



**COTSWOLD  
DISTRICT COUNCIL**

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# **STANDARDS COMMITTEE (LOCAL HEARING) AGENDA**

Tuesday 17th January to Friday 20th January 2012  
10.00 a.m. start on Tuesday 17th January (other days to be advised)

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Council Chamber, Trinity Road, Cirencester

## NOTES

(i) Questions Arising on the Agenda

If any Member has any questions regarding a report contained within the Agenda, he/she is requested to give advance notice of such question to the Committee Administrator so that a full response can be made available either prior to, or at, the Meeting. If no such advance notification is given, a full response to any question cannot be guaranteed at the Meeting.

(ii) Committee Administrator

If any Member has any general questions about the Meeting or the associated agenda papers, or is unable to attend, he/she is asked to contact Derek Chiplin on 01285 623204 who will be the Committee Administrator responsible for the Meeting.

Distribution:

Those Members of the Standards Committee appointed for the purpose of this Hearing Meeting -

Mr Martin Jauch (External Member, Chairman)  
Mr Ian Hilton (External Member)  
Mrs Joan Longhurst (External Member)  
Councillor SG Hirst (District Councillor)  
Councillor M Wardle (District Councillor)

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**Derek Chiplin**  
Committee Services Manager

9<sup>th</sup> January 2012

# STANDARDS COMMITTEE : 17<sup>TH</sup>-20<sup>TH</sup> JANUARY 2012

## AGENDA

- (1) **Election of Chairman** - In accordance with the relevant Regulations, to elect Mr. Martin Jauch as Chairman of the Committee for the purpose of this Meeting.
- (2) **Apologies**
- (3) **Declarations of Interest**
  - (1) To receive any declarations of interest from Members under the Code of Conduct for Members.
  - (2) To receive any declarations of interest from Officers under the Code of Conduct for Officers.

### Item for Consideration and Decision

- (4) **Investigation into Possible Breaches of the Code of Conduct - Hearing Reference 1/2011 (Independent Monitoring Officer)**

To consider the Final Report of the Ethical Standards Officer of Standards for England in respect of two complaints received alleging breaches of the Code of Conduct by Cotswold District Councillor Esmond Jenkins.

#### Officer Recommendation

*That the Committee considers the Final Report in the light of the relevant legislation, Standards for England Guidance and relevant representations of the parties and decides:*

- (a) *whether to agree or disagree with the Ethical Standards Officer's findings;*
- (b) *in the event that the Committee finds that there has been a breach or breaches of the Members' Code of Conduct, to consider what sanction(s), if any, should be applied;*

Officer Ref: Sara Freckleton, Independent Monitoring Officer

#### Notes:

- (i) **Exclusion of the Public and Press**

At the start of agenda item (4), the Committee will consider, upon the advice of its Officers and any representations made by the Subject Member and/or the Complainants, whether there is any reason for the item to be considered in closed session, with the Press and public excluded. If the item is considered in open session, copies of non-redacted papers will be made available at the Meeting.

- (ii) **Hearing Procedure**

A copy of the Summary Hearing Procedure is attached to this agenda.

(END)



**STANDARDS COMMITTEE**

**SUMMARY HEARING PROCEDURE**

1. Welcome and Introductions by Chairman.
2. Chairman outlines the process to be followed, and deals with any relevant preliminary procedural issues, including disclosures of interests, proceeding in the absence of the Subject Member and/or Investigator, and possible exclusion of the Press and public from the hearing.
3. Persons who are present solely to give evidence to the Hearing as witnesses will be asked to leave the hearing and wait outside in the witness room until they are called to give evidence. Once they have given their evidence, they may then sit in the public gallery.
4. The Subject Member will be asked to confirm whether he/she maintains the position set out in the pre-hearing summary.
5. Presentation by Monitoring Officer, highlighting any points of difference arising out of the pre-hearing summary.

**If the Subject Member admits that he/she has breached the Code, the Committee can proceed to determination of such breach, and consideration of what sanction, if any, to apply.**

**If the Subject Member maintains that he/she has not breached the Code, the hearing will continue as follows:**

6. Chairman to seek any additional points of difference, over and above any contained in the pre-hearing summary.
7. Presentation of the Investigating Officer, including details of the Complaint against the Subject Member and the reasons for concluding that a breach of the Code has occurred.
8. Calling of any Witnesses by the Investigating Officer.
9. Subject Member and Committee Members may ask questions of Investigating Officer and any Witness(es) - cross-examination will not be permitted, and any questions should be put through the Chairman.
10. Presentation by the Subject Member of his/her case - this should be a summary of the key points, and not a recital of all submissions made as part of the investigation or pre-hearing process.
11. Calling of any Witnesses by the Subject Member.

12. Investigating Officer and Committee Members may ask questions of the Subject Member and any Witness(es) - cross-examination will not be permitted, and any questions should be put through the Chairman.
13. Chairman to determine that each Committee Member has sufficient information to reach a determination on the matter.

**The Committee will retire to consider its decision as to whether there has been a breach of the Code (accompanied only by the Monitoring Officer/its legal adviser).**

14. The Committee returns, and the Chairman announces the Committee's decision(s) and reasons therefor.
15. If the Committee finds that a BREACH HAS NOT occurred, the Subject Member will be invited to confirm whether he/she wishes for a statement of the Committee's findings to be published in a local newspaper.
16. If the Committee finds that a BREACH HAS occurred, the Subject Member may put forward any further information that he/she would wish the Committee to consider in mitigation. The Investigating Officer will be invited to respond to any mitigation statement. The Chairman will then invite submissions from the Investigating Officer and the Subject Member on possible sanctions.

**The Committee will retire to consider possible sanctions - see Appendix A (accompanied only by the Monitoring Officer/its legal adviser).**

17. The Committee returns and the Chairman announces the Committee's decision(s) on sanctions or no action, and reasons therefor.
18. The Chairman closes the Hearing and thanks everyone for their participation.
19. The Subject Member will receive a short written statement of the decision as soon as possible after the hearing.
20. A formal Decision Notice will be circulated to all relevant parties and published in a local newspaper.

(END)

**CODE OF CONDUCT BREACHES**  
**SANCTIONS AVAILABLE TO THE STANDARDS COMMITTEE**

If the Standards Committee finds that a member has failed to follow the Code of Conduct and that they should be sanctioned, the Committee may impose any one, or a combination, of the following:

- (i) censure of that member (N.B. this is the only sanction available in instances where the member has resigned from office during the period between a complaint having been lodged and any formal hearing);
- (ii) restriction for a maximum period not exceeding six months of that member's access to the premises of the authority and that member's use of the resources of the authority, provided that those restrictions meet **both** the following requirements -
  - (aa) are reasonable and proportionate to the nature of the breach; and
  - (bb) do not unduly restrict the member's ability to perform his functions and duties as a member.
- (iii) partial suspension of that member for a period not exceeding six months\*;
- (iv) suspension of that member for a period not exceeding six months\*\*;
- (v) a requirement that that member submits a written apology in a form specified by the Standards Committee;
- (vi) a requirement that that member undertakes such training as specified by the Standards Committee;
- (vii) a requirement that that member participates in such conciliation as specified by the Standards Committee.

**Notes:**

\* A partial suspension for a period up to a maximum of six months can also be imposed until such time as the member has met **either** of the following restrictions:

- (i) the member submits a written apology in a form specified by the Standards Committee;
- (viii) the member has undertaken such training or participates in such conciliation as the Standards Committee specifies.

\*\* A suspension for a period up to a maximum of six months can also be imposed until such time as the member has met **either** of the following restrictions:

- (i) the member submits a written apology in a form specified by the Standards Committee;
- (ix) the member has undertaken such training or participates in such conciliation as the Standards Committee specifies.

Suspension or partial suspension will normally start immediately after the Standards Committee has made its decision. However, if the Committee so chooses, the sanction may start at any time up to six months following its decision. This may be appropriate if the sanction would otherwise have little effect on the subject member - for example, in the case of suspension or partial suspension, where there are no authority or committee meetings which the subject member would normally go to in the relevant period.

(END)