

STANDARDS COMMITTEE

WEDNESDAY, 31 MAY 2006

PRESENT:- Mr Keith Carby (Chair), Mr Trevor Davies (Vice-Chair), Mr Mike Compton, Councillor Melanie Duff and Councillor Maurice Fanning.

38. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

39. Minutes

Resolved – That the minutes of the meeting held on 20th March 2006, be confirmed and signed as a correct record.

40. Public Question Time

No public questions were asked under Standing Order 28.

41. Hearing of Complaint in Respect of Councillor Lister

The Standards Committee met to conduct a Hearing of Complaint in respect of an allegation that Councillor Dr. Charles Owen Lister had made offensive comments at a meeting of the Council's Children Act Task Group on 8th September 2005 and that these amounted to conduct which could reasonably be regarded as bringing Councillor Lister's office or Swindon Borough Council into disrepute, in contravention of the Council's Code of Conduct. The complaint had been referred by the Standards Board for England for local investigation and determination, in accordance with Statutory Guidance and the Council's own adopted Hearings Procedure.

In accordance with the adopted Hearings Procedure, the Standards Board's appointed Investigation Officer, Mr Peter Keith-Lucas of Bevan Brittan, Solicitors of Bristol, attended to present his report. Councillor Lister was also present and elected to present his own case.

The following witnesses were called by Mr Keith-Lucas to support the findings of his report:

Patricia O'Donnell (Regional Officer: NSPCC)

Jean Pollard (Assistant Director: Children and Families)

Councillor Fay Howard (Member for Parks Ward)

Councillor Lister called a single witness in support of his position. This witness was the parent of a severely disabled child. In view of the sensitivity of the evidence to be provided by this witness, relating to the extent of his child's disability and quality of life, and the likelihood that even the description of this information might cause the child to be identified, which situation might cause the family some distress, the Committee determined that this individual's evidence would be heard in closed session.

Resolved – (1) That, having considered the evidence presented by both parties to the case, this Committee determines that, on the balance of probabilities, the case made by the Investigating Officer is to be believed and therefore finds that Councillor Lister made insensitive and offensive remarks at a meeting of the Council's Children Act Task Group which brought his own office and the Council into disrepute in breach of the provisions of Paragraph 4 of the Council's Code of Conduct.

(2) That, further to (1) above, the Committee imposes the following sanctions on Councillor Lister in respect of his breach of the provisions of Paragraph 4 of the Council's Code of Conduct:

- (i) that, in relation to an insensitive and offensive comment he made at the meeting of the Children Act Task Group regarding the cost of providing school places for severely disabled children, Councillor Lister be censured.
- (ii) that, in relation to an insensitive and offensive comment he made at the same meeting, regarding expensive out of Borough placements for looked after children, Councillor Lister be censured and that, in addition, he be suspended from the Council for a period of one month, with immediate effect.

(3) That, further to (1) above, the Committee finds that there is no evidence to support an allegation that Councillor Lister made an inappropriate remark concerning the resuscitation and treatment of premature babies or babies born with severe health problems who survived in a severely disabled state, and therefore dismisses the allegation.

(4) That, in addition to its decision in this case, the Committee recommends that the Chair of the Standards Committee meet with the Council's Monitoring Officer to discuss issues relating the Council's procedure and practice for meetings, including minuting of contentious statements and the role of the chair and his/her responsibility to take prompt and decisive intervention when words are spoken in heat or unacceptable comments are made.