

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

STANDARDS COMMITTEE – PANEL HEARING

**Minutes of a Meeting of a Panel of the Standards Committee
on Wednesday 11 September 2013, Thursday 12 September 2013 ,
Wednesday 18 September 2013 at 10.00 am
in the Heritage Room, Town Hall, Saturday Market Place, King's Lynn
and Wednesday 25 September 2013 at 6.00 pm in Meeting Rooms 1, 2 and 3,
King's Court, Chapel Street, King's Lynn**

PRESENT:

Councillor Mrs K Mellish (Chairman), Councillor G McGuinness
and Councillor D Whitby

OFFICERS PRESENT:

Emma Duncan	Investigating Officer (11/09/13, 12/09/13, 18/09/13)
Cara Jordan	Legal Adviser (11/09/13, 12/09/13, 18/09/13, 25/09/13)
Wendy Vincent	Democratic Services Officer (11/09/13, 12/09/13, 18/09/13, 25/09/13)

SUBJECT MEMBERS PRESENT:

SM1 (11/09/13, 12/09/13, 25/09/13), SM3 (11/09/13 pm only), SM4 (11/09/13,
18/09/13, 25/09/13), SM5 (18/09/13, 25/09/13), SM6 (11/09/13, 12/09/13, 18/09/13)

COMPLAINANTS PRESENT:

COMP1 (11/09/13, 12/09/13, 18/09/13, 25/09/13), COMP2 (11/09/13, 12/09/13,
18/09/13, 25/09/13)

WITNESSES: W1 (11/09/13 am only), W2 (12/09/13 pm only), W3 (12/09/13 pm
only),

W4 (12/09/13 pm only) W5 (18/09/13 am only), W6 (18/09/13 am only), W7
(18/09/13 am only)

Wednesday 11 September 2013 – 10 am

1. Exclusion of Press and Public

RESOLVED "That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act."

2. Consideration of the Investigation as to Allegations against Parish Councillors

The Chairman welcomed everyone to the Hearing and introduced Members of the Panel, Officers, the Investigating Officer and the Legal Adviser.

The Chairman outlined the procedure that would be followed at the Hearing.

At the invitation of the Chairman, the Investigating Officer presented her report.

The report had been produced under Section 57A of the Local Government Act 2000 by the Investigating Officer appointed by the Monitoring Officer of the Borough Council of King's Lynn and West Norfolk into allegations concerning Parish Councillors – SM1, SM2, SM3, SM4, SM5, SM6.

The Panel adjourned at 11.30 am and reconvened at 11.43 am.

The Investigating Officer invited the Panel to view the CCTV footage but advised that it contained no sound.

The Panel, Investigating Officer, Legal Adviser, Democratic Services Officer, Subject Members and Complainants viewed the CCTV footage.

The Chairman invited the Investigating Officer to call any witnesses.

The Investigating Officer confirmed that she did not wish to call any witnesses.

The Chairman invited the Subject Members present if they wished to question the Investigating Officer on her report.

Subject Member (SM6) asked questions of the Investigating Officer relating to her report.

The Investigating Officer responded to the questions and comments asked by SM6.

Subject Member (SM1) asked questions of the Investigating Officer relating to the report.

The Investigating Officer responded to the questions and comments raised by SM1.

Subject Member (SM4) asked questions of the Investigating Officer relating to her report.

The Investigating Officer responded to the questions and comments asked by SM4.

The Chairman invited the complainants (COMP1 and COMP2) to ask any questions or comment on the Investigating Officer's report.

COMP 1 confirmed that she did not wish to ask any questions relating to the Investigating Officer's report.

COMP2 confirmed that she did not wish to ask any questions relating to the Investigating Officer's report.

Witness 1 (W1) was invited by the Chairman to address the Panel.

The Chairman asked those present if they wished to ask W1 any questions.

Subject Member (SM6) asked questions of Witness 1 (W1).

Witness 1 (W1) responded to questions from SM6.

The Panel asked questions of W1.

The Chairman asked COMP1 and COMP2 for their views on mediation.

COMP1 and COMP2 responded to the question from the Chairman

The Panel adjourned at 1.20 pm and reconvened at 1.55 pm.

At the invitation of the Chairman, Subject Member (SM3) presented his case.

The Investigating Officer questioned SM3.

The Chairman invited the Panel to ask questions of SM3.

There were no questions from the Panel to SM3.

The Chairman invited Subject Member (SM4) to present his case.

SM4 indicated that he accepted one of the breaches

The Investigating Officer questioned SM4.

The Chairman invited the Panel to ask questions of SM4.

SM4 responded to questions from the Panel.

The Panel adjourned at 4.20 pm.

Thursday 12 September 2013

The Panel reconvened on Thursday 12 September 2013 at 11.00 am.

The Panel adjourned to read the additional paperwork submitted by SM6.

The Panel reconvened at 11.15 am.

The Investigating Officer advised the Panel that SM6 had disclosed the Investigating Officer's Report marked confidential to fellow Parish Councillors to enable them to prepare Witness Statements, thus breaking the rule of confidentiality.

The Panel adjourned at 11.22 am to seek advice from the Legal Adviser.

The Panel reconvened at 11.30 am.

The Legal Adviser outlined the advice given to the Panel in respect of the breach of confidentiality.

The Chairman invited Subject Member (SM1) to present her case.

Subject Member (SM1) presented her case.

The Investigating Officer questioned SM1.

The Chairman invited the Panel to ask questions of SM1.

SM1 responded to questions from the Panel.

The Panel adjourned at 12.15 pm and reconvened at 12.28 pm.

The Chairman invited Subject Member (SM6) to present her case.

The Investigating Officer questioned SM6.

The Chairman invited the Panel to ask questions of SM6.

SM6 responded to questions from the Panel.

The Panel adjourned at 2.45 pm and reconvened at 2.50 pm.

The Chairman invited Witness 2 (W2) to address the Panel.

The Chairman asked those present if they wished to ask W2 any questions.

Subject Member (SM6) asked questions of Witness 2 (W2).

Witness 2 (W2) responded to questions from SM6.

Subject Member (SM1) asked questions of Witness 2 (W2).

Witness 2 (W2) responded to questions from SM1.

The Investigating Officer questioned Witness 2.

Witness 2 (W2) responded to questions from the Investigating Officer.

The Chairman invited the Panel to ask questions of Witness 2.

Witness 2 (W2) responded to questions from the Panel.

Witness 2 left the hearing at 4.05 pm.

The Panel adjourned at 4.05 pm and reconvened at 4.10 pm.

The Chairman invited Witness 3 (W3) to address the Panel.

The Chairman asked those present if they wished to ask W3 any questions.

Subject Member (SM6) asked questions of Witness 3 (W3).

Witness 3 responded to questions from SM6.

Subject Member (SM1) asked questions of Witness 3 (W3).

Witness 3 (W3) responded to questions from SM1.

The Investigating Officer questioned Witness 3 (W3).

Witness 3 (W3) responded to questions from the Investigating Officer.

There were no questions from the Panel to Witness 3 (W3).

Witness 3 left the hearing at 4.45 pm.

The Chairman invited Witness 4 (W4) to address the Panel.

The Chairman asked those present if they wished to ask Witness 4 (W4) any questions.

Subject Member (SM1) asked questions of Witness (W4).

Witness 4 (W4) responded to questions from SM1.

Subject Member (SM6) asked questions of Witness (W4).

Witness 4 (W4) responded to questions from SM6.

The Investigating Officer questioned Witness 4 (W4).

Witness 4 (W4) responded to questions from the Investigating Officer.

There were no questions from the Panel to Witness 4 (W4).

The Panel adjourned at 5.35 pm.

Wednesday 18 September 2013

The Panel reconvened on Wednesday 18 April 2013 at 10.00 am.

The Chairman invited Witness 5 (Wit 5) to address the Panel.

The Chairman asked those present if they wished to ask Witness 5 (W5) any questions.

Subject Member (SM6) asked questions of Witness 5 (W5).

Witness 5 responded to questions from SM6.

The Investigating Officer questioned Witness 5 (W5).

Witness 5 (W5) responded to questions from the Investigating Officer.

The Chairman invited the Panel to ask questions of Witness 5 (W5).

Witness 5 (W5) responded to questions from the Panel.

Witness 5 (W5) left the hearing at 11.08 am.

The Panel adjourned at 11.10 am and reconvened at 11.15 am.

The Chairman invited Witness 6 (W6) to address the Panel.

The Chairman asked those present if they wished to ask Witness 6 (W6) any questions.

Subject Member (SM6) asked questions of Witness 6 (W6).

Witness 6 (W6) responded to questions from SM6.

The Investigating Officer questioned Witness 6 (W6).

Witness 6 (W6) responded to questions from the Panel.

Witness 6 (W6) left the hearing at 11.56 am.

The Chairman invited Witness 7 (W7) to address the Panel.

The Chairman asked those present if they wished to ask Witness 7 (W7) any questions.

Subject Member (SM6) asked questions of Witness 7 (W7).

Subject Member (SM4) asked questions of Witness 7 (W7).

There were no questions to Witness 7 (W7) by Subject Member (SM5).

The Investigating Officer questioned Witness 7 (W7).

There were no questions from the Panel to Witness 7 (W7).

Witness 7 left the hearing at 12.13 pm.

At the invitation of the Chairman, Subject Member (SM5) presented his case.

The Investigating Officer questioned SM5.

SM5 indicated that he accepted some breaches

The Legal Adviser clarified the breaches of the Code of Conduct accepted by SM5.

SM5 responded to questions from the Panel.

The meeting adjourned at 1.10 pm and reconvened at 1.50 pm.

The Chairman invited the Investigating Officer to sum up her case.

The Investigating Officer summed up her case.

The Investigating Officer invited Complainant 2 to address the Panel.

The Investigating Officer invited Complainant 1 to address the Panel.

The Investigating Officer left the Hearing at 2.45 pm.

The Chairman invited Subject Member (SM4) to sum up his case.

SM4 summed up his case.

The Chairman invited Subject Member SM6) to sum up her case.

SM6 summed up her case.

The Chairman invited Subject Member (SM5) to sum up his case.

SM5 stated that he had listened to the evidence given in the Hearing and had nothing further to add.

At 3.30 pm, the Panel retired to consider its decision in private.

Wednesday 25 September 2013, 6 pm

The Panel reconvened on Wednesday 25 September 2013 at 6.00 pm

The Chairman invited the Legal Adviser to address those present and inform them of the advice that had been given to the Panel.

The Legal Adviser outlined the advice which had been given to the Panel.

The Chairman announced the decisions made in respect of each Subject Member (SM1, SM2, SM3, SM4, SM5, SM6) and gave reasons for the decision.

The Chairman invited the Subject Members to address the Panel on the sanctions available.

Subject Members (SM1, SM4, SM5, SM6) addressed the Panel on the potential sanctions available.

At 6.55 pm the Panel retired in private to consider the sanctions.

The Panel reconvened at 7.17 pm.

On returning, the Chairman outlined the sanctions for each Subject Member (SM1, SM2, SM3, SM4, SM5, SM6) which would be recommended to the Parish Council.

The Chairman informed those present that a formal Decision Notice would be prepared and sent to all interested parties within 7 working days following the Hearing.

The meeting closed at 7.24 pm