

## DECISION OF HEARINGS SUB-COMMITTEE

<u>The Subject Member</u>  Name : Address :	Councillor Alan Taylor c/o The Council House, Priory Road, Dudley, West Midlands, DY1 1HF
<u>The Complainant</u>  Name :	Mrs Claire Hackett
<u>Nature of Complaint</u>	An allegation that the Subject Member failed to comply with the Council's Code of Conduct in that he failed to treat others with respect and he conducted himself in a manner that could reasonably be regarded as bringing his office or authority into disrepute.
<u>The Investigating Officer</u>  Name : Miss H Kidd Address : c/o Dudley MBC Legal & Democratic Services 5 Ednam Road Dudley West Midlands DY1 1HL  Telephone: 01384 815315	<u>The Report</u>  Date : 18 <sup>th</sup> March 2011  Reference : PT/KG/32170
<u>Our Details</u>  Name : Philip Tart Position : Director of Corporate Resources Address : Dudley MBC Directorate of Corporate Resources The Council House Priory Road Dudley West Midlands DY1 1HF	<u>Hearing Details</u>  Date : 30 <sup>th</sup> March 2011  Time : 6-00 pm  Venue : The Council House Priory Road Dudley West Midlands DY1 1HF
Date of this Notice	1 <sup>st</sup> April 2011

Members of the Local Determination Panel	
Chairman :	The Bishop of Dudley, The Right Reverend David Walker
Other Members :	Councillor Mohammed Hanif Councillor Julian Ryder

Officers in Attendance	
Legal Advisor :	Philip Tart, Monitoring Officer
Clerk of the Hearing :	Steve Griffiths, Democratic Services Manager
Investigating Officer	Miss Helen Kidd

Others in Attendance	
Subject Member :	Councillor Alan Taylor
Representative(s) :	Charles Fraser-Macnamara, Solicitor

Other Interested Parties	
Complainant :	Claire Hackett

## **1. Preliminary Matters**

- 1.1 A complaint was made by Mrs Claire Hackett dated 6/9/10 alleging that Councillor Alan Taylor failed to comply with Dudley MBC's Code of Conduct in that he failed to treat others with respect and conducted himself in a manner that could reasonably be regarded as bringing his office or authority into disrepute. The case was subsequently referred for local investigation and determination by Dudley MBC's Referrals Sub-Committee on 1<sup>st</sup> November 2010.
- 1.2 The Monitoring Officer, Mr Philip Tart, Director of Corporate Resources, appointed Miss Helen Kidd, Solicitor, to carry out an investigation into the complaint on his behalf.
- 1.3 The Monitoring Officer referred the report containing the findings of the investigation to Dudley MBC's Hearings Sub-Committee on 30<sup>th</sup> March 2011 to determine the complaint made against the Subject Member.

## **2. Summary of the Allegation**

- 2.1 The allegation put before the Sub-Committee was that the Subject Member:-
  - 2.1.1 Telephoned the School Governance Team within Children's Services, and informed them that an article had appeared in the Halesowen News concerning Claire Hackett, a new governor at Olive Hill School, who had been sentenced to a suspended prison term. Councillor Taylor is alleged to have claimed that the Claire Hackett who appeared in the article was the same person as Claire Hackett, the new school governor, when in fact it was a different person with the same name. It is also alleged that a further telephone conversation took place between Councillor Taylor and the School Governance Team in which Councillor Taylor is said to have confirmed that he was very sure the Claire Hackett named in the article was the Olive Hill School Governor, as the School was aware of the position.

It is further alleged that Councillor Taylor failed to make reasonable enquiries before referring this matter to the School Governance Team, which brings into question his honesty and objectivity.

## 2.2 Relevant paragraphs of Dudley MBC's Code of Conduct :-

2.2.1 Paragraph 3(1) – you must treat others with respect.

2.2.2 Paragraph 5 – you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

## 3. Pre-Hearing Process

3.1 The Legal Advisor confirmed that the Subject Member and his representative had been provided with a copy of the Investigating Officer's report. He had been asked for comments and had been made aware of the arrangements for the hearing.

3.2 The Subject Member had instructed a solicitor to represent him at the hearing.

3.3 Confirmation was received from the Subject Member's solicitor that Councillor Taylor accepted the findings of the Investigating Officer and had no matters to raise in connection with the report.

## 4. The Evidence

4.1 No witnesses were called.

4.2 Written evidence was presented in the form of the Investigating Officer's report. The solicitor for the Subject Member confirmed that the contents of the report were accepted.

4.3 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.

4.4 The Sub-Committee received legal advice that any decision on the evidence would be made on the balance of probability and not proof beyond reasonable doubt.

## **5. The Sub-Committee Finds as Matter of Fact:**

5.1 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 are undisputed:-

5.1.1 Articles appeared in the Halesowen News and the Express and Star, which reported the conviction and sentencing of a Claire Hackett for benefit fraud

5.1.2 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

5.1.3 At the time of making the referral to Governance Services, Councillor Taylor was not a school governor

5.1.4 Councillor Taylor did discuss the matter of the newspaper article with the Head Teacher of Olive Hill Primary School

5.1.5 Claire Hackett, governor at Olive Hill Primary School, was disqualified as a governor following a referral by Councillor Taylor to Governance Services. She has subsequently been re-instated as a governor

5.1.6 Claire Hackett, governor, was not in fact the same Claire Hackett as the one convicted of benefit fraud.

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

5.2.1 On the sequence of events – We find that Cllr Taylor discussed the matter of the newspaper article firstly with the Head Teacher, and then contacted Governance Services. This version is supported by the officer in Governance Services who took the call from Cllr Taylor, and who satisfied

the Investigating Officer that she had no knowledge of the newspaper article prior to Cllr Taylor's call.

- 5.2.2 Cllr Taylor is not absolutely certain as to the dates when he called Governance Services, but he is certain that he telephoned on the one day and that Governance Services telephoned him the next day. The actual dates are in our view relatively unimportant, but on balance we accept the evidence offered by the officer in Governance Services, that the telephone calls took place on Tuesday 20<sup>th</sup> July and Wednesday 21<sup>st</sup> July 2010.
- 5.2.3 On the referral – We accept Cllr Taylor and the officer in Governance Services version of events that Cllr Taylor informed Governance Services of the existence of the news article and was informed by Governance Services that the matter would be looked into.
- 5.2.4 The second telephone conversation between Cllr Taylor and Governance Services is crucial to an understanding of the role played by Cllr Taylor in this matter. The officer in Governance Services believes that Cllr 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 Cllr Taylor but did commit her recollection of the call to paper some days later.
- 5.2.5 Claire Hackett can offer no direct evidence on this point. The Head Teacher, whilst not a party to the second telephone conversation, has stated that in her conversation with Cllr Taylor both agreed they could not be sure if it was the same Claire Hackett or not.
- 5.2.6 Cllr Taylor is 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, we accept Cllr Taylor's version and in this regard have taken into account the statement made by the officer in Governance Services in the first telephone conversation that "the matter would be looked into". It does 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 is made out.

5.2.7 We are satisfied, on balance, and in the absence of any evidence, that Cllr 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.

## **6. Decision on Whether There was a Breach of the Code of Conduct**

6.1 Having determined the facts of the matter, the Sub-Committee then went on to consider whether the Subject Member had failed to follow the Code of Conduct.

6.2 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*".

6.3 The solicitor for the Subject Member confirmed that he accepted the Investigating Officer's findings contained in Paragraphs 7.1 and 7.2.

6.4 The Sub-Committee determined that on the balance of probability the Subject Member 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 paragraph 6.5 to 6.10 of the Investigating Officer's report. In arriving at this view, the Sub-Committee noted that the Subject Member agreed with the Investigating Officer's findings as set out in her report.

6.5 The Sub-Committee accept that it was appropriate for Councillor Taylor to make the referral to Governance Services and in doing so he was acting in good faith.

## **7. Notification of this Decision**

Public Notice of this decision has been sent to/posted on :-

- Councillor Alan Taylor
- Claire Hackett
- Standards Committee
- Dudley MBC Council Website;
- Dudley MBC Press Office;
- Standards Board for England.

A summary of this Decision Notice will be published in the local press.



The Right Reverend David Walker,  
Bishop of Dudley

Dated : 1<sup>st</sup> April 2011