

AGENDA

STANDARDS (CONSIDERATION) SUB-COMMITTEE MEETING



Date: Wednesday 29 February 2012

Time: 9.30 a.m.

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillor: Mrs C Robertson

Independent Member: Mr D Wright (Chairman)

Parish Representative: Councillor B Stead

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1. Disclosures by Members and Officers
2. Disclosures of lobbying
3. To consider whether any items should be taken in private because of the possible disclosure of exempt information
4. Minutes (Part I) of the meeting held on 25 August 2011 1 - 2

Continued Over/:

Issued on 21 February 2012

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Standards Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent, ME15 6JQ**

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| 5. | First Report of the Monitoring Officer - Complaint of Member Misconduct | 3 |
| 6. | Second Report of the Monitoring Officer - Complaint of Member Misconduct | 4 |

PART II

To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test.

**Head of Schedule 12A
and Brief Description**

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| 7. | Minutes (Part II) of the meeting held on 25 August 2011 | 7C – Deliberations of a Sub-Committee of a Standards Committee | 5 |
| 8. | Exempt Appendix to the First Report of the Monitoring Officer - Complaint of Member Misconduct (Agenda Item 5) | 7C – Deliberations of a Sub-Committee of a Standards Committee | 6 - 143 |
| 9. | Exempt Appendix to the Second Report of the Monitoring Officer - Complaint of Member Misconduct (Agenda Item 6) | 7C – Deliberations of a Sub-Committee of a Standards Committee | 144 - 193 |

MAIDSTONE BOROUGH COUNCIL

STANDARDS (CONSIDERATION) SUB-COMMITTEE

MINUTES (PART I) OF THE MEETING HELD ON 25 AUGUST 2011

Present: Ms H Hunt (Independent Member)(Chairman)
Borough Councillor B Vizzard
Councillor Mrs E Riden (Parish Representative)
Paul Fisher (Monitoring Officer)
Kate Jardine (Deputy Monitoring Officer)
Keith Trowell (Investigating Officer)
Debbie Snook (Democratic Services Officer)

1. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

2. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

3. EXEMPT ITEMS

RESOLVED: That the items on Part II of the agenda be taken in private as proposed.

4. MINUTES OF THE MEETING HELD ON 1 SEPTEMBER 2010

RESOLVED: That the Minutes (Parts I and II) of the meeting held on 1 September 2010 be noted as the Member/Co-opted Members who attended the meeting are not present to confirm the accuracy.

5. COMPLAINT OF MEMBER MISCONDUCT

The Sub-Committee considered the report of the Monitoring Officer concerning the complaint about a possible breach of the Code of Conduct which it had referred to him for investigation. It was noted that the Monitoring Officer had appointed an Investigating Officer (Mr Keith Trowell, Deputy Monitoring Officer of Tunbridge Wells Borough Council) to look into the matter and the Investigating Officer's conclusion was that there had not been a breach of the Code of Conduct by the Parish Councillor concerned.

The Monitoring Officer advised the Sub-Committee that it should consider whether or not it agreed with the Investigating Officer's report that there had not been a breach of the Code of Conduct, or whether there was a case to answer. If the Sub-Committee agreed with the Investigating Officer that there had been no breach of the Code of Conduct, then that was the final decision in respect of the complaint. However, if the Sub-Committee disagreed with the Investigating Officer that there had been no

breach of the Code of Conduct then the complaint would need to proceed either to a Standards (Determination) Sub-Committee hearing or to the First Tier Tribunal.

Wishing to consider the Investigating Officer's report in private, the Sub-Committee:-

RESOLVED: That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test:-

Head of Schedule 12A and Brief Description

Exempt Appendix to the Report of the Monitoring Officer – Complaint of Member Misconduct	7C – Deliberations of a Sub-Committee of a Standards Committee
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6. EXEMPT APPENDIX TO THE REPORT OF THE MONITORING OFFICER - COMPLAINT OF MEMBER MISCONDUCT

RESOLVED:

1. That the Investigating Officer's finding of no failure to observe the Code of Conduct be accepted for the reasons given in the Investigating Officer's report.
2. That the Monitoring Officer be requested to write to the Chairman of the Parish Council advising him to write to all Members of the Parish Council reminding them of their responsibilities towards others as set out in paragraph 3 of the Code of Conduct, and of the importance of adhering to the Code.

7. DURATION OF MEETING

8.45 a.m. to 9.45 a.m.

MAIDSTONE BOROUGH COUNCIL

Standards (Consideration) Sub-Committee

29 February 2012

First Report of the Monitoring Officer

Complaint of Member Misconduct

Introduction

1. On the 19 September 2011 the Standards (Assessment) Sub-Committee considered a complaint about possible breaches of the Code of Conduct by five Parish Councillors. The Sub-Committee's decision was to refer the complaint to the Monitoring Officer for investigation. The Monitoring Officer appointed Mr Keith Trowell (Deputy Monitoring Officer of Tunbridge Wells Borough Council) as the Investigating Officer and his report is attached as an Exempt Appendix to this report.

Considerations

2. The Investigating Officer's finding is that none of the five Parish Councillors breached the Code of Conduct.
3. The Sub-Committee must consider whether or not it agrees with the Investigating Officer's finding that there has not been a breach of the Code of Conduct by the Parish Councillors.

If the Sub-Committee agrees with the Investigating Officer that there has been no breach of the Code of Conduct by them then that is the final decision.

If the Sub-Committee disagrees with the Investigating Officer that there has been no breach by any of the Councillors then the complaint needs to proceed to either a Determination Sub-Committee Hearing or to the First Tier Tribunal.

Recommendation

4. It is recommended that the Sub-Committee consider this report of the Monitoring Officer and the attached Investigating Officer's report and decide whether or not to refer the alleged breaches to a hearing or to the First Tier Tribunal.

Agenda Item 6

MAIDSTONE BOROUGH COUNCIL

Standards (Consideration) Sub-Committee

29 February 2012

Second Report of the Monitoring Officer

Complaint of Member Misconduct

Introduction

1. On the 19 September 2011 the Standards (Assessment) Sub-Committee considered a complaint about a possible breach of the Code of Conduct by a Parish Councillor. The Sub-Committee's decision was to refer the complaint to the Monitoring Officer for investigation. The Monitoring Officer appointed Mr Keith Trowell (Deputy Monitoring Officer of Tunbridge Wells Borough Council) as the investigating officer and his report is attached as an Exempt Appendix to this report.

Considerations

2. The Investigating Officer has found that the Parish Councillor did not breach the Code of Conduct.
3. The first matter that the Sub-Committee must consider is whether or not the Sub-Committee agrees with the Investigating Officer's finding that there has not been a breach of the Code of Conduct, or whether the matter should be dealt with at a hearing.

If the Sub-Committee agrees with the Investigating Officer that there has been no breach of the Code of Conduct then that is the final decision in respect of the complaint.

However, if the Sub-Committee disagrees with the Investigating Officer that there has been no breach of the Code of Conduct then the complaint needs to be referred either to a Standards (Determination) Sub-Committee Hearing or to the First Tier Tribunal.

Recommendations

4. It is recommended that the Sub-Committee consider this report of the Monitoring Officer and the attached Investigating Officer's report and decide whether it agrees that there has been no breach of the Code of Conduct, or whether the complaint should be referred to a hearing, either by this Council's Standards (Determination) Sub-Committee, or by the First Tier Tribunal.

Agenda Item 7

By virtue of paragraph(s) 7c of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 8

By virtue of paragraph(s) 7c of Part 1 of Schedule 12A of the Local Government Act 1972.

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