

Minutes of the meeting of the **STANDARDS COMMITTEE - HEARING PANEL** held at the Council Offices, Whitfield on Monday, 22 September 2014 at 10.00 am.

Present:

Chairman: Councillor B W Butcher

Councillors: M A Russell
J M Smith

Also Present: Mr B Dowley (Independent Person)
Mr D Milne (Investigating Officer)
Councillor J Ledger (Ripple Parish Council)
Councillor D Lee (Ripple Parish Council)
Mrs K Hastilow (Clerk to Ripple Parish Council)

Officers: Director of Governance
Solicitor to the Council
Team Leader – Democratic Support

1 ELECTION OF A CHAIRMAN

It was proposed by Councillor J M Smith, and duly seconded:

RESOLVED: That Councillor B W Butcher be appointed Chairman for the duration of the meeting.

2 APOLOGIES

There were no apologies for absence received.

3 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 CASE NUMBER MC0128: COUNCILLOR J LEDGER (RIPPLE PARISH COUNCIL)

Complaint

1.1 On 22 September 2014, the Hearing Panel of Dover District Council considered a report of an investigation into the alleged conduct of Councillor John Ledger, a member of Ripple Parish Council. A general summary of the complaint is set out below.

Complaint Summary

2.1 On 6 June 2013, the Monitoring Officer referred an allegation made by Mr Roger Chatfield (at the time a member of Ripple Parish Council) that Councillor John Ledger of Ripple Parish Council had failed to comply with the parish council's Code of Conduct for investigation.

2.2 The complaint related to allegations that at a private meeting of Ripple Parish Council held at the home of the subject member on 13 December

2012, and at the subsequent public Parish Council meeting, Councillor J Ledger remained at the meetings when the matter under discussion related to a piece of land in which he had a potential Disclosable Pecuniary Interest (DPI). The DPI was said to arise from his ownership of land affected by an application for village green registration at Coldblow Woods.

- 2.3 A further allegation related to comments from Councillor Ledger towards a member of the public whom it was alleged he told to “shut up and sit down” during the course of the Parish Council.
- 2.2 On 28 July 2014 the Monitoring Officer considered the report of the Investigating Officer he had appointed. In that report the Investigating Officer concluded that there was evidence in his opinion that Councillor Ledger had, by not withdrawing after declaring an interest at both the private meeting of the Parish Council and at the subsequent public meeting of Ripple Parish Council later that day, breached paragraphs 5(2)(c) and 5(2)(d) of the Code of Conduct as followed:
- Paragraph 5(2)(c) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must not participate in any discussion of, or vote taken on, the matter of the Meeting.
 - Paragraph 5(2)(d) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must withdraw from the Meeting room in accordance with the Authority’s Procedure Rules whenever it becomes apparent that the business is being considered.
- 2.3 In respect of allegations relating to paragraphs 3(2)(f),of the Code of Conduct (conduct himself in a manner which could be reasonably be regarded as bringing his authority into disrepute) or 3(2)(g) of the Code of Conduct (use or attempt to use his position as a Member to confer on or secure for himself or another person, an advantage or disadvantage), the Investigating Officer’s report found no evidence to support the allegations that Councillor Ledger had breached these parts of the Code.
- 2.4 The Monitoring Officer referred the findings of the Investigating Officer relating to a failure to comply with paragraphs 5(2)(c) and 5(2)(d) of the Code of Conduct to the Hearing Panel.

Consultation with Independent Person

- 3.1 The Hearing Panel consulted with the Independent Person, Mr B P S Dowley, as required under the Localism Act 2011 and the Council’s agreed arrangements. It was the view of the Independent Person that:
- (a) He was satisfied that the correct procedures had been followed throughout the process of considering the complaint.

- (b) That he agreed with the conclusion of the Investigating Officer that there was no evidence to support the allegations that Councillor Ledger failed to comply with paragraphs 3(2)(f) and 3(2)(g) of the Code of Conduct.
- (c) That he was of the opinion that any breach of the Code of Conduct in respect of paragraphs 5(2)(c) and 5(2)(d) was a technical breach rather than an intentional breach by the subject member.

Findings

- 4.1 After considering the submissions of the parties to the hearing and the views of the Independent Person, the Hearing Panel reached the following decisions:
- (a) The Panel was satisfied that there were no significant disagreements about the facts contained within the Investigator Officer's report.
 - (b) The Panel agreed with the conclusion of the Investigating Officer that there was no evidence to support a breach of paragraphs 3(2)(f) and 3(2)(g) of the Code of Conduct.
 - (c) That the Panel finds that Councillor Ledger did fail to comply with the Code of Conduct by not withdrawing after declaring an interest at both the private meeting of the Parish Council and at the subsequent public meeting of Ripple Parish Council later that day and in doing so breached paragraphs 5(2)(c) and 5(2)(d) of the Code.

Sanctions Applied

- 5.1 After considering the submissions of the parties to the hearing and the views of the Independent Person and the Monitoring Officer, the Hearing Panel reached the following decision in respect of the sanction to be applied:
- (a) That in respect of the breach of paragraphs 5(2)(c) and 5(2)(d) of Ripple Parish Council's Code of Conduct a formal letter be sent by the Monitoring Officer on behalf of the Hearing Panel to the Parish Council recommending that Councillor J Ledger be required to re-read the Code of Conduct and in particular the provisions concerning the procedure to be followed when declaring a Disclosable Pecuniary Interest.
- 5.2 The Hearing Panel also made the following recommendation:
- That a letter be written to the Clerk and Members of Ripple Parish Council encouraging them to independently review the Council's Code of Conduct for the purpose of familiarising themselves of the appropriate procedure to be followed where a Member declares an interest in a matter under discussion.

The meeting ended at 11.21 am.