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AUDIT AND GOVERNANCE (HEARING) SUB-COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 18 AUGUST 2022

Present: Cllrs Matthew Hall, Richard Biggs and Susan Cocking

Apologies: There were no apologies for absence.

Also present: Mr N Maton (Independent Person)

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), Susan Dallison (Democratic Services Team Leader) and John Miles (Democratic Services Officer Apprentice)

57. Election of Chairman

It was proposed by Cllr S Cocking seconded by Cllr R Biggs

Decision

That Cllr M Hall be elected Chairman.

58. Apologies

There were no apologies for absence.

59. Declarations of Interest

There were no declarations of interest.

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

The committee received the terms of reference and the Member Complaint Process.

61. Urgent Items

There were no items of urgent business.

62. Exempt Business

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of 1 & 2 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press were asked to leave the meeting whilst the item was considered.

It was proposed by Cllr Hall seconded by Cllr Biggs

Decision

That in line with legal advice from the Deputy Monitoring Officer the press and public be excluded for consideration of points of process in view of the likely disclosure of exempt information within the meaning of paragraph 1 & 2 of schedule 12A to the Local Government Act (as amended).

The Investigating Officer, Roger Greene and the Solicitor representing the councillor were consulted in advance of and agreed to the decision.

At that point, the Sub-committee moved into Committee Room 1 to continue the meeting in exempt business.

63. **Code of Conduct Complaint**

After considering all of the points of process submitted by both Roger Greene and the Solicitor representing the councillor the members of the Sub-committee adjourned to consider their decision.

On returning to the Council Chamber the Chairman announced the following decision:

Decision

Having heard, in exempt session, the submissions from the Investigating Officer, the representative of the councillor and the relevant points of process, lawfulness and fairness, having considered relevant papers and the views of the independent person, this sub-committee concludes that it is not appropriate or possible to continue with this code of conduct complaint to a full hearing. Accordingly, the code of conduct complaint is dismissed without hearing or any finding on the substantive points of complaint.

Although the hearing today cannot proceed and the sub-committee has dismissed the complaint without finding, it has a number of concerns arising from the submissions that it will raise with the monitoring officer for attention.

Decision Notice

Duration of meeting: 2.00 - 5.00 pm

Chairman

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DORSET COUNCIL DECISION NOTICE

Date of Hearing: 18 August 2022
Audit and Governance (Hearing) Sub-Committee

1. The Hearing Sub-Committee's Decisions

- 1.1 The Hearing Sub-Committee's decision is detailed in the appended minutes. However, the Hearing Sub-Committee's key conclusion is also set out below.
- 1.2 Having heard, in exempt session, the submissions from the Investigating Officer, the representative of the councillor and the relevant points of process, lawfulness and fairness, having considered relevant papers and the views of the independent person, the sub-committee concluded that it was not appropriate or possible to continue with the code of conduct complaint to a full hearing.
- 1.3 Accordingly, the code of conduct complaint was dismissed without hearing or any finding on the substantive points of complaint.
- 1.4 Although the hearing could not proceed and the sub-committee dismissed the complaint without finding, it had a number of concerns arising from the submissions to raise with the monitoring officer for attention.

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Jonathan Mair

Monitoring Officer

Right of Appeal: There is no right of appeal against the decision of the Audit and Governance (Hearing) Sub-Committee.

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