

Meeting	Joint Standards Committee Hearings Sub-Committee
Date	18 December 2023
Present	Councillors Fisher and Runciman, Parish Councillor Mark Waudby, Joe Leigh (Independent Member)
Officers in Attendance	Frances Harrison (Deputy Monitoring Officer), George Eddon and Lucy Waller (Legal)

1. Appointment of Chair (10:00 am)

Resolved: That Councillor Runciman be elected as Chair of the meeting.

2. Declarations of Interest (10:02 am)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registerable interests they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests.

No interests were declared.

3. Exclusion of Press and Public (10:02 am)

Resolved: That the press and public be excluded from the meeting during consideration of the private reports at Agenda Item 4 (Code of Conduct Complaints received in respect of a Parish Councillor), on the grounds that they contain information relating to individuals and information likely to reveal the identity of individuals, which is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

[Note: following the above resolution, the Deputy Monitoring Officer confirmed that she had nothing further to add in respect

of the public reports in the agenda papers, and the remainder of the meeting took place in private session.]

4. Complaint against a Member of a Council covered by the Joint Standards Committee (10:03 am)

The Panel considered a complaint made by a resident against Cllr Mark Warters alleging that he had breached the Code of Conduct by arranging for his election leaflet to be circulated with the Osbaldwick Parish Council Spring newsletter (which was very similar in appearance). The resident expressed concern that the newsletter was publicly funded and its distribution at the same time and as Cllr Warters' election literature was designed to attribute the achievements of the Parish Council to Cllr Warters and thereby constituted a misuse of resources and an attempt to gain an advantage, contrary to the Parish Council Code of Conduct. The matter had been referred to the Hearings Sub-Committee for determination following an investigation.

The investigating officer presented his report and responded to questions from the panel.

The Panel members considered the evidence gathered by the Investigating Officer from the complainant and from the Parish Clerk. They accepted that the subject member had been provided with ample opportunity to contest both the alleged facts and the issue of whether those facts amounted to a breach of the Code. They noted that the subject member had declined to participate in the investigation and hearing but were prepared to accept two late testimonials on behalf of the subject member. The Panel accepted the investigating officer's analysis of the facts with one minor amendment and concluded:

1. Cllr Warters prepared and arranged the printing of both documents and failed to ensure that distribution was carried out separately;
2. The format and layout of the documents was strikingly similar;
3. Cllr Warters arranged for other members of the Parish Council to distribute some or all of the documents alongside copies of the Parish Council newsletter. This amounted to the use of Parish Council resources;

4. At least some of the Parish Council members delivered the leaflets together with one document tucked inside the other;
5. It was reasonably foreseeable that delivering the two documents in this way would create the impression that he was trying to strengthen his campaign for re-election by associating it with the work and achievements of the Parish Council;
6. By acting in this way, when it was reasonably foreseeable that the impression of seeking an unfair advantage would be created.

Having considered the Investigating Officer's report and the Local Government Association guidance and advice of the Deputy Monitoring officer, the Panel;

Resolved: That the Investigating Officer's findings that Cllr Warters had breached paragraph 3 of the Code of Conduct be upheld.

Reason: The delivery of the Parish newsletters used council resources and the impression created by the similarity of the two documents and their delivery together was foreseeably favourable to his election campaign.

Sanctions

The Panel considered what, if any sanctions should be imposed for the breach. In doing so they observed that to take no action in respect of a clear breach would not be appropriate, and

Resolved: That the Monitoring Officer write an open letter advising the Parish Council should arrange training for the subject member.

Reason: To avoid the risk of of the same issue recurring inadvertently and to be of assistance to both other councillors and parish council staff.

Cllr C Runciman, Chair

[The meeting started at 10.00 am and finished at 10.48 am].

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