

STANDARDS COMMITTEE

(Devon & Somerset Fire & Rescue Authority)

24 October 2018

Present:-

Councillors Ellery (Vice-Chair), Bown, Drean, Hannaford (vice Thomas), Prowse and Trail BEM.

Apologies:

Councillor Redman.

* **SC/1**

Minutes

RESOLVED that the Minutes of the meeting of the Determinations and Dispensations Committee held on 9 April 2018 be signed as a correct record.

(**Note:** at its meeting on 30 April 2018, the Authority had resolved, amongst other things, that the Determinations and Dispensations Committee be renamed as the Standards Committee – Minute DSFRA/72(b) refers).

* **SC/2**

Exclusion of the Press and Public

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the following Paragraph(s) of Part 1 of Schedule 12A (as amended) to the Act:

- Paragraph 1 (information relating to an individual);
- Paragraph 2 (information likely to reveal the identity of an individual); and
- Paragraph 3 (information relating to the financial and business affairs of any particular person – including the authority holding that information).

* **SC/3**

Pre-Hearing Process - Subject Member X

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded from the meeting).

The Committee considered a report of the Director of Corporate Services (SC/18/1) and undertook the pre-hearing process (attached as Appendix A to the report) prior to the scheduled hearing of the Committee to determine, following investigation, alleged breaches by Subject Member X of the Authority's approved Code of Members' Conduct. The pre-hearing process provided an opportunity to consider and determine (where appropriate), in advance of the hearing:

- Whether the Subject Member was to be legally represented;
- Whether the Subject Member disagreed with any of the findings of fact as set out in the Final Investigation report (attached to the report as Appendix D) and, if so, why;
- Whether the Subject Member wished to introduce new evidence and, if so, why;
- Identify, if the Subject Member was to introduce new evidence, whether the Investigating Officer had been given the opportunity to consider this;

- Whether any witnesses (other than a Character Witness) were to be called and, if so, why; and
- Decide which, if any, parts of the hearing should be held in private.

Attached at Appendices B and C to the report was documentation submitted on behalf of the Subject Member by a legal representative. This included, amongst other things:

- A list of agreed and disputed facts;
- A written statement from the Subject Member;
- A document list from the Subject Member;
- Each of the documents as set out in the list (with the exception of one initially corrupted document [subsequently provided again and circulated at the meeting]; and one document included in the list which still remained to be provided); and
- Witness Statements submitted on behalf of the Subject Member, including a Character Witness Statement.

The Committee also had circulated at the meeting hard-copies of a written statement and associated documentation provided on the day of the meeting by another Witness (Witness C) for the Subject Member.

RESOLVED that, having undertaken the pre-hearing process:

- (a). It be noted that the Subject Member was to be assisted by a legal consultant at the Hearing;
- (b). That the list of agreed and disputed facts submitted on behalf of the Subject Member be noted and considered at the Hearing;
- (c). That the documentation provided by the Subject Member (including a written statement by the Subject Member with associated documentation, a written statement from Witness A and a written statement from Character Witness B) be admitted as evidence and considered at the Hearing;
- (d). That Witness A be not required to attend the Hearing on the basis that the Committee did not feel that such attendance would add any value to the Hearing;
- (e). That the written statement of Witness C and associated documentation, as provided on and circulated to the Committee on the date of the pre-hearing meeting, be admitted as evidence to the Hearing;
- (f). that, given the lateness of the submission of the written statement of Witness C and associated documentation, no determination be made at this stage on the requirement for Witness C to attend the hearing;
- (g). That it be noted that Character Witness B may be unavailable to attend the Hearing;
- (h). That the request of the Investigating Officer for Witness D (the Complaint) to attend the hearing be approved; and

- (i). That, given the subject matter of the allegations and the contents of the documentation currently before the Committee, the Hearing be considered in the absence of the press and public in accordance with Section 100A(4) of the Local Government Act 1972, specifically Paragraphs 1 (information relating to an individual), 2 (information likely to reveal the identity of an individual) and 3 (information relating to the financial and business affairs of any particular person [including the authority holding that information]) of Part 1 of Schedule 12A to the Act.

*** DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 3.15 pm