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**Minutes of the meeting of the Audit, Governance and Standards  
Hearing Sub-Committee, held in Committee Room 2, County Hall,  
Chelmsford, CM1 1QH on Friday, 9 November 2018**

**Present:**

**Members:**

Councillor P Channer  
Councillor R Mitchell  
Councillor J Moran                      Chairman  
Councillor M Mackrory

**Members also present:**

Councillor C Weston  
Councillor R Madden

**ECC Officers:**

Joanna Boaler                      Head of Democracy and Transparency (Investigating Officer  
and Deputy Monitoring Officer)  
Andy Gribben                      Senior Democratic Services Officer (Clerk to the meeting)  
Paul Turner                      Director, Legal and Assurance (Monitoring Officer)

**Also in attendance:**

Katie Bray                      Head of Legal and Deputy Monitoring Officer

**1. Election of Chairman**

It being moved by Councillor Mitchell and seconded by Councillor Channer and there being no other nominations it was

**Resolved**

That Councillor Moran be elected Chairman

**2. Membership, Apologies, Substitutions and Declarations of Interest.**

The report of Membership, Apologies and Declarations was received, and it was noted that:

1. The membership of the Hearing Sub-Committee was as shown in the report.
2. There were no apologies for absence.
3. There were no declarations of interest.

### 3. Welcome and Introduction

The Chairman welcomed to the meeting, members of the sub-committee, Councillor Weston, the Councillor about whom the allegation had been made, her advisor Councillor Madden and officers in attendance.

### 4. Explanation of the Conduct of the Hearing

The Chairman then invited Paul Turner, the Monitoring Officer, to explain how the hearing was to be conducted in accordance with the procedure that had been previously circulated. He asked members of the sub-committee to note that the not circulated departed from the procedure formally adopted by the former Joint Standards Committee since Councillor Weston had admitted that her actions had constituted a breach of the Member's Code of Conduct and that following discussions with Cllr Weston and the Investigating Officer, all parties were now in agreement as to the facts which is that Cllr Weston generally held surgeries at Hullbridge Library every two months and in 2018 that was in 7 April and 2 June .

### 5. Consideration of Issues relating to a Member

The members of the sub-committee considered a report regarding alleged breaches of the Code of Conduct by Councillor Carole Weston.

The report detailed three allegations made by the complainant:

- (i) *'The first allegation is that the complainant considers that an additional surgery was booked in the name of Cllr Weston during the pre-election period as an electioneering event*
- (ii) *The second allegation is that the complainant believes the candidate, Cllr Marriott's election agent (Mr P Hennessy) was clearly handing out election literature on the library premises whilst Cllrs Weston and Marriott were inside.*
- (iii) *Finally, the third allegation is that this surgery was held for the purposes of holding an electioneering event on the Saturday before the election for the purposes of providing a platform for Angelina Marriott.'*

These actions, it was alleged, were contrary to Paragraph 24.4.1 of the Code of Conduct which states that Councillors must:

- (i) 'not use or attempt to use your position as a Member improperly to confer on or to secure for yourself or any other person, an advantage or disadvantage - financial or otherwise;
- (ii) when using or authorising the use by others of the resources of the Authority, ensure that such resources are not used improperly for political purposes (including party political purposes).'

The issues had been referred to the sub-committee by Paul Turner, the Monitoring Officer of Essex County Council.

The members of the sub-committee considered the issues as detailed in the report and heard the submissions of the Joanna Boaler, the Investigating Officer and Councillor Weston.

Mrs Boaler had concluded that, having made her enquiries, she could not be satisfied that Mr Hennessy had indeed been distributing election material and had therefore concluded that the second allegation was unsubstantiated, and it had not therefore been referred to the sub-committee for consideration.

The sub-committee confirmed that allegations (i) and (iii) were to be treated as one breach of the Members' Code of Conduct.

The members of the sub-committee noted that, at the time of the hearing, the facts were not in dispute.

They also accepted Councillor Weston's concession, with respect to the surgery held on 28 April 2018, that it was a breach of the Code.

However, the members of the sub-committee also noted Councillor Weston's mitigating explanation that she had not been aware that Councillor Marriott had advertised the surgery in her election leaflet and the Investigating Officer's comment that Councillor Weston had been helpful and co-operative during the investigation and that she had voluntarily attended Standards Training in October 2018.

## **6. Exclusion of the Press and Public**

It having been moved by Councillor Moran and seconded by Councillor Mitchell it was

### **Resolved:**

That the press and public be excluded from the meeting during consideration of any sanctions the members of the sub-committee may wish to impose on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (information relating to any individual).

## **7. Conclusions of the Standards Hearing Sub-Committee**

The press and public were re-admitted to the meeting as, the members of the Standards Hearing Sub-Committee, having deliberated in private determined that the meeting should reconvene in public session.

The Chairman, Councillor Moran, advised Councillor Weston that it had been:

**Resolved**

- 1 That the Hearing Sub-Committee would have requested that Councillor Weston undertake standards training had she not recently done so.
2. That Councillor Weston should apologise to the Chief Executive of Essex County Council for having improperly used the resources of the County Council.

It was noted that the decision would be published on the Council's website in accordance with the procedures adopted by the Audit, Governance and Standards Committee.

The meeting was closed