indicated that the legal information provided to the Sub-Committee was proper and appropriate, and that comments had been received from the Appellant and the Subject Councillor about the misdirection of the Sub-Committee's decision on 16 November 2018.

The Independent Person advised that she had read the evidence and statements and taken note of the Investigating Officer's report, and was not in agreement with the Sub-Committee's decision, but was in total agreement with Investigating Officer's conclusion and report.

The Sub-Committee also considered the Investigating Officer's (Lawyer, Oxford City Council) conclusion, which was submitted as part of her final report to the Sub-Committee meeting held on 16 November 2018.

Upon consideration of the agenda papers, including the Investigation Report, the comments given to the Sub-Committee and the views of the Independent Person, the Sub-Committee made the following:-

RESOLVED -

That the Appeal Sub-Committee unanimously agreed to quash the finding at point 2 of the Sub-Committee decision on Breach of the Code of Conduct in the decision notice of 16 November 2018.

The reason was that no reasons were given in the Decision Notice, being the formal note of the meeting, showing how the Sub-Committee came to its conclusion that the Code was not breached.

In light of this decision to quash the decision, this Appeals Sub-Committee does not feel that it would be in the interests of natural justice to re-hear this matter today and instead asks that evidence on the narrow point of whether the finding of fact at point 2 in the decision notice:

2. *"The Subject Member did say to Parish Councillor Nolan 'Get a sense of humour, silly woman' when she objected to the comments he had made to the Police Officer."*

constitutes a breach of the Loughton Parish Council Code of Conduct.

A further date to consider this matter to be arranged by officers with the composition of the Sub-Committee to be agreed with the Chair of the Standards Committee.

THE CHAIR CLOSED THE MEETING AT 11.24 AM

DRAFT