

TONBRIDGE AND MALLING BOROUGH COUNCIL

STANDARDS HEARING PANEL

Monday, 12th October, 2015

Present: Cllr Miss J L Sergison (Chairman), Cllr D J Cure (Vice-Chairman),
Cllr D A S Davis (Vice-Chairman), Cllr Mrs P A Bates,
Cllr Mrs B A Brown, Mr D Thornewell (Parish Council Representative)
and Mr D S Ashton (Independent Person)

PART 1 - PUBLIC

SHS 15/6 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

SHS 15/7 THE HEARING PANEL TO DETERMINE WHETHER THE CONFIDENTIAL REPORT MAY BE CONSIDERED IN PUBLIC

The Hearing Panel was advised that the Hearing should be held in public unless it determined that there was a good reason to exclude the public.

RESOLVED: That the allegation that a member of Tonbridge and Malling Borough Council had breached the Code of Conduct of that body be considered in public.

SHS 15/8 THE HEARING PANEL TO DETERMINE WHETHER TO ALLOW MR M DOLTON TO REPRESENT THE INVESTIGATING OFFICER AT THE HEARING

The Hearing Panel considered paragraph 1.1.4(c) of the report of the Deputy Monitoring Officer as to who was the "Investigating Officer" for the purposes of the Hearing. The Panel received no adverse comments from the Subject Member, exercised its discretion and

RESOLVED: That, for the expedient, effective and fair consideration of the complaint, Mr M Dolton be allowed to represent the Investigating Officer.

SHS 15/9 CODE OF CONDUCT COMPLAINT AGAINST A BOROUGH COUNCILLOR

The Hearing Panel of the Joint Standards Committee gave consideration to an allegation that Councillor Mike Taylor had breached the Borough Council's Code of Conduct.

The Panel received the report of the independent external investigator (Investigating Officer), Wilkin Chapman Goolden LLP, a firm of solicitors which had been appointed to carry out the investigation into the allegation. The report contained details of relevant legislation and protocols, evidence gathered, witness statements, a summary of the material facts and additional submissions made by Councillor Taylor. Mr M Dolton, on behalf of the Investigating Officer, made an oral presentation to the Panel and cross-examined the officers who had been the subject of the alleged breach. The report concluded there had been a breach of the Code of Conduct on the grounds of (i) bullying and (ii) bringing his office or the Council into disrepute.

The Panel was requested to look at new material introduced by Councillor Taylor at the Hearing which related to the adoption of the Local Plan, Borough Green Parish Council and the planning history of the Isles Quarry West site. As the new material related to matters before the date that Councillor Taylor was elected as a Borough Councillor, the Panel exercised its discretion to allow this material to be introduced into the fact finding part of the meeting but only on the basis that it was relevant for the purpose of looking at why Councillor Taylor acted as he did should the Panel make a finding of breach of the Code.

The Panel noted that Councillor Taylor had agreed the findings of fact in the Investigating Officer's report. The Panel considered carefully the papers before it, determined the facts and found as follows:

1. that there had been a breach of the Code of Conduct in respect of obligation 3(2)(f), *"You must not conduct yourself in a manner which would reasonably be regarded as bringing your office or the Authority into disrepute."*
2. that Councillor Taylor had not breached paragraph 3(2)(a) *"You must not...(a) bully any person"*, as the evidence before the panel was that the officers whom Councillor Taylor's behaviour was directed toward did not feel bullied. The Panel noted that had the behaviour in question been directed at less senior officers then they would be very likely to have come to a different conclusion as the behaviour in question had the essence of "bullying" about it.

Having found that there had been a breach of the Code of Conduct the adopted arrangements for dealing with complaints required that the Panel heard representations from the Monitoring Officer (“MO”) and the Independent Person (“IP”) on whether there should be any sanctions and from the MO, IP and the Subject Member on what sanctions should be imposed. The Panel was advised that the Council’s adopted arrangements for dealing with Hearings contained the range of possible sanctions which the Panel could make and noted that it was not entitled to apply or recommend any other sanctions.

The Hearing Panel therefore

RESOLVED: That the four following sanctions be imposed:

- a) Recommending to Council that Councillor Taylor be issued with a formal censure by motion (i.e. the issue of an unfavourable opinion or judgement or reprimand);
- b) Recommending to Council that Councillor Taylor be removed from Area 2 Planning Committee until the end of April 2017;
- c) Recommending to Council that they issue a press release; and
- d) Publishing the Panel’s findings in respect of Councillor Taylor’s conduct on the Council’s website.

MATTERS FOR CONSIDERATION IN PRIVATE

SHS 15/10 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 6.35 pm
having commenced at 9.30 am