

Minutes of	Standards Committee
Meeting date	Monday, 6 September 2021
Members present:	Councillors Carol Wooldridge (Chair), Jacqui Mort (Vice-Chair), Carol Chisholm, Derek Forrest and Susan Jones
Independent Person:	David Haley
Officers:	Chris Moister (Director of Governance), Alex Jackson (Shared Legal Services Team Leader) and Clare Gornall (Democratic and Member Services Officer)
In attendance:	Councillor Barrie Yates; and Mr Ken Hind, legal representative for Councillor Yates

1 Apologies for Absence

Apologies were received from Councillors Blow and Suthers.

2 Declarations of Interest

Councillor Wooldridge declared a personal interest in relation to Minute 6 insofar as she was a member of Penwortham Town Council.

Mr Ken Hind, who was in attendance at the meeting his capacity as legal representative to the subject member, made submissions in respect of Minute 6 below regarding members' declarations of interest and alleged predetermination of the complaint.

[The Committee adjourned the meeting to consider the representations made as to whether the hearing should go ahead].

RESOLVED: – The Committee agreed to proceed with the hearing.

3 Minutes of the Last Meeting

RESOLVED:- That the minutes of the Standards Committee held on 21 January 2020 be approved and signed as a correct record.

4 Standards Committee Procedure Rules

The Standards Committee Procedure Rules, Members Code of Conduct and Guidance on the Code of Conduct were attached to the agenda for information to assist members pursuant to Minute 6 below.

5 Exclusion of Press and Public

RESOLVED:– That the press and public be excluded from the following item of business on the grounds that involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

6 Standards Hearing - Complaint Against a Councillor

Mr Chris Moister, Director of Governance and Monitoring Officer submitted a report to members giving details of the findings an investigation carried out by the appointed Investigating Officer, Mr Alex Jackson, in respect of a standards complaint received on 18 December 2020.

Mr Jackson presented his findings to the Committee and explained the reasons for his conclusions. Mr Jackson was then interviewed by the Committee.

Mr Ken Hind, representing the Subject Member, Councillor Barrie Yates, made submissions to the Committee and was interviewed. Councillor Yates also answered questions put by members of the Committee. Councillor Yates, through his representative, made his closing remarks.

[The meeting was then adjourned and the Committee made its deliberations in private].

RESOLVED:- The Committee determined that there had been a breach of the Code of Conduct (as detailed in the report of the Standards Committee to Council) as follows:-

A) Identified Breaches

- i) The committee considered part A paragraph 10 of the Code of Conduct. This states

“It is not enough to avoid impropriety; perception is also important. Members should at all times avoid any occasion for suspicion and any appearance of improper conduct.”

Even had members accepted Cllr Yates’s intentions as being a valid consideration, the public perception of his behaviour would have overcome them.

- ii) Cllr Yates breached Part C paragraph 1 of the code of conduct (general obligations) by failing to treat Cllr Flannery with respect.

Reason – The behaviour was primarily contained in his exchange with and directed to Cllr Flannery.

- iii) Cllr Yates breached Part C paragraph 2(b) of the Code of Conduct (General Obligations) by bullying other persons namely Cllr Flannery, Cllr Adams and Cllr Hancock.

Reason – the behaviour was intended to prevent the participation of Cllr Flannery, Cllr Adams and Cllr Hancock and was found to have placed undue and inappropriate pressure on them. It was also noted that the behaviour succeeded in discouraging Cllr Hancock from participating.

- iv) Cllr Yates breached Part A paragraph 9 of the Code of Conduct by bringing the Council into disrepute

Reason – the finding that Cllr Hancock did not participate in a decision-making process undermines the both the integrity of that decision and the public's confidence in the council. and

The action of mimicking placing a call to the emergency services where there is no justification for doing so undermines the public perception of members of the council.

- v) The Committee elected to make no findings in relation to the conduct towards the Head of Legal and acknowledged that the apology already provided would have resolved that matter in any event.

B) Sanction

Arising from the findings of breach the Committee request:-

1. That the outcome of this hearing be reported to full Council in public session.

Reason – the incident took place during a public meeting and it is important that the public see and understand its resolution.

2. The Monitoring Officer is instructed to arrange one to one training for Cllr Yates such arrangements to be made within 2 weeks of this hearing.

Reason – training is necessary to ensure Cllr Yates has a full understanding of the requirements of the code of conduct.

3. Members also wish to make the following observation. Whilst the removal of Cllr Yates from the Planning Committee was seen as a mitigating factor, the Committee wish to be clear that they view the behaviours of Cllr Yates as so serious, particularly the finding of the breach of code relating to bullying, that they would have considered making a recommendation to full council seeking his removal from the Planning Committee.

[Full details of the report and decision notice submitted to Council on 22 September 2022 can be accessed on the website here.](#)

Chair

Date