

 Hearing Panel – 28th April 2014 – 4pm		Agenda Item No. 5
Title	Code of Conduct Complaint – Councillor Coles (Weston-under-Wetherley Parish Council)	
For further information about this report please contact	Andrew Jones andrew.jones@warwickdc.gov.uk 01926 456830	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Monitoring Officer	9 th April 2014	Author
Chief Executive		N/A
CMT		N/A
Section 151 Officer		N/A
Legal	15 th April 2014	Jane Pollard
Consultation Undertaken		
Not applicable.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 The report appraises members of the Hearing Panel as to the background to today's Hearing Panel, asks the Panel to consider the outcome of the Code of Conduct investigation and reach a decision on whether there has been a breach or breaches of the Code of Conduct by Councillor Coles.

2. **RECOMMENDATIONS**

- 2.1 That the Panel considers the findings of the appointed investigator in respect of the conduct complaints about Councillor Coles of Weston-under-Wetherley Parish Council. The complaints are that:
- Councillor Coles failed to treat Mrs Maria Norman with respect and that he acted in a bullying and/or intimidatory manner towards Mrs Norman.
- 2.2 The Panel determines any breaches of Weston-under-Wetherley Parish Council's adopted Code of Conduct and if appropriate considers whether it wishes to issue any sanction(s).

3. **REASONS FOR THE RECOMMENDATIONS**

- 3.1 Following complaints to the Monitoring Officer of this Council respectively by Maria Norman and Peter Haine, the Deputy Monitoring Officer (DMO), after consultation with the Independent Person for the Council, decided that the matters should be referred for investigation.
- 3.2 The DMO instructed Peter Oliver of Warwickshire County Council Legal Services to undertake the investigations. His report, as set out at Appendix A to this report, was submitted to the Monitoring Officer in January 2014.
- 3.3 Following consideration of the Investigating Officer's report and in consultation with the Independent Person, the Monitoring Officer has passed the matters for determination by a Hearing Panel.
- 3.4 Members of the Hearing Panel will need to consider the findings as detailed in Appendix A to this report. Members will need to determine whether there is evidence of a breach of the Code of Conduct as adopted by Weston-under-Wetherley Parish Council and if it finds that there has been a breach, what action should be taken.
- 3.5 A pre-Hearing meeting has taken place but unfortunately Councillor Coles decided not to attend this meeting and has advised the Monitoring Officer that he wants no part of the process (see Appendix B).

4. **POLICY FRAMEWORK**

- 4.1 In respect of the matter before the Panel today, the Monitoring Officer has followed the Council's requirements to the point where a decision on whether there has been a breach of the Code of Conduct needs to be made.
- 4.2 Should the Panel determine that there has been a breach of the Code of Conduct and decide to issue a sanction then the options available are as follows:

- 1.1 Publish its findings in respect of the member's conduct;
- 1.2 Report its findings to the Parish/Town Council for information;
- 1.3 Recommend that the Parish/Town Council arrange training for the member;
- 1.4 Recommend to the Parish/Town Council that the member be removed from all outside appointments to which they have been appointed/nominated by the Parish/Town Council;
- 1.5 Recommend to the Parish/Town Council that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 1.6 Recommend that the Parish/Town Council exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 1.7 Require the member to apologise to the Parish/Town Council, in a meeting of the Full Council, including an explanation for their action
- 1.8 When a member is asked to undertake training they will be asked to contribute half of the training cost to that authority.

NB The Hearings Panel has no power to suspend or disqualify the member.

5. **BUDGETARY FRAMEWORK**

- 5.1 This matter is being dealt with in accordance with the budgetary framework as agreed by this Council.