

**WYRE FOREST DISTRICT COUNCIL**

**ETHICS AND STANDARDS COMMITTEE**

**6<sup>TH</sup> APRIL 2011**

**Outcome of Hearings Sub-Committee Meeting**

<b>OPEN</b>	
<b>DIRECTOR:</b>	Monitoring Officer
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<b>APPENDICES:</b>	None

**1. PURPOSE OF REPORT**

- 1.1 To inform Members of the Ethics and Standards Committee of the outcome of the recent Hearings Sub-Committee meeting.

**2. RECOMMENDATION**

**The Committee is asked to DECIDE that:**

- 2.1 **The report be noted.**

**3. BACKGROUND**

- 3.1 The Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008 gave powers to local authorities to be responsible for the assessment of allegations that a Member has breached the Code of Conduct. The legislation gave the Council responsibility for any subsequent investigations, decisions and sanctions (except where the cases could not be handled locally due to their seriousness, conflicts of interest or other public interest reasons).

**4. KEY ISSUES**

- 4.1 on 20<sup>th</sup> September 2010 a meeting of the Assessment Sub-Committee was held to consider allegations that Councillor E M Davies (a Bewdley Town Councillor) had breached the Code of Conduct by not declaring a prejudicial interest at both a Planning meeting held at Bewdley Town Council on 2<sup>nd</sup> August 2010 and when she presented representations to the Planning Committee at Wyre Forest District Council on 10<sup>th</sup> August 2010. A planning application to the said meetings had been submitted by a fellow member of her political group.
- 4.2. At the Assessment Sub-Committee on 20<sup>th</sup> September 2010 the Committee was satisfied that there was a prima facie case for the full evidence to be investigated further.
- 4.3 An investigation was commenced in order for a report to be prepared for the Hearings Sub-Committee.
- 4.4 A meeting of the Hearings Sub-Committee took place on 12<sup>th</sup> January 2011.

4.5 The Hearings Sub-Committee comprised: Reverend J Cox (Chairman – Independent Member), Councillor T Ingham, Councillor C D Nicholls and Councillor J Swift.

4.6 The Hearings Sub-Committee after hearing all the evidence and having had the opportunity to question Councillor Davies decided to uphold the complaint against Councillor Davies:

“to the extent that Councillor Davies had lapsed in judgement at both the Planning meeting of Bewdley Town Council on 2<sup>nd</sup> August and Wyre Forest District Council’s Planning meeting on 10<sup>th</sup> August 2010. The Sub-Committee found that Councillor Davies should have declared a prejudicial interest in the application of former Councillor Mike Shellie. She had not demonstrated a complete grasp of the implications of the Code of Conduct and the Ethics and Standards Committee required that she underwent further training in this regard before resuming Committee work.”

4.7 The Principal Committee Officer met with Mrs Davies on 25<sup>th</sup> January 2011 and conducted a training session on the Code of Conduct accordingly.

## **5. FINANCIAL IMPLICATIONS**

5.1 There are no financial implications in convening these sub-committees as they can be met from existing budgets.

## **6. LEGAL AND POLICY IMPLICATIONS**

6.1 The Council is required under the Standards (England) Regulations (2008) to determine alleged breaches of the Code of Conduct.

## **7. EQUALITY IMPACT NEEDS ASSESSMENT**

7.1 An equality impact assessment has been undertaken but it is considered that there are no discernable impacts on the six equality strands.

## **8. RISK MANAGEMENT**

8.1 The Council is required to follow the legislation and guidance concerning the local determination of alleged breaches of the Code of Conduct

## **9. CONCLUSION**

9.1 This authority takes seriously its responsibility for the local determination of alleged breaches of the Code of Conduct.

## **10. CONSULTEES**

10.1 Chairman and Vice-Chairman of Ethics and Standards Committee

## **11. BACKGROUND PAPERS**

11.1 The Local Government and Public Involvement in health Act 2007

11.2 Standards (England) Regulations (2008)