

Minutes of: **STANDARDS COMMITTEE (HEARING PANEL)**

Date of Meeting: 17 February 2010

Present: Mr A Withington (Independent Member) (in the Chair);
Mrs A Brown (Independent Member) and
Councillor D Higgin

Apologies for Absence: There were no apologies for absence.

Also in Attendance: Councillor M J Connolly, Mr K Malde (Investigator),
Mrs V Cave (Legal Adviser) and Mr C Shillitto (Clerk to the
Hearing Panel).

Public Attendance: There was one member of the public in attendance.

SH.01 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

SH.02 REPORT OF THE INVESTIGATING OFFICER IN RELATION TO COMPLAINT SC.06

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 Michael Connolly.

The summary of the allegations as set out in the Investigation Report, dated 7 January 2010, was as follows:-

Allegation 1

1. At the Joint Scrutiny Commission meeting held on 22 January 2009, when members discussed the review of residential care report, Councillor Connolly 'belatedly' declared an interest but did not state what kind of interest.
2. As this interest was also prejudicial Councillor Connolly should have left the room, not participated in the discussions, nor voted on the matter.

Allegation 2

On 19 February 2009, at the meeting of the Healthier Communities Scrutiny Committee meeting, Councillor Connolly had a prejudicial interest in the matter regarding review of residential care and, therefore, should have withdrawn from the meeting before the vote.

The report concluded that Councillor Connolly had breached the Code of Conduct and referred to the following paragraphs within the Code of Conduct:

- Paragraph 8(1)(a) relating to personal interests.
- Paragraph 8(2) which defines a "relevant person" in terms of a person who could be affected by an interest that a Member may have.
- Paragraph 9 which sets out what a Member with a personal interest must do.
- Paragraph 10 which defines a prejudicial interest.
- Paragraph 12 which sets out what a Member must do if he/she has a prejudicial interest.

Under the Hearings Procedure, the Panel noted that there was no disagreement to the findings of fact contained in the Investigator's report.

The Panel then considered whether or not Councillor Connolly had failed to follow the Code of Conduct and concluded that he had.

DECISION

That Councillor Connolly be suspended with effect from midnight on Sunday 21 February 2010 until midnight Thursday 13 May 2010. (The terminal date will enable Councillor Connolly to prepare and to attend the Annual Meeting of Council on 18 May 2010.)

REASONS FOR THE DECISION

1. That Councillor Connolly's partner being an employee at Whittle Pike Day Care Centre could potentially be affected by the proposals outlined in the report under consideration (Review of Residential Accommodation) at the meeting of the Joint Scrutiny Commission held on 22 January 2009 and at the meeting of the Healthier Communities Scrutiny Commission held on 19 February 2009. Accordingly, Councillor Connolly's partner was a "relevant person" in accordance with paragraph 8(2) of the code.

The Panel considered that not only did Councillor Connolly have a personal interest; his interest was prejudicial in that there were clearly implications for the workforce employed in the whole sector. Accordingly, the Panel found that Councillor Connolly was in breach of paragraph 12(1)(a) of the Code in not withdrawing from the meeting on either occasion and he was also in breach of paragraph 12(1)(c) in that he spoke on both occasions and therefore sought improperly to influence a decision about the business.

2. Councillor Connolly is an experienced Member of the Council.
3. That having declared an interest at the meeting held on 22 January 2009, he had an opportunity to seek guidance as to the nature of the interest prior to the meeting held on 19 February 2009.

The Chair in closing the meeting reminded Councillor Connolly of his right of appeal against the decision of the Panel.

**A WITHINGTON
Chair**

(Note: The meeting started at 2.00 pm and ended at 3.55 pm)