



Minutes of the meeting of the STANDARDS COMMITTEE held on TUESDAY
11 DECEMBER 2018 at 6.33 pm.

- Present:** Councillor P Geary (Chair)
Councillors Brackenbury, Darlington, McPake (Vice-Chair), Miles (Vice-Chair), Patey-Smith, Small and Wallis
Parish Councillor Verma
- Officers:** P Cummins (Acting Monitoring Officer/Acting Service Director Legal and Democratic Services) and T Milner (Committee Manager)
- Apology:** Councillor McDonald

ST16 MINUTES OF PREVIOUS MEETINGS

The Committee heard from the Monitoring Officer that for legal reasons, the Minutes of meetings held on 3 July 2018 and on 4 October 2018, had been subsequently re-submitted to the Committee for approval, due to minor amendments being made to the Minutes of 3 July 2018, which had not been signed.

RESOLVED -

That the Minutes of the meetings held on 3 July 2018 and 4 October 2018 and the meeting of the Sub-Committee held on 11 June 2018 be approved and signed by the Chair as correct records.

ST17 DECLARATION OF INTEREST

None were declared.

ST18 PUBLIC INVOLVEMENT

No members of the public were present.

ST19 PERIODIC REPORT OF THE MONITORING OFFICER

The Committee considered the Periodic Report of the Monitoring Officer, who reported the following update:

- The two older complaints dealt with by the Sub-Committee required final closure. The draft Minutes of the meetings held on 16 November 2018 and 21 November 2018 would be submitted to the next meeting of the Committee for approval.
- In respect of the complaint at Bradwell Parish Council, the Council was following up on information with the complainant as the complaint form had not been received.

- The complaints at Kents Hill and Monkston were still ongoing and subsequently have been grouped as one case. Upon appointment of an Investigating Officer (IO), the case will be looked at and various interviews held accordingly. The Monitoring Officer (MO) was aware of the timeframe for dealing with complaints, however, due to the complexities of the case, it was anticipated a Sub-Committee meeting would not be held until early 2019 to hear the case.
- The Bletchley and Fenny Stratford complaints were being dealt with and had since been grouped as one complaint. Councillor Darlington expressed concern about delay in dealing with the complaints which was in her Ward, and considered that the Committee should have a better understanding and reasoning behind such delays and where timeframes were not being met.

Councillor Brackenbury commented that he was pleased to hear the two older complaints had recently been sorted, however, lessons learnt should assist in dealing with future complaints, which should be expedited more efficiently and with greater emphasis placed on the rigor of the processes put in place by the Committee.

Parish Councillor Verma suggested that future Code of Conduct training to Councillors and Parish Councillors could include lessons learnt from recent cases including complaints raised at Kent's Hill and Monkston Parish Council.

The Chair concurred with Parish Councillor Verma and also heard a request from Councillor McPake to include the Parish Forum in future training. However, the Chair's preference was to first approach the Parish Councils that actually needed additional training and to provide information as deemed appropriate. It was important that the Council should also look to deal more efficiently with future cases, with past experiences and lessons learnt as indicated by Councillor Brackenbury.

The Chair suggested that the Monitoring Officer and Committee Manager look to set two Sub-Committee dates in the present calendar year of meetings, and to include bi-monthly Sub-Committee dates within the 2019/20 calendar year of meetings.

RESOLVED -

That the report be noted.

ST20

DATE OF NEXT MEETING

That the next meeting of the Standards Committee be held on Tuesday 12 March 2019 at 6.30 pm.

THE CHAIR CLOSED THE MEETING AT 7.02 PM

Minutes of the meeting of the STANDARDS SUB-COMMITTEE held on FRIDAY 16 NOVEMBER 2018 at 10.05am

Present: Councillor P Geary (Chair)
Councillors Brackenbury and Miles
Parish Councillor Verma

Officers: P Cummins (Monitoring Officer/Interim Service Director (Legal and Democratic Services)) and T Milner (Committee Manager).

Also Present: Councillor Dransfield, E Griffiths (Investigating Officer), J Jones (Independent Person), Parish Councillors J Howe and P Todd (Chair of Loughton and Great Holm Parish Council).

SSC05 CHAIR

Councillor P Geary, Chair of the Standards Committee, took the Chair.

SSC06 DECLARATION OF INTEREST

No declarations were made.

SSC07 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 Sub-Committee may consider the Annexes and Appendixes to Item 5 (Report of the Monitoring Officer) in respect of the hearing.

The Sub-Committee heard from the Subject Councillor who indicated that he 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. It was noted that due personal contact details of individuals included within the annexes, should be kept private and redacted from the published papers.

RESOLVED -

That the Sub-Committee meeting be conducted in public and the exempt annexes identifying personal contact information should be redacted prior to being made public.

MONITORING OFFICER'S REPORT

The Sub-Committee considered a report setting out details of allegations made by two members of the public, of a breach of the Loughton and Great Holm Parish Council's Code of Conduct by an elected Parish Councillor. It had been decided by the Monitoring Officer on receipt of the two complaints to deal with them together as they related to the same set of facts.

The Sub-Committee was informed by the Monitoring Officer that the complaint had previously come before it on 16 April 2018, when it decided that the complaint be referred to a hearing.

The Sub-Committee noted that the Subject Councillor was also a Councillor on Milton Keynes Council, however, the complaints relate to his role as a Parish Councillor on Loughton and Great Holm Parish Council.

The Sub-Committee heard that there were three stages in respect of the hearing process, and the role of the Sub-Committee was to first undertake a finding of fact, secondly to determine whether, the actions of the Subject Councillor, constituted a breach of Loughton and Great Holm Parish Council's Code of Conduct, and if so, then to consider what sanctions, if any, were applicable.

The Sub-Committee also considered the report from the Investigating Officer (Lawyer, Oxford City Council), who had met with the Subject Councillor along with interviewing a number of witnesses.

The Sub-Committee also heard from the Subject Councillor that he had considered the report of the Investigating Officer, and put questions about the pre-hearing process, and received oral responses from the Monitoring Officer.

Upon consideration of the agenda papers including the Investigation Report, the comments to the Sub-Committee by the Investigator, the evidence of the Subject Councillor, Parish Councillor Howe and the first complainant the Sub-Committee made the following findings of fact on the balance of probabilities:

1. The Subject Councillor did make the comments he did to the Police Officer namely that he said 'She should still be at school' and as well as a number of interruptions said she should 'go and do your homework'.
2. The Subject Councillor 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.
3. The Subject Councillor was not rude to Joanna Fay from Ride High.
4. The Sub-Committee found that the Subject Councillor and Parish Councillor Nolan were long-standing political

opponents and they were both Milton Keynes Councillors as well as Parish Councillors.

5. The Sub-Committee found as a fact that there had been tensions in the relationship between the Parish Council and Thames Valley Police.

The Sub-Committee further considered the evidence in respect of the decision on the question of breach of the Code of Conduct.

The Investigation Report confirmed that the following paragraphs of the Loughton and Great Holm Member Code of Conduct were engaged:

1. Paragraph 2, respect others and not bully any person.
2. Paragraph 3, not to do anything which may cause the authority to breach its equality duties.
3. Paragraph 6, not to conduct themselves in a manner which could reasonably be regarded as bringing their office or their authority into disrepute.

In addition to the evidence in the agenda papers the Sub-Committee heard further from the Investigating Officer, the Subject Councillor and Parish Councillor Howe.

The Investigating Officer confirmed the conclusion of her report that in her opinion the Subject Councillor was in breach of paragraphs 2 and 6 in respect of both the comments made to the Police Officer and to Parish Councillor Nolan but was not in breach of Paragraph 3.

The Subject Councillor repeated that, his intention in respect of his comments to the Police Officer, were said in jest, and that this was acknowledged in the complaint by the first complainant. Parish Councillor Howe also suggested that the comments were said as a joke but that he would not have said them. In respect of the comments to Parish Councillor Nolan, the Subject Councillor said that Parish Councillor Nolan was an experienced politician and set out the animosity between them over a long period.

The Sub-Committee considered the view of the Independent Person which was that the Subject Councillor was in breach of paragraphs 2 and 6 of the Code of Conduct in respect of the comments made to both the Police Officer and Parish Councillor Nolan.

The Sub-Committee was then adjourned in order that it could consider the report and the Subject Councillor's representations. All persons excepting the Sub-Committee members, the Committee Manager and the Monitoring Officer left the meeting.

The Sub-Committee's decision on breach of the Code of Conduct was as follows:

1. That the Subject Councillor was in breach of paragraph 2 and paragraph 5 of the Loughton and Great Holm Member Code of Conduct in respect of the comments made to the Police Officer which was disrespectful and brought the Subject Councillor's office and authority into disrepute.
2. That the Subject Councillor was not in breach of the Code of Conduct in respect of the comments made to Parish Councillor Nolan although the Sub-Committee wanted it made clear they certainly did not commend what was said by the Subject Councillor.

As part of the evidence of the mitigation and evidence on sanctions, the Sub-Committee considered information in the agenda papers and heard further evidence from the Investigating Officer, the Subject Councillor and Parish Councillor Howe.

The Subject Councillor produced a letter from Councillor A Geary of Milton Keynes Council who was the Group Leader of the Subject Councillor's then political group on Milton Keynes Council, at the time of the incident. The Subject Councillor and the letter from Councillor A Geary set out, that unsuccessful attempts were made to agree an apology with the second complainant. The Subject Councillor repeated that he was willing to give an apology to the Police Officer.

The Sub-Committee sought the views of the Independent Person on sanctions who considered that public censure, publication of findings on the Council's website, report the findings to the Parish Council and training.

The Sub-Committee was then adjourned in order that it could consider the report and the Subject Councillor's representations. All persons excepting the Sub-Committee members, the Committee Manager and the Monitoring Officer left the meeting.

The Sub-Committee decided that the following sanctions be applied (link: [Decision Notice 16 November 2018](#)), it was unanimously:

RESOLVED -

1. That there be Public Censure of the Subject Councillor in relation to the breaches of the Code of Conduct.
2. The Sub-Committee's findings in respect of the conduct be published as decisions and minutes.
3. The findings be reported to Loughton and Great Holm Parish Council for information.
4. The Chair to write to Yvette Hitch (Thames Valley Police) suggesting to look at re-building relationship with Loughton and Great Holm Parish Council.
5. To request the Monitoring Officer to look at offering mediation between the Subject Councillor and Councillor Nolan.

6. To request the Monitoring Officer to offer Loughton and Great Holm Parish Council Standards and Code of Conduct training and Chairs training.
7. The Subject Councillor be requested to apologise to the complainants.

THE CHAIR CLOSED THE MEETING AT 12.55 PM

DRAFT

Minutes of the meeting of the STANDARDS SUB-COMMITTEE held on WEDNESDAY 21 NOVEMBER 2018 at 1.00pm

Present: Councillor P Geary (Chair)
Councillors McPake and Miles.

Officers: P Cummins (Monitoring Officer/Acting Service Director Legal and Democratic Services) and T Milner (Committee Manager).

Also Present: S Rix (Principal Lawyer and Acting Monitoring Officer (Investigating Officer)), Central Bedfordshire Council, attending on behalf of F McMillan (Investigating Officer/Head of District Law, LGSS Law Ltd), J Jones (Independent Person), P Ferris-Bedward (Observer, Milton Keynes Council) and R Olanrewaju (Observer, Milton Keynes Council).

SSC09 CHAIR

Councillor P Geary, Chair of the Standards Committee, took the Chair.

SSC10 DECLARATION OF INTEREST

No declarations were made.

SSC11 EXCLUSION OF PUBLIC AND PRESS

The Subject Councillor was not in attendance at the Sub-Committee hearing to deal with this complaint. Being satisfied that the Subject Councillor had received notice of the hearing and that it was in accordance with the Council's rules, the Sub-Committee decided to proceed with the hearing in the absence of the Subject Councillor.

RESOLVED -

That the public and press representatives be excluded from the meeting by virtue of Paragraph 1 of Part I of Schedule 12A of the Local Government Act 1972 as the report contains information relating to individuals and it was considered that the need to keep the information exempt outweighs the public interest in disclosing the information.

SSC12 REPORT OF THE MONITORING OFFICER

The Sub-Committee considered a report setting out details of allegations, made by Town Councillor J Walker (MBE), of a breach of the Stony Stratford Town Council's Code of Conduct by an elected Parish Councillor.

The Sub-Committee noted that the complainant, Councillor J Walker (MBE) had sadly passed away in September 2018.

The Sub-Committee was informed by the 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.

The Sub-Committee heard that there were three stages in respect of the hearing process, and the role of the Sub-Committee was to first undertake a finding of fact, secondly to determine whether, the actions of the Subject Councillor, constituted a breach of Stony Stratford Town Council's Code of Conduct, and if so, then to consider whether any action sanctions should be recommended against the Subject Councillor.

The Sub-Committee also considered the report and information submitted by the Investigating Officer (Head of District Law, LGSS Law Ltd) who had met with the Subject Councillor along with interviewing a number of witnesses.

Upon consideration of the agenda papers including the Investigation Report the Sub-Committee made the following findings of fact on the balance of probabilities:

1. The incident concerning the Subject Councillor's interaction with the representative from the Fire Brigade at the May 2016 Council meeting happened according to the account of the complainant.
2. The incident at the 16 May 2017 Council meeting happened according to the account of the complainant and the Clerk.
3. In relation to more general incidents of 'tirades' from the Subject Councillor against the complainant and other Councillors the Sub-Committee finds insufficient evidence to make a specific finding of fact.
4. In relation to the incident in the Town Council Office the Sub-Committee finds that it happened as per the account of the Clerk as stated in the Investigation Report.
5. There was no evidence in the complaint or the Investigation Report that the Subject Councillor had sought to improperly confer an advantage or disadvantage on any person although this had been cited in the original complaint.

The Sub-Committee further considered the evidence in respect of the decision on the question of breach of the Code of Conduct.

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

1. That the Subject Councillor was in breach of Paragraph 1 of the Stony Stratford Town Council Code of Conduct as he had not behaved in a way that a reasonable person would regard as respectful namely in relation to his behaviour at the Council meetings in May 2016 and 16 May 2017.

2. That the Subject Councillor was not in breach of Paragraph 1 of the Code of Conduct concerning his behaviour towards the complainant and other Councillors in view of the Sub-Committees findings of fact there is insufficient evidence.
3. That the Subject Councillor was in breach of Paragraph 2 of the Code of Conduct as he had behaved in a way which a reasonable person would regard as bullying/intimidatory in respect of the incident in the Town Council Office in July 2017.

The Sub-Committee further considered the evidence in respect of the mitigation and evidence on sanctions, and information in the Investigation Report, including the statements of the Subject Councillor and Clerk (which may be considered mitigation), and hearing the view of the Independent Person, the Sub-Committee decides and recommends the following in relation to the appropriate sanctions in the case. (Link: [Decision Notice - 21 November 2018.](#))

RESOLVED -

1. That there be Public Censure of the Subject Councillor in relation to the breaches of the Code of Conduct.
2. That this decision and minutes of the Sub-Committee be published on the Milton Keynes Council website.
3. That the findings be reported to Stony Stratford Town Council.
4. That the Monitoring Officer be requested to offer appropriate training to the Subject Councillor.
5. That the Subject Councillor be requested to make an apology to the Clerk of Stony Stratford Town Council.

THE CHAIR CLOSED THE MEETING AT 2:52 PM