

**Selby District Council – Standards Committee
Hearing Sub Committee
4 June 2010 at 4.00pm in Committee Room 2**

Present:

The Sub Committee

Miss H Putman (Chair)

Councillor C Lunn

Councillor R Parker

Investigation Officer

Miss Caroline Fleming – Senior Solicitor

Officers

Mr Jonathan Lund – Monitoring Officer

Miss Kelly Hamblin – Panel Advisor and Solicitor

Mrs Karen Mann – Committee Services Officer

Observer

Mrs Wanda Stables – Standards Committee Member

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COMPLAINTS – SDC2008001 and SDC2008009

The Chair began by introducing the Panel and attendees at the meeting and she thanked Councillors Roland and Colin Chilvers for attending.

There were no declarations of interests.

The Chair confirmed the meeting was quorate.

The Chair confirmed there was no objection to the meeting being held in public and that no confidential information would be disclosed.

The Chair advised that the Hearing would be limited to those elements where there was a finding of a potential breach of the Code of Conduct for the complaints against Councillors Roland and Colin Chilvers.

The Solicitor asked if all Panel members, both Councillor Chilvers and the Investigation Officer had been provided with the papers prior to the Hearing, all agreed that they had received the papers.

The Chair outlined the procedure for the Hearing and the three stages involved:

1 Finding of Facts

2 Whether there had been a failure to follow the code

3 If a failure is found what sanction, if any, should be given.

It was also explained that all parties would be given the opportunity to make representations at each stage.

The Investigating Officer presented the investigation report, summarising the allegation, detailing the evidence and the establishing the facts.

It was alleged that Councillor Roland Chilvers breached paragraphs 7, 8, 9 and 10 of the Hemingbrough Parish Council's Code of Conduct 2001 and paragraphs 8, 9, 10 and 12 of the Hemingbrough Parish Council's Code of Conduct 2007. It was alleged that he failed to declare a personal and/or prejudicial interest after the allotment of work to his son, Councillor Colin Chilvers by the Parish Council, when discussions in relation to the work took place at meetings of the Parish Council.

It was alleged that Councillor Colin Chilvers breached paragraphs 7, 8, 9 and 10 of the Hemingbrough Parish Council's Code of Conduct 2001 and paragraphs 8, 9, 10 and 12 of the Hemingbrough Parish Council's Code of Conduct 2007. It was alleged that he failed to declare a personal and/or prejudicial interest after the allotment of work to him by the Parish Council, when discussions in relation to the work took place at meetings of the Parish Council.

The Chair confirmed with the parties that there was no dispute of the facts as set out in the Investigating Officers report.

The Investigating Officer outlined the areas of the Code where the investigation report had found that a breach had been made by Councillor Roland Chilvers.

The Investigating Officer outlined the areas of the Code where the investigation report had found that a breach had been made by Councillor Colin Chilvers.

Councillor Roland Chilvers advised the Panel that he had followed the advice of the Parish Clerk and did not knowingly breach the code.

Councillor Colin Chilvers reiterated the details put forward by Councillor Roland Chilvers.

The Panel adjourned to consider the matter, the Panel returned and the Panel advisor declared the legal advice given, in relation to the guidance on 'disrepute'.

The Panel had found Councillor Roland Chilvers to be in breach of paragraph 8 of the Hemingbrough Parish Council Code of Conduct 2001 and paragraph 9 of the Hemingbrough Parish Council Code of Conduct 2007 in relation to personal interests, and paragraph 10 of the Hemingbrough Parish Council's Code of Conduct 2001 and paragraph 12 of the Hemingbrough Parish

Council's Code of Conduct 2007 in relation to prejudicial interests, in that whilst he declared that interest he did not vacate the room when the item of business was discussed.

The Panel had not found that either Councillor Roland Chilvers or Councillor Colin Chilvers failed to comply with paragraph 4 of the Hemingbrough Parish Council Code of Conduct 2001 and paragraph 5 of the Hemingbrough Parish Council Code of Conduct 2007, in that he did not bring the office of Councillor or the Parish Council into disrepute.

Both Councillor Colin and Roland Chilvers were asked if they understood the decisions, they agreed that they understood.

The Panel took representations from the parties with regards to sanctions.

The Panel retired to consider the sanction.

On return the Solicitor declared that legal advice had been requested in relation to sanctions. It was confirmed that guidance from Standards for England and the First Tier Tribunal was given to the Panel. A copy of this guidance was also given to Councillors Roland and Colin Chilvers.

Resolved:

That the finding of the Standards Sub Committee Hearing Panel into complaint SDC2008001 was:-

That training would have been the appropriate sanction in this matter. As Councillor Roland Chilvers has undertaken relevant training since the investigation was commenced no sanction is imposed.

That the finding of the Standards Sub Committee Hearing Panel into complaint SDC2008009 was:-

That training would have been the appropriate sanction in this matter. As Councillor Colin Chilvers has undertaken relevant training since the investigation was commenced no sanction is imposed.

The Chair of the Hearing Sub Committee advised the Monitoring Officer to issue a letter to all Parish Councillors and Clerks advising them to ensure that their register of members' interests is up to date and that members' should specify whether they have a personal or prejudicial interest in any business, and that this specific interest is recorded in the minutes.

The Chair explained that the Decision Notice would be made available on Monday 7 June 2010 and will be posted on the Selby District Council website. The full Decision Notice will be published as soon as possible. A summary of this decision will be published in a local newspaper.

There is a right of appeal by the Councillors within 28 days of being notified of this decision.

The meeting closed at 5.35pm.