

MINUTES OF A MEETING OF THE CONSIDERATION AND HEARINGS SUB-COMMITTEE OF THE ESSEX COUNTY COUNCIL AND ESSEX FIRE AUTHORITY JOINT STANDARDS COMMITTEE HELD AT COUNTY HALL, CHELMSFORD, ON 1 MARCH 2012 AT 10:00 AM

4. Attendance, Apologies and Substitutions

Mr D Farrow (Independent Chairman) and Councillors Mrs Fisher and J W Pike were present at the meeting.

The following officers were present in support throughout the meeting:

Terry Osborne (Monitoring Officer), Ann Coldicott (Governance Officer);

Pamela Carey, Independent Investigator (Solicitor from Norfolk CC) presented her reports and findings and answered questions; and

Miss D S (Complainant) was present to respond to questions from the Committee.

Councillor J Knapman was also present to answer questions from the Committee.

There were no apologies and no substitutions to report.

5. Declarations of Interest

Councillor J Knapman declared an interest as the meeting related to him personally.

6. Exclusion of the Public

Resolved:

That, having reached the view that the public interest in maintaining the exemption (and discussing the matter in private) outweighed the public interest in disclosing the information, the public (including the press) be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as specified in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

7. Report of an Investigation Under the Code of Conduct

The Sub-Committee considered reports SCCAH/001/12 and SCCAH/002/12 by the Monitoring Officer regarding allegations of misconduct made against Essex County Councillor John Knapman. The Sub-Committee were asked to determine whether there had been a breach of the Essex Member Code of Conduct and, if so, to determine what sanction, if any, should be given.

The Sub-Committee noted the pre-hearing summaries prepared by the Monitoring Officer. The sub-committee heard from the Investigator on her findings of fact. The sub-committee heard evidence from Councillor Knapman and the complainant.

In relation to the first complaint, made by a senior officer, Councillor Knapman accepted the findings of fact and so too, therefore, did the sub-committee. Based on the findings of fact, the Sub-Committee held that Councillor Knapman had breached paragraphs 5 and 6(a) of the Member Code of Conduct, namely:

5) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute;

6a) You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.

In accordance with the agreed Procedure the Sub-Committee then considered what sanction if any should be given to Councillor Knapman. The Sub-Committee took into consideration that Councillor Knapman had already sent a letter of apology to the Standards Committee and had agreed to undergo training on the duties under the code of conduct. However, having considered the list of possible sanctions and the guidance issued by the former Standards for England the sub-committee agreed:

- (a) To suspend Councillor Knapman for a period of six months effective from 1 March 2012;
- (b) To impose a requirement that Councillor Knapman undertake training prior to his reinstatement to the Council; and
- (c) Upon Councillor Knapman's return to the County Council that he be required to channel all his requests for information on individual cases through certain named officers and not to go to caseworkers direct.

In relation to the second complaint, made by DS, the sub-committee found that Councillor Knapman had not breached any aspect of the Member Code of Conduct and did not, therefore, take any further action.

There being no further business the meeting closed at 4:00 pm.

Chairman

