

DONCASTER METROPOLITAN BOROUGH COUNCIL

HEARINGS SUB-COMMITTEE

14TH JUNE, 2016

A MEETING of the HEARINGS SUB-COMMITTEE was held at the CIVIC OFFICE on TUESDAY, 14TH JUNE, 2016, at 9.30 a.m.

PRESENT:

Chair - Councillor Richard A Jones

Councillors John Healy and Alan Jones, and Co-opted Members Monica Clarke and David Harle.

ALSO IN ATTENDANCE:

Philip Beavers (Independent Person)  
Parish Councillor Michael Hennessey (Subject Member)  
Parish Councillor Susan Durant (Complainant)  
Sharon Foster (Complainant)  
Annie Farrand (Observer)  
Anne Sloman (Observer)

OFFICERS IN ATTENDANCE:

Scott Fawcus, Assistant Director Legal & Democratic Services (Monitoring Officer)  
Helen Potts, Principal Legal Officer (Investigating Officer)  
Jonathan Goodrum (Clerk to the Hearing)

1 EXCLUSION OF PUBLIC AND PRESS

The Chair confirmed that it was intended to hold today's Hearing in public, unless Members of the Sub-Committee wished at any stage to discuss in detail any of the sensitive information in relation to Mrs Foster's complaint (exempt agenda papers Appendix D and Annex 1), in which case it would be necessary for the public and press to be excluded from the Hearing at that point.

2 DECLARATIONS OF INTEREST, IF ANY.

No declarations were made at the meeting.

3 CONSIDERATION OF THE INVESTIGATING OFFICER'S REPORT REGARDING COMPLAINTS AGAINST PARISH COUNCILLOR MICHAEL HENNESSEY (THORNE-MOORENDS TOWN COUNCIL)

At the commencement of this item, the Sub-Committee briefly adjourned to consider a request from Parish Councillor Michael Hennessey for additional papers to be made available to the Sub-Committee, setting out his comments on the complaints. Having considered this request, the Chair advised Councillor Hennessey that these additional submissions would not be accepted on the grounds that Members were satisfied that all parties had been given ample opportunity to make comments during the consultation stage of the investigation and the Investigating Officer's Report adequately reflected the

comments made. Furthermore, Councillor Hennessey was reminded that he would have the opportunity to refer to the additional information when making his representations during the Hearing.

The Committee considered the final report of the Investigating Officer, Helen Potts which was presented to the Monitoring Officer on 12<sup>th</sup> May 2016. The report related to allegations in respect of Parish Councillor Michael Hennessey of Thorne Moorends Town Council, that he had breached the Thorne Moorends Town Council's Member Code of Conduct. The investigation had been undertaken as a result of two separate complaints being received by the Monitoring Officer in January 2016 against Parish Councillor Hennessey:-

- The first complaint, submitted by Mrs Sharon Foster, alleged that in November 2015 Councillor Hennessey had interfered with goods, removing them from a Council store room and depositing them at Mrs Foster's home in an inappropriate manner, without authority from Thorne Moorends Town Council to do so.
- A second complaint submitted by Councillor Susan Durant of Thorne Moorends Town Council alleged that Councillor Hennessey had physically assaulted her prior to the commencement of a Town Council meeting in December 2015.

The Investigating Officer summarised the main findings within her report, in particular, outlining the rationale for reaching her conclusions that, in respect of both complaints, Parish Councillor Hennessey had failed to comply with the Code of Conduct of the authority concerned in relation to the following obligations of the Code:-

- *He/she shall behave in such a way that a reasonable person would regard as respectful.*
- *He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.*
- *He/she shall use the resources of the Council in accordance with its requirements.*

Councillor Hennessey was also provided the opportunity to question the Investigator on the content of her report. Members were then afforded the opportunity to ask questions of the Investigating Officer.

The subject member, Parish Councillor Hennessey, was then invited to present his case, following which the Sub-Committee asked him a range of questions with regard to the allegations. During the questioning, Mrs Foster (complainant) was invited by the Chair to outline the circumstances surrounding the incident she had complained about. Consequently, the Sub-Committee resolved to exclude the public and press at this point, in light of the fact that Mrs Foster's complaint contained exempt information in relation to the business affairs and personal circumstances of the complainant.

The public and press were then re-admitted to the meeting. The Investigating Officer and Parish Councillor Hennessey were afforded the opportunity to sum up their respective cases prior to the Sub-Committee reaching its decision on this matter in private. On the

conclusion of this part of the process, in accordance with the Hearings Procedure, all parties with the exception of the Monitoring Officer, the Independent Person and the Clerk were asked to leave the room to allow the Sub-Committee to deliberate in private session in order to determine whether or not there had been a breach of the Code of Conduct and, if so, whether any sanctions should be applied. In reaching its conclusions, the Sub-Committee considered the representations and evidence in consultation with the Independent Person.

The parties were then re-admitted to the meeting and the Chair announced the Sub-Committee's decision.

Having regard to the report and findings of the Investigation conducted by Helen Potts, Investigating Officer on behalf of the Monitoring Officer, the Hearings Sub-Committee accepted the Investigating Officer's findings that there had been a failure by Parish Councillor Michael Hennessey to comply with Paragraphs 1, 2 and 4 of the Code of Conduct adopted by Thorne Moorends Town Council, for the reasons identified in the Investigating Officer's report, and agreed that sanctions should be applied.

RESOLVED:

- (1) that the Investigating Officer's findings that there had been a failure by Parish Councillor Michael Hennessey to comply with Paragraphs 1, 2 and 4 of the Code of Conduct adopted by Thorne Moorends Town Council, be accepted;
- (2) that in the circumstances of this case, appropriate sanctions to be imposed upon Parish Councillor Hennessey be as follows:-
  - i. That Councillor Hennessey be censured and reprimanded for his actions;
  - ii. That the Sub-Committee's findings in respect of Councillor Hennessey's conduct be published on Doncaster Council's website;
  - iii. That the Sub-Committee's findings be reported to the Thorne Moorends Town Council, for information;
  - iv. To recommend to Councillor Hennessey's Group Leader that he be removed from any Committees or Sub-Committees of the Council on which he serves;
  - v. To recommend to the Thorne Moorends Town Council that Councillor Hennessey undertakes training at the expense of Thorne Moorends Town Council on the following subjects:
    - The Nolan Principles of Public Life;
    - The Member Code of Conduct;
    - Use of Social Media; and
    - The Role of the Local Councillor

This training will involve, where appropriate, the Monitoring Officer, Doncaster Council's Independent Person and the Yorkshire Local Councils Association.

- vi. To recommend that Thorne Moorends Town Council removes Councillor Hennessey from all outside appointments to which he has been appointed or nominated by the Town Council;
  - vii. To recommend that Thorne Moorends Town Council withdraws facilities provided to Councillor Hennessey by the Council, such as a computer, website and/or email and Internet access; and
  - viii. To recommend Thorne Moorends Town Council that Councillor Hennessey be excluded from the Council's offices or other premises for a defined period of time (see below), with the exception of meeting rooms as necessary for attending meetings of the Authority of which he is a member.
- (3) To recommend to Thorne Moorends Town Council that the sanctions outlined in sub-paragraphs (iv), (vi), (vii) and (viii) above should be imposed for a minimum period of 12 months, but that these sanctions should remain in place beyond that time in the event that Councillor Hennessey has not completed the training identified in sanction (v) above.

CHAIR: \_\_\_\_\_

DATE: \_\_\_\_\_