

**DORSET COUNCIL - AUDIT AND GOVERNANCE (HEARING) SUB-COMMITTEE**

**MINUTES OF MEETING HELD ON WEDNESDAY 11 MARCH 2020**

**Present:** Cllrs Richard Biggs (Chairman), Simon Christopher and Brian Heatley

**Also present:** Mr Turnbull

**Officers present (for all or part of the meeting):**

Grace Evans (Head of Legal Services and Deputy Monitoring Officer), Roger Greene (Litigation Lawyer and Investigating Officer) and Fiona King (Democratic Services Officer)

**1. Election of Chairman**

Councillor Richard Biggs was elected as Chairman for the meeting of the Sub-Committee.

**2. Apologies**

There were no apologies for absence.

**3. Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

Cllr Simon Christopher advised members that he had taken advice on the first complaint from the Deputy Monitoring Officer as he was the ward member. She confirmed that he was able to continue on the Sub-Committee.

**4. Hearing Sub-Committee Terms of Reference and Dorset Council Member Complaint Process**

All present noted the Hearing Sub-Committee Terms of Reference and Dorset Council Member Complaint process.

**5. Urgent Items**

There were no urgent items of business.

**6. Exempt Business**

**Decision**

That the hearing for both of the complaints being considered be held in an open meeting.

## **7. Code of Conduct Complaint 1**

The Investigating Officer highlighted his background and the reasons why he had been approached to investigate complaints about elected members on behalf of Dorset Council.

The Sub-Committee received the Investigating Officer's report in respect of a complaint against a councillor from Broadwindsor Parish Council that had been received by the Monitoring Officer.

The complaint was in respect of a planning application. The Investigating Officer explained that the planning application referred to had been submitted by an agent and not the councillor and highlighted that the Code of Conduct did not provide for members acting in a private capacity. It was also noted that the councillor was no longer a serving councillor.

The Chairman highlighted to members the actions that could arise from this meeting; whether to accept the conclusion of the Investigating Officer, to refer for informal resolution or if a full hearing was warranted.

Following a discussion the Sub-Committee agreed to accept the conclusion of the Investigating Officer's report; that as the councillor was no longer a serving councillor the complainant had received the remedy required for his complaint.

### **Decision**

That:

- The Sub-Committee unanimously agreed to accept the Investigator's findings and conclusion of the report; and
- The complaint was dismissed.

## **8. Code of Conduct Complaint 2**

The Sub-Committee received the Investigating Officer's report regarding a complaint against former North Dorset District councillors that had been received by the Monitoring Officer.

All three strands of the complaint were very similar and were summarised in the report. The Investigating Officer outlined the history of the complaint and advised members of the conclusion of his report to dismiss the complaints. The councillors who were the subject of the complaints were not elected to Dorset Council and accordingly any possible sanctions would not apply.

The Investigating Officer highlighted to the Sub-Committee that this investigation had been difficult to progress as a number of the senior officers involved had since left the authority. He added that none of the former councillors had responded to requests for information.

It was noted that several of the allegations in the complaints were not covered by the Code of Conduct and therefore were not part of the investigation.

The main area of complaint had been against one councillor regarding a declaration of interest of another councillor. This would have been a matter for the disclosing councillor and not the councillor complained of.

If a full hearing of the Sub-Committee was arranged the former councillors were not obliged by law to attend and there would also be no sanctions available to the Sub-Committee as the councillors were no longer serving councillors.

The Deputy Monitoring Officer reminded members of the purpose of this meeting which was to decide to accept the conclusion of the Investigating Officer's report or arrange a full hearing; bearing in mind any former councillors could not be made to attend, were no longer councillors, there were no available sanctions and what could be gained by holding such a hearing.

The Sub-Committee considered that as the three councillors mentioned in the complaint were no longer serving councillors and there were no sanctions available to the Sub-Committee it would not be worth holding a full hearing.

#### **Decision**

That:

- The Sub-Committee unanimously agreed to accept the Investigator's findings and conclusion of the report, and
- The complaint was dismissed.

**Duration of meeting:** 2.00 - 2.20 pm

**Chairman**

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