

## **HEARINGS SUB-COMMITTEE**

Wednesday, 30<sup>th</sup> March, 2011 at 6.00 pm  
in Committee Room 4 at The Council House, Dudley

### **PRESENT**

The Bishop of Dudley (Independent Chairman)  
Councillors Hanif and Ryder

### **Officers**

Monitoring Officer (Mr P Tart) and the Democratic Services Manager  
(Mr S Griffiths) - Directorate of Corporate Resources

### **Also in attendance**

Ms H Kidd – Investigating Officer appointed by the Monitoring Officer

Councillor Taylor (The Subject Member)

Mr C V Fraser-Macnamara (Solicitor representing the Subject Member)

Mrs C Hackett (The Complainant)

Five Members of the public were also in attendance.

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### **7      APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of  
Councillor Mrs P Martin.

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### **8      SUBSTITUTE MEMBER**

It was reported that Councillor Ryder had been appointed as the  
Substitute Member for Councillor Mrs P Martin for this meeting of the Sub-  
Committee only.

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### **9      DECLARATIONS OF INTEREST**

No Member was required to declare an interest in accordance with the  
Members' Code of Conduct in respect of any matter to be considered at  
this meeting.

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MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 15<sup>th</sup> February, 2011, be approved as a correct record and signed.

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EXCLUSION OF THE PUBLIC AND PRESS

At this juncture, the Sub-Committee considered the issue of whether the public and press should be excluded from the remainder of the meeting in the light of the exempt information contained in the report.

In accordance with the relevant guidance from the Standards Board, the Sub-Committee was of the view that the hearing should be held in public session. The report to the Sub-Committee contained the names of persons who were not present at the hearing. For reasons of fairness to those individuals, the Chairman requested that their names be removed from the papers for public circulation.

All parties to the hearing indicated their consent and it was

RESOLVED

That the remainder of the meeting be considered in public session.

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DETERMINATION OF A COMPLAINT AGAINST COUNCILLOR TAYLOR

A report of the Monitoring Officer was submitted on a complaint brought against Councillor Taylor regarding an alleged breach of the Members' Code of Conduct.

Attached to the report was the final report of the Investigating Officer setting out her findings on the matter.

An agreed procedure for the hearing had been circulated. In accordance with that procedure, the Chairman invited those present to introduce themselves and then explained how the hearing would be run.

Accordingly, the Sub-Committee proceeded with the hearing in the following stages:-

(a) Matters of Fact

The Sub-Committee gave consideration to the Investigator's report, including the summary of the material facts of the case.

The Solicitor for the Subject Member confirmed that the contents of the report were accepted.

The Sub-Committee also noted that the complainant had commented in respect of the report, details of which were set out in an e-mail to the Investigating Officer, dated 16<sup>th</sup> March, 2011. The Complainant was invited to comment after the Investigating Officer's presentation to the meeting.

Following consideration, the Sub-Committee determined that they agreed with the summary of material facts as set out in paragraphs 5.1 to 5.2.7 of the Investigating Officer's report, the following facts being undisputed:-

- Articles appeared in the Halesowen News and the Express and Star, which reported the conviction and sentencing of a Claire Hackett for benefit fraud.
- Councillor Taylor did refer the matter of the newspaper article in the Halesowen News to Governance Services and spoke to an officer on two separate occasions.
- At the time of making the referral to Governance Services, Councillor Taylor was not a School Governor.
- Councillor Taylor did discuss the matter of the newspaper article with the Head Teacher of Olive Hill Primary School.
- Claire Hackett, Governor at Olive Hill Primary School, was disqualified as a Governor following a referral by Councillor Taylor to Governance Services. She had subsequently been re-instated as a Governor.
- Claire Hackett, Governor, was not in fact the same Claire Hackett as the one convicted of benefit fraud.

On the balance of probabilities, having considered the evidence and noting that it was sometimes contradictory, the Sub-Committee determined that they also agreed with the Investigating Officer in terms of the following facts:-

- On the sequence of events, Councillor Taylor discussed the matter of the newspaper article firstly with the Head Teacher, and then contacted Governance Services. This version was supported by the officer in Governance Services who took the call from Councillor Taylor, and who satisfied the Investigating Officer that she had no knowledge of the newspaper article prior to Councillor Taylor's call.
- Councillor Taylor was not absolutely certain as to the dates when he called Governance Services, but he was certain that he telephoned on the one day and that Governance Services telephoned him the next day. The actual dates were relatively unimportant, but on balance, the evidence offered by the officer in Governance Services was accepted, that the telephone calls took place on Tuesday 20<sup>th</sup> July and Wednesday 21<sup>st</sup> July, 2010.
- On the referral, the version of events of Councillor Taylor and the officer in Governance Services were accepted in that Councillor Taylor informed Governance Services of the existence of the news article and was informed by Governance Services that the matter would be looked into.
- The second telephone conversation between Councillor Taylor and Governance Services was crucial to an understanding of the role played by Councillor Taylor in this matter. The officer in Governance Services believed that Councillor Taylor advised her that he was very sure it was the same Claire Hackett in the newspaper article as was a School Governor. The officer did not write a contemporaneous note of her second telephone conversation with Councillor Taylor but did commit her recollection of the call to paper some days later.
- Claire Hackett could offer no direct evidence on the above point. The Head Teacher, whilst not a party to the second telephone conversation, had stated that in her conversation with Councillor Taylor both agreed they could not be sure if it was the same Claire Hackett or not.
- Councillor Taylor was adamant that he simply re-iterated the information he had previously provided and did not verify that it was the same Claire Hackett. On balance, Councillor Taylor's version was accepted and in this regard, the statement made by the officer in Governance Services in the first telephone conversation was taken into account namely that "the matter would be looked into". It did not make sense to receive a referral, confirm that it would be looked into, and then go back to the referrer to seek 'proof' as to whether the referral / complaint was made out.

- The Sub-Committee was satisfied on balance, and in the absence of any evidence, that Councillor Taylor took no further part in discussions relating to this matter, or involved himself in any internal investigation of this matter, following the second telephone conversation he had with Governance Services.

Having determined the facts of the matter, the Sub-Committee then proceeded to consider whether Councillor Taylor had failed to follow the Code of Conduct.

(b) Consideration of whether there had been a failure to follow the Code of Conduct

The Sub-Committee considered paragraph 6 of the Investigating Officer's report (reasoning as to whether there have been failures to comply with the Code of Conduct) and paragraph 7 of the Investigating Officer's report (Finding).

Particular reference was made to paragraphs 3(1) of the Code of Conduct which stated that 'you must treat others with respect' and paragraph 5 which stated 'you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'.

The Sub-Committee determined that, on the balance of probability, Councillor Taylor had not breached paragraph 3(1) of the Code of Conduct and had not breached paragraph 5 of the Code of Conduct for the reasons set out in paragraphs 6.5 to 6.10 of the Investigating Officer's report. In arriving at this view, the Sub-Committee noted that Councillor Taylor agreed with the Investigating Officer's findings as set out in her report.

The Sub-Committee accepted that it was appropriate for Councillor Taylor to make the referral to Governance Services and in doing so he was acting in good faith. It was noted that any associated issues referred to at the meeting, which were outside the remit of the Sub-Committee, would be considered through the usual Council procedures.

The Chairman then announced the formal decision of the Sub-Committee.

The Monitoring Officer would take the necessary steps to comply with the Standards for England guidance in connection with the notification of the decision.

In his concluding remarks the Chairman thanked all persons for their attendance.

RESOLVED

That on the balance of probability, the Sub-Committee determine that Councillor Taylor has not breached paragraph 3(1) or paragraph 5 of the Members' Code of Conduct.

The meeting ended at 7.05 p.m.

CHAIRMAN