

Minutes of: STANDARDS COMMITTEE (HEARING PANEL)

Date of Meeting: 13 August 2009

Present: Mr A Withington (Independent Member) (in the Chair);
Mr D Gremson (Independent Member) and Councillor V D
D'Albert

Apologies for Absence: There were no apologies for absence.

Also in Attendance: Councillor D L Gunther, Councillor S Cohen,
Mrs C Swinnerton (Legal Adviser) and Mr C Shillitto (Clerk
to the Hearing Panel)

S.01 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

S.02 REPORT OF THE INVESTIGATING OFFICER IN RELATION TO COMPLAINT SC.07

In opening the Hearing, the Chair introduced those present and outlined the procedure.

The Panel considered a report of an investigation under Section 66 of the Local Government Act 2000 into an allegation concerning Councillor Dorothy Gunther. The allegation was that on 28 January 2009, Councillor Gunther failed to declare a personal and prejudicial interest at a meeting of Bury Council's Executive in relation to item 6 on the agenda, "Secondary School Strategy for Change," which related to a school of which she was a governor.

The report concluded that Councillor Gunther had breached the following paragraphs of the Code of Conduct:

- (1) Paragraph 8 – Personal Interest as the business of the Council was likely to affect the school governing body of which she was a council appointed member.
- (2) Paragraph 9 (1) – Failure to disclose at meetings the existence and nature of the interest in question at the commencement of the consideration or when the interest become apparent.
- (3) Paragraph 10(2)(a) – The interest was prejudicial as the financial position of the school governing body was affected by the Executive's decision.

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- (4) Paragraph 12(1)(a)(ii) – Failure to withdraw from the meeting room during consideration of the item.

The report pointed out that Councillor Gunther had instantly apologised for the oversight and had co-operated fully with the investigation.

Councillor Gunther, and Councillor Cohen who was present to support her, were invited to make statements.

Following the retirement of the Panel to consider its findings, the Panel made the following conclusion:-

- There is no disagreement on the facts of the case:
- Based on the facts, the Panel finds that the Member has failed to follow the Code of Conduct

DECISION:

1. That sanctions be imposed for the breach of the Code of Conduct as set out in the Investigation Report;
2. That Councillor Gunther submits a written apology, in a form to be specified, in relation to the failure to declare a prejudicial interest.
3. That Councillor Gunther undertakes further training so as to be able to identify personal and prejudicial interests in the future.
4. All Members of the Council be reminded to familiarise themselves regularly with the Council's Code of Conduct.

Reasons for the decisions:

1. The findings as to whether there have been failures to comply with the Code of Conduct as set out in the Investigating Report.
2. The Panel is aware that Councillor Gunther accepted from the outset that a personal interest should have been declared and she has expressed sorrow in failing to do that. The Panel accepts that apology which was repeated at this Hearing. However, there remains a lack of clarity on her part as to what constitutes a prejudicial interest.

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Additional Remarks

The Panel wishes to respond to points made about the time frame and pointed out that the matter has been determined within timescales set down by regulation. The Investigator's report was not available until June 2009 and it is in everyone's best interest that the report is thorough.

The Chair in closing the meeting reminded Councillor Gunther of her right of appeal against the decision of the Panel.

**A WITHINGTON
Chair**

(Note: The meeting started at 6.00 pm and ended at 7.15 pm)