

STANDARDS COMMITTEE

6.10 P.M.

16TH JANUARY 2020

PRESENT:- Councillors Mandy King (Chair), Paul Anderton (minute 17 only), Richard Austen-Baker (minutes 8-16 only), Phillip Black, Merv Evans (minute 17 only, as substitute for Councillor Heath), Jack O'Dwyer-Henry, Joanna Young, Geoff Knight (minutes 8-16 only as substitute for Councillor Anderton) and Cary Matthews (minutes 8-16 only, as substitute for Councillor Heath)

Also in Attendance

Jackie Waring – Independent Person
Paul Washington – Investigating Officer

Officers in attendance:-

Luke Gorst	Acting Head of Legal Services and Monitoring Officer
Debbie Chambers	Democratic Services Manager and Deputy Monitoring Officer
Liz Bateson	Principal Democratic Support Officer, Democratic Services

8 MINUTES

The minutes of the meeting held on 27 June 2019 were approved as a correct record.

9 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

10 DECLARATIONS OF INTEREST

Councillor Young advised the meeting that she knew the complainants with regard to agenda item 10 although she did not consider them to be 'personal' friends.

Councillor Black advised the meeting that he knew the subject of the complaint with regard to agenda item 8 through a business connection although this would have no bearing on his decision- making.

11 EXCLUSION OF THE PRESS AND PUBLIC

It was proposed by Councillor Black, seconded by Councillor O'Dwyer and resolved unanimously:

That, in accordance with Section 110 A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it could involve the possible disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of that Act.

At this point a member of the public queried why the public were not permitted to be present during consideration of one of the items and the Chair reiterated the requirement that they leave the meeting. When it became apparent that the members of the public were not willing to leave the room, the Committee left the room and reconvened at 6.35pm in an alternative room.

The Chair suggested a revision to the order of the agenda with complaint 11/19 considered at the beginning of the agenda as the Subject Member was in attendance and Standards Complaints 4/19 and 12/19 would be considered after 7/19.

12 STANDARDS COMPLAINT 11/19

The Committee considered an exempt report from the Monitoring Officer about a Code of Conduct complaint concerning a member of Morecambe Town Council. Details of the alleged breach were detailed in the exempt report.

The Subject Member and Investigating Officer were invited to join the meeting and the Chair introduced those present including the Independent Person who was present in an advisory non-voting capacity.

In accordance with procedure, the Investigating Officer and the Subject Member responded to questions from the Committee and the Subject Member circulated some further documentation for Members to consider.

The meeting adjourned at 7.20pm in order for the Committee to determine whether in their opinion the Subject Member had breached the Members' Code of Conduct. The Subject Member and Officers left the meeting at this point. The meeting reconvened at 8.10pm.

On reconvening, the Chair confirmed that the Subject Member had been found to be in breach of the Code of Conduct and both the Subject Member and Investigating Officer were invited to make representations before the Committee considered what, if any sanction should be imposed. The meeting adjourned at 8.15pm with the Subject Member and Officers leaving the room and reconvened at 8.25pm when the Chair confirmed the sanctions that had been agreed.

Resolved:

- (1) That the breach be reported to Morecambe Town Council and that the town council be requested to note in their minutes that there had been some inaccuracies in the statement that the Subject Member had read out at the meeting of the town council that had instigated this complaint.

The Subject Member left the meeting at this point.

13 STANDARDS COMPLAINT 7/19

The Chair advised that she had been notified of a request to adjourn consideration of complaint 7/19. The Independent Person read out a statement that had been drafted that evening by an individual who wished to be recognised as Councillor Wild's representative. The Committee, as a preliminary issue, considered whether to recognise

the individual as Councillor Wild's representative and concluded that given his behaviour earlier that evening and disrespect for the Chair and procedure, it would not be appropriate. In addition to this the Committee were not satisfied that the Subject Member's representative would treat any confidential information as such were he to be allowed to represent Councillor Wild at the hearing.

Consideration was then given as to whether the issue should be deferred to enable Councillor Wild to be present as it was noted he had left the premises. After some discussion, it was agreed to adjourn the item and request the Monitoring Officer to write to Councillor Wild detailing the Committee's decision, confirming that an alternative date would be found for the issue to be considered and reiterating that it would again be in private.

Resolved:

- (1) That the Monitoring Officer write to Councillor Wild detailing the Committee's decision on the preliminary issue of representation and the decision to adjourn consideration of this substantive issue to a future meeting.

14 STANDARDS COMPLAINT 4/19

The Committee considered an exempt report from the Monitoring Officer with regard to a Code of Conduct complaint. It was noted that Councillor Clifford, the Subject Member was not present and had given no indication to the Monitoring Officer as to why he would not be attending. In view of this, the Committee agreed to deal with the complaint in his absence. After a brief discussion, the Committee adjourned to consider whether, in its' opinion, Councillor Clifford had breached the Code of Conduct. Officers left the meeting at this point in accordance with procedure.

On reconvening, the Chair informed Officers that the Committee had found that Councillor Clifford had breached the Code of Conduct by voting on council tax proposals at a Cabinet meeting held on 15 January 2019 despite being in arrears with his own, which was a breach of Section 106 of the Local Government and Finance Act 1992. The Committee also agreed that Councillor Clifford had misled the Statutory Officers by claiming that he had cleared his arrears prior to the Cabinet meeting when CCTV footage and electronic evidence indicated that payment was made the day after the meeting. After seeking representations from Officers, the Committee adjourned to give consideration as to what sanctions should be imposed. Officers were then invited back to the meeting and the Chair notified them of the sanctions which the Committee had agreed.

Resolved:

- (1) That the matter be reported to full Council
- (2) That a press release be issued by the Council

15 STANDARDS COMPLAINT 12/19

The Committee gave consideration to a further complaint of misconduct regarding Councillor Clifford and the allegation that he had acted in a way that would undermine public confidence in a holder of public office. The Investigating Officer responded to

questions from the Committee before the meeting adjourned to consider whether in its' opinion, there had been a breach of the Code of Conduct.

On reconvening the Chair reported that the Committee was in agreement that Councillor Clifford had breached the Code of Conduct through granting access to restricted areas of Lancaster Town Hall to two individuals on 15 August 2019 despite having been warned in writing by the Monitoring Officer in May 2019 for failing to sign visitors in on a previous occasion. Representations were sought from Officers before they were requested to leave the meeting to enable the Committee to agree on what, if any, sanctions should be imposed.

The Chair invited Officers back to the meeting to inform them of the Committee's decision.

Resolved:

- (1) That a press release be issued by the Council.
- (2) That Councillor Clifford be excluded from Council offices, with the exception of meetings rooms as necessary for attending meetings of Council/Committees for a period of six months.

16 SUMMARY OF COMPLAINTS UNDER THE CODE OF CONDUCT

The Monitoring Officer presented a report, which advised the Committee about the progress of current complaints, and any other code of conduct complaints received since the last report of June 2019.

Resolved:

- (1) That the report be noted.

The meeting adjourned at 9.20pm on Thursday 16 January 2020 and reconvened at 2pm on Wednesday 12 February 2020 to consider the substantive issue in relation to Complaint 7/19. Councillors Anderton and Evans were present for the adjourned item (Councillor Evans as substitute for Councillor Heath). Councillors Austen-Baker, Knight and Matthews were not present.

17 ADJOURNED ITEM - COMPLAINT 7/19

The Committee had reconvened to determine whether the Councillor Wild had breached the Councillor Code of Conduct. Details of the alleged breach were detailed in the exempt report.

The Chair had agreed to Councillor Wild's request to be accompanied by another Councillor and Councillor Wild, his representative and the Investigating Officer were invited to join the meeting, and the Chair introduced those present including the Independent Person who was present in an advisory non-voting capacity. The Chair reminded the meeting that the exclusion of the press and public still applied.

In accordance with procedure, the Investigating Officer, Councillor Wild and

representative responded to questions from the Committee.

The meeting adjourned at 2.40pm in order for the Committee to determine whether in their opinion Councillor Wild had breached the Members' Code of Conduct. Councillor Wild, his representative and Officers left the meeting at this point. The meeting reconvened at 3.08pm.

On reconvening, the Chair confirmed that Councillor Wild had been found to be in breach of the Code of Conduct with regard to selflessness and accountability and both Councillor Wild and the Investigating Officer were invited to make representations before the Committee considered what, if any sanction should be imposed. The meeting adjourned at 3.10pm with Councillor Wild, his representative and Officers leaving the room and reconvened at 3.30pm when the Chair confirmed the sanctions that had been agreed.

Resolved:

- (1) That Councillor Wild be censured in the public minutes with a report to full Council and a press release.
- (2) That the Standards Committee recommend that Councillor Wild undertake further training on the Councillor Code of Conduct and GDPR and this training be offered within the next three months.

Chair

(The meeting ended at 3.25pm on Wednesday 12th February 2020.)

**Any queries regarding these Minutes, please contact
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