

MINUTES OF A MEETING OF THE
STANDARDS SUB-COMMITTEE HELD IN
THE ROOM 28, WALLFIELDS, HERTFORD
ON TUESDAY 14 FEBRUARY 2017, AT
1.00 PM

PRESENT: Councillor B Deering (Chairman)
Councillors P Boylan and C Woodward

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Victoria Clothier	- Legal Services Manager
Kevin Williams	- Acting Head of Legal and Democratic Services

ALSO IN ATTENDANCE:

Nicholas Moss	- Independent Person
Alison Stuart	- Head of Legal and Democratic Services (designate)

10 APPOINTMENT OF CHAIRMAN

It was moved by Councillor C Woodward and seconded by Councillor P Boylan that Councillor B Deering be appointed Chairman of the Sub Committee for the meeting.

RESOLVED – that Councillor B Deering be appointed Chairman of the Sub Committee for the meeting.

11 MINUTES

Councillor C Woodward referred to Minute 9 (Investigation of a complaint against a former District Councillor) and asked for

an update in relation to resolution (D) regarding the wording of the censure motion. The Monitoring Officer assured the Member that he would discuss the wording of the censure motion with the Chairman of that (previous) meeting and submit this to Council.

RESOLVED – that the Minutes of the meeting held on 13 December, 2016 be approved as a correct record and signed by the Chairman.

12 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Alison Stuart, the newly appointed Head of Legal and Democratic Services to the meeting.

13 EXCLUSION OF THE PRESS AND PUBLIC

The Sub Committee considered whether or not to pass a resolution to exclude the press and public from the meeting during discussion of Minutes 14 and 15 below on the grounds that they involved the likely disclosure of exempt information as defined in the provisions of the Local Government Act 1972.

The Sub Committee also considered whether or not to make the associated reports publically available.

The Sub Committee determined to exclude the press and public from the meeting during the discussion of the matters at Minutes 14 and 15 below and that the supporting papers should continue to be confidential.

14 COMPLAINT UNDER THE LOCALISM ACT 2011 – WARE TOWN COUNCIL (1)

The Council's Monitoring Officer provided a summary of the report. He explained the background to the complaint, the detail of which was set out in the report. He sought Members' advice on how to progress the matter. A way forward was discussed at length, including how best to encourage mediation with an independently approved mediator. This

was supported.

The Independent Person (IP) explained the need to ensure that all those involved were fully engaged with the mediation process and the reputational and personal consequences which could follow, if such engagement was ignored. The IP also referred to the expectations of local citizens in appointing their town councillors.

Members supported the suggestion that the Monitoring Officer write to both the Town Councillor and Ware Town Council:

- a) requiring the Town Council to appoint an independent mediator from an approved list, such those offered via the Local Government Association; and
- b) Explaining to the Town Councillor and the complainant the reputational and personal consequences of not engaging in the mediation process, including progression to a full hearing.

Members also considered the issue of “gender balance” on the Sub-Committee which had been raised by a Member. The IP commented that there was no statutory requirement for gender balance for Pre Hearing meetings and that it was undesirable that someone whose conduct was being tested, should have a say in the composition of a sub-committee. He stated that to change the composition to satisfy someone who might have an interest, could open up the Council to criticism for complying with such a demand and set a precedent in relation to future complaints.

Members noted the advice and agreed that a sub-committee should continue to be selected from those trained and available in a wholly objective manner. This was supported.

RESOLVED – that the Monitoring Officer be requested to write to (A) Ware Town Council requiring it to appoint an independent mediator from an approved list of mediators such as those offered via the Local

Government Association; and

(B) The Town Councillor and complainant, explaining the reputational and personal consequences of not engaging in the mediation process, including the possibility of progression to a full hearing.

15 COMPLAINT UNDER THE LOCALISM ACT 2011 – WARE TOWN COUNCIL (2)

The Council's Monitoring Officer provided a summary of the report. He explained the background to the complaint and the fact that two medical certificates had been submitted by the subject of the complaint. In noting the receipt of the certificates, Members empathised with the Member's health. The Chairman referred to the need to acknowledge the medical certificate. This was supported.

The Independent Person (IP) explained the expectations of all concerned in ensuring that the issue was dealt with fairly, not only to the complainant, but to the person complained of.

Given the circumstances, Members considered at length, the options available. The IP sought Members' views on the findings of fact if the medical certificate(s) had not been submitted. Members agreed that from the evidence, there was a case to answer and that a hearing should be arranged at a date to be determined.

The Monitoring Officer felt that Members should exercise caution and felt that an initial telephone call explaining the Sub-Committee's decision might be more empathetic followed up by a letter. This was supported.

RESOLVED – that (A) the Monitoring Officer telephone the Town Councillor to outline the views of the Sub Committee's Pre Hearing on the findings of fact; and

(B) the Monitoring Office write formally to the Town Councillor detailing the views of the Sub Committee Pre Hearing.

The meeting closed at 2.55 pm

Chairman

Date