

Swindon Borough Council

Standards Committee Hearings Panel

Tuesday, 17 August 2010

Committee Room 6, Civic Offices
(Anticipated meeting room)

At 1.30 p.m.

Councillors	Independent Members	Parish Representative
Peter Stoddart (Conservative)	Mr Trevor Davies (Chair)	Mr Martyn Cook
Fay Howard (Labour)	Mr David Dawson	

Committee Officer: Sarah Lawrence (Telephone 01793 463603)
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AGENDA

- 1. Apologies for Absence**
- 2. Declarations of Interest**
Members are requested at the start of the meeting to declare any known interests in any matter to be considered, and are reminded that any such interest should also be declared at the start of an item or during any discussion of the matter concerned.
- 3. Hearing of Complaint in Respect of Mr Glenn Mills, Parish Councillor (DLDS-B) (Pages 1 - 4)**

30 July 2010 (being date of agenda despatch)

Access Arrangements - *The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Officer, whose name appears at the top of this agenda, as soon as possible prior to the date of the meeting.*

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Hearing of Complaint in Respect of Mr Glenn Mills, Parish Councillor

Standards Committee Hearings Panel

Date: 17 August 2010

Author: Monitoring Officer (Director of Law and Democratic Services)

Parish / Wards Affected: None

Purpose

- To hear a complaint in respect of Mr Glenn Mills, Parish Councillor, Wroughton Parish Council.

Recommendation

Standards Committee is requested to: -

- Conduct a hearing into the allegation that Mr Glenn Mills failed to comply with the Parish Council's Code of Conduct, which was referred by the Assessment Sub-Committee for local investigation and determination.

1. Reasons

- 1.1 To conduct the Hearing of the Complaint referred by the Assessment Sub-Committee of the Standards Committee for investigation and determination in accordance with Statutory Guidance and the Council's adopted Hearings Procedure.

2. Detail

The Complaint

- 2.1 A complaint (SBC/43/09) was received from Mr Chris Manning a member of Wroughton Parish Council on 31st December 2009. This alleged that Parish Councillor Glenn Mills had breached the Parish Council's Code of Conduct through aggressive behaviour and threatening words spoken Mr Mills outside Ellendene Community Centre, after the conclusion of a Wroughton Parish Council meeting on 21st December 2009.
- 2.2 On 25th January 2010, the Assessment Sub-Committee gave consideration to the complaint and agreed that it had the potential to constitute a breach of the Parish Council's Code of Conduct in respect of the following paragraphs and referred the matter for local investigation:
 - Paragraph 3(1) (failure to treat with respect),
 - Paragraph 3 (2) (bullying)
 - Paragraph 5 (bringing an office or authority into disrepute).

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The Investigating Officer's Report

- 2.3 Karen Tricky of Michelmores Solicitors was appointed by the Monitoring Officer to carry out the local investigation, and she completed her investigation and finalised her report on 17th May 2010.
- 2.4 The Investigating Officer concluded that the allegation of failure to treat with respect had been substantiated but that there was not sufficient evidence to substantiate that Mr Mills had bullied Mr Manning or brought his office or the Parish Council into disrepute.
- 2.5 A copy of the Investigating Officer's report has been circulated for the pre-hearing and is available as Appendix '1'.

Pre-Hearing

- 2.5 As part of the pre-hearing process the Hearing Panel met on Friday 23rd July 2010, and reviewed the Investigator's Report and the forms returned by Mr Mills responding to the Investigator's report. These are attached as Appendices 1 and 2.
- 2.6 The Panel accepted the Investigator's recommendation that the Hearing proceed on the basis of only one allegation; namely, that of failure to treat with respect contrary to paragraph 3(1) of the Code.
- 2.7 The Panel highlighted some typographical errors in the investigator's report as follows, which the Investigator has confirmed and which she will correct at the start of the Hearing itself:
- Paragraph 1.3 (a) should read 'Breached paragraph 3(1)'
 - Paragraph 1.3 (b) should read 'Did not breach paragraphs 3(2b) or 5 of the Code'
 - Paragraph 5.1 (b) should read 'Mr Manning responded to the effect that such was not the Council's view and only the personal view of Mr Mills.'
- 2.6 It was noted that Mr Mills had not requested that the Hearing be held in private and indicated that he did not wish to call any witnesses. The Investigating Officer had also indicated that she did not wish to call any witnesses.
- 2.7 The Pre-hearing concurred that the Hearing should be held in public, there being no grounds for the press or public to be excluded from the Hearing under the provisions of Schedule 12A of the Local Government Act 1972.
- 2.8 The Panel decided that it wished to call Mr Manning as a witness to the complaint, in particular to explore any inconsistency between the original complaint and his witness statement.

The Procedure for the Hearing

- 2.9 A copy of the procedure which the Standards Committee has adopted for the Determination of Complaints referred by the Ethical Standards Officer, together with the 'Practical Arrangements' for use at the hearing are attached at Appendix '3'. Karen Tricky of Michelmores Solicitors, the Investigating Officer, will be present and will present her report.
- 2.10 Mr Mills has indicated that he will be present and will present his own case.
- 2.11 Mr Manning has confirmed that he is able to attend as a witness, as requested by the Hearings Panel.

Alternative Options

- The Council's procedure and the statutory requirements set out the way in which the Investigation and Hearing should be conducted.

Risk Management

Financial and Procurement Implications

- There are no significant financial or procurement implications.

Legal / Human Rights Implications

- Complaints to the Standards Board are dealt with in accordance with the statutory process. Any action taken in relation to complaints is considered a proportionate interference with the rights of those complained against.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

- Monitoring and delivering probity in the Council underpins the Council's plans and policies and to the delivery of the 2010 objectives.

Consultees

- Not applicable

Appendices (Not attached*)

- Appendix 1* – Investigating Officer's Report and Appendices (Hard Copy).
- Appendix 2* - Response to the Investigator's Report from Cllr Mills (Hard Copy)
- Appendix 3* – Standards Committee Procedure for Determination of Complaints and 'Practical Arrangements' for the Hearing.

(*All Appendices have been circulated to Panel Members, Parish Councillor Mills and the Investigating Officer as part of the Pre-Hearing Process. All parties are requested to bring these copies with you to the hearing. Additional copies can be obtained from the Committee Clerk prior to the Hearing if required).

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