

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Wednesday, 20 February 2008

PRESENT:

Committee Members:

Mr Ian Harley	- Independent Chair
Councillor Joy Capstick	- Northampton Borough Council
Councillor Richard Matthews	- Northampton Borough Council

Also Present:

Miss Rosemary Lyon	- Northampton Borough Council, Legal Advisor
Mrs Barbel Gale	- Northampton Borough Council, Meetings Services Officer
Mr Simon Aley	- Corby Borough Council Investigating Officer

1. APOLOGIES

There were none.

2. DECLARATIONS OF INTEREST

There were none.

3. LOCAL DETERMINATION- ALLEGED FAILURE TO FOLLOW THE CODE OF CONDUCT

This was a local determination hearing following a referral by an Ethical Standards Officer from the Standards Board for England under Section 60 (2) of the Local Government Act 2000 that there be a local investigation. Mr Fernandes, NBC Monitoring Officer had appointed Mr Simon Aley, Solicitor, Head of Legal Services at Corby Borough Council, to investigate an allegation that, former Councillor Terence Wire had acted in breach of NBC's Code of Conduct (2001).

The finding of the Investigating Officer was that the matter should be referred for hearing by the Standards Committee in accordance with Regulation 5 (7) (d) of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended). The Standards Committee has a legal duty to determine the matter under Regulation 6 (2) (b) of the 2003 Regulations.

Preliminary issues

The Legal Adviser to the Standards Committee advised that a letter had been received from Mr Wire indicating that he would not be attending the meeting and that he accepted the findings of Mr Simon Aley set out in his Final Report. As the Final Report was likely to disclose exempt information under Paragraph 16 of Schedule 12A of the Local Government Act 1972 (information relating to the circumstances of any person), copies of these documents had not been provided to the public and press in advance of the local determination hearing.

The Standards Committee had to consider as preliminary issues: -

1. Whether to proceed with the local determination hearing in the absence of Mr Wire.
2. Whether the Final Report of the Investigating Officer, Mr Simon Aley, should be made public.

The Hearing

Having regard to the procedure for hearings the Standards Committee moved onto consider whether or not there were any significant disagreements about the findings of fact in the Investigating Officer's Final Report. The Standards Committee asked Mr Simon Aley, Investigating Officer to make representations in connection with his Final Report

THE CHAIR MOVED "THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE HEARING ON THE GROUNDS THAT THERE WAS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 NAMELY PARAGRAPH 16 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT (INFORMATION RELATING TO THE CIRCUMSTANCES OF ANY PERSON.)" THE MOTION WAS CARRIED

Having heard the representations from Mr Aley in exempt session and having questioned him about the findings of fact in the final report, and upon a motion by the Chair, which was carried, the Hearing continued in public.

The Chair indicated that the Committee was considering whether to adjourn the hearing to require the Investigating Officer to undertake further investigation as provided for in the Local Authorities (Code of Conduct)(Local Determination) Regulations 2003 as amended.

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The Standards Committee deliberated on the issue of adjourning the hearing:-

RESOLVED

That the Local Determination Hearing be adjourned and that the Investigating Officer, Mr Simon Aley, be required to undertake further investigation on points specified by the Standards Committee.

Reconvened Session – 23 MAY 2008

Present:

Committee Members: - Mr Ian Harley (Chair)
Councillor Joy Capstick
Councillor Richard Matthews

Also Present

Muhammad Saleem
Mohammed Rahman
Mrs Barbel Gale
Mr Simon Aley

NBC Legal Adviser
NBC Legal Observer
NBC Meetings Services Officer
Investigating Officer

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Mr Simon Aley, Solicitor, Head of Legal Services at Corby Borough Council discussed the additional statements presented to the Board and referred to the issues raised in his initial report in respect of the allegations that had been made. Mr Aley explained that his conclusions had remained the same.

Discussions took place about Declaration of Interests. It was suggested that additional training be provided to Councillors on Declarations of Interest and the Code of Conduct.

The Chair requested the Monitoring Officer or the Head of Legal Services to prepare a report that analysed the time line of this hearing along with providing recommendations for process improvements going forward and that the report be presented at the next Standards Committee meeting on Monday 16 June 2008. It was important for the public to be aware of enquiries and their outcomes such as this one to engender support and understanding of the Code of Conduct that local Councillors have to abide by.

The Committee agreed with the conclusions of Mr Aley's report and no further action would be taken against Mr T Wire.

RESOLVED

- 1. That the Committee concur with the conclusions set out in the report provided by Mr Aley, Solicitor, Head of Legal Services, Corby Borough Council that no further action be taken against Mr T Wire.**
- 2. That additional training be provided to Councillors on Declarations of Interest and the Code of Conduct.**
- 3. That the Monitoring Officer or Head of Legal Services prepare a report analysing the timeline of the Hearing along with recommendations for improvements in the process used for the next Standards Committee meeting on Monday 16 June 2008.**

The meeting concluded at 10:45 am

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