

Agenda item 2

Report to the Standards Sub-Committee

Date of meeting: 24 July 2019

Title of report: Consideration of Issues relating to a Member

Report by: Paul Turner, Director, Legal and Assurance and Monitoring Officer

Enquiries to Paul Turner - 03330 134591 paul.turner@essex.gov.uk

1. Introduction

- 1.1 The Sub-Committee are asked to consider the attached report from Essex County Council's Deputy Monitoring Officer (**Appendix A**). The report sets out an issue of potential non-compliance with the Essex County Council Code of Conduct for Members. The Code of Conduct which applied at the relevant time is at **appendix B**.
- 1.2 The issues have been referred to the sub-committee by Paul Turner, the Monitoring Officer of Essex County Council, following a complaint by Ms Ginette Loach, the Clerk to Little Clacton Parish Council and by Mrs Jacqueline Rowland who is a member of Little Clacton Parish Council. The complaint was investigated by Katie Bray, Deputy Monitoring Officer.
- 1.3 Following investigation, the matter was referred to one of the Council's appointed independent persons, Mr Jonathan Swan, whose comments are attached at **appendix C**.
- 1.4 The Procedure to be followed by the Sub-Committee is set out in the Assessment and Hearings Procedure, an extract from which is attached at **Appendix D**. **Appendix D** also sets out guidance on sanctions which the sub-committee could seek to impose should the sub-committee find a breach of the code. The stages to be followed are set out in appendix D but in summary the Sub-Committee is required to go through the following stages:
 - Introductions
 - Consideration of Preliminary Matters.
 - Decision on disputed facts (if any).
 - Decision on whether there are any breaches of code.
 - Decision on sanction (if breaches of the code are identified).
- 1.5 The Sub-Committee may also want to make recommendations to the Councillor concerned, to the Monitoring Officer or to the Council generally.
- 1.6 The Sub-Committee's principal remit should therefore be focussed on considering the issues relating to an alleged breach of the Code and, if a breach is found, to consider what sanction should be imposed. Should the

Sub-Committee consider that there are wider issues relating to standards that should be considered then it could refer those issues to the Audit, Governance and Standards Committee.

2. Pre-hearing Summary

- 2.1 The Council's hearing procedures require the production of a pre-hearing summary. This is the subject of consultation with the Councillor concerned and will be circulated electronically to members and tabled at the meeting.

3. Recommendations

- 3.1 That the Sub-Committee considers the report at appendix A and make the necessary determinations on the issues in the report in accordance with the Assessment and Hearings Procedure.

List of appendices:

Appendix A –Investigating Officer's Report and appendices A-N of that report.

Appendix B – Essex County Council's Code of Conduct for Councillors as in force in February 2019

Appendix C – Comments of the Independent Person, Mr Jonathan Swan

Appendix D – Extract from Assessment and Hearings Procedure