
**Minutes of the meeting of the Audit, Governance and Standards
Hearing Sub-Committee, held in Committee Room 6, County Hall,
Chelmsford, CM1 1QH on Wednesday, 24 July 2019**

Present:

Members:

Councillor T Cutmore Chairman
Councillor P Channer
Councillor A Turrell

Members also present:

Councillor A Erskine
Councillor R Madden

ECC Officers:

Andy Gribben Senior Democratic Services Officer (Clerk to the meeting)
Paul Turner Director, Legal and Assurance (Monitoring Officer and Legal
Adviser to the Meeting)

Also in attendance:

Katie Bray Head of Legal and Deputy Monitoring Officer (Investigating
Officer)

1. Election of Chairman

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

Resolved

That Councillor Cutmore be elected Chairman of the Sub-Committee

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 Erskine, the Councillor about whom the allegation had been made, his 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.

5. Consideration of Issues relating to a Member

The members of the sub-committee considered a report and appendices presented to them by Katie Bray, Head of Legal and Investigating Officer, regarding alleged breaches of the Code of Conduct by Councillor Andrew Erskine. Appendix C informed Members of the views of the Independent Person, Mr Jonathan Swan, appointed by Essex County Council.

Appendix N, which had been considered confidential by the Investigating Officer had been included in the public agenda with the consent of Councillor Erskine.

The report detailed the allegations made by the two complainants, Ms Ginette Loach, Clerk to Little Clacton Parish Council and Mrs Jacqueline Rowland, Parish Councillor who both alleged that Councillor Erskine had on 4 February 2019 failed to treat people at the meeting of Little Clacton Parish Council with respect, by his allegedly aggressive manner and intemperate language.

These actions, if proven, could be contrary to Paragraph 24.4.1 of the Code of Conduct which states that Councillors:

(i) 'must treat others with respect' and

contrary to Paragraph 24.4.4 of the Code of Conduct which states that Councillors:

(ii) 'must not behave in a way which would likely to bring the office of Councillor into disrepute.'

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

The sub-committee noted that Councillor Erskine did not dispute the facts of the case.

The members of the sub-committee considered the issues as detailed in the report by the Investigating Officer who had concluded that she was satisfied that Councillor Erskine should have engaged with the members of Little Clacton Parish Council in a more respectful way and by not doing so had breached Paragraph 24.2.1 of the Code of Conduct.

She also had determined that the reported behaviour of Councillor Erskine had been directed at the members of Little Clacton Parish Council, not at members of the public. Consequently, she had concluded in her report that it is unlikely that members of the public in attendance at the February Parish Council Meeting would have considered that his actions brought 'the office of Councillor into disrepute' and so there had not been a breach of Paragraph 24.2.4 of the Code of Conduct. The members of the sub-committee concurred with this view.

The report also noted that mitigating factors, as shown in the report and Appendix N. In her report she asked Members of the Sub-Committee to take the mitigating factors into consideration when determining how to deal with the breach of Paragraph 24.2.1 of the Code of Conduct.

Councillor Erskine and his representative Councillor Madden explained in some further detail the medication that taken by Councillor Erskine, the effects of that medication in general. Cllr Erskine's view was that behaviour may have been caused by or contributed to by medication that he was taking at the time of the alleged breaches.

Members of the sub-committee were pleased to note that Councillor Erskine accepted that there had been a breach of the code and that he intended to apologise to the Parish Council in writing and/or in person.

6. Exclusion of the Press and Public

It having been moved by Councillor Channer and seconded by Councillor Turrell 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 Cutmore, advised Councillor Erskine that it had been:

Resolved

1. That Councillor Erskine should apologise in writing to the Chairman of Little Clacton Parish Council and the clerk to the Parish Council for his behaviour that was a breach of Paragraph 24.2.1 of the Code of Conduct.
2. That the decision will be published on the Council's website in accordance with the procedures adopted by the Audit, Governance and Standards Committee.

The meeting was closed