



**Doncaster
Council**

DONCASTER METROPOLITAN BOROUGH COUNCIL

HEARINGS SUB-COMMITTEE

NOTICE OF FINDING IN RELATION TO AN INVESTIGATION OF ALLEGED BREACHES OF THE HATFIELD TOWN COUNCIL'S CODE OF CONDUCT

The Hearings Sub-Committee of Doncaster Metropolitan Borough Council, at a meeting held on Tuesday, 22nd January 2019 considered allegations made by Clare McRoy, the Clerk of Hatfield Town Council, against Councillors Jessie Credland, Michael Glynn and William Morrison of Hatfield Town Council. The Sub-Committee determined that there had been a failure by Councillors Credland, Glynn and Morrison to comply with the following Obligations of the Members' Code of Conduct adopted by Hatfield Town Council:-

Member Obligation 1

1. (He/she shall behave in such a way that a reasonable person would regard as respectful).

Member Obligation 2

2. (He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory).

In addition, Parish Councillor William Morrison had failed to comply with the Code of Conduct of the authority concerned in relation to the following obligation of the Code:-

Member Obligation 5

3. (He/she shall not disclose information which is confidential or where disclosure is prohibited by law).

It was alleged that:-

- (i) Councillors Credland, Glynn and Morrison had handed Clare McRoy, (Clerk to Hatfield Town Council) a letter dated 11th June 2018, dismissing her from her post as Clerk. The complaint alleged that the three Councillors had no authority to issue the letter and did so without the knowledge of the rest of the Councillors or any proper processes being followed; and

- (ii) Councillor Morrison had passed on an email without authority or permission to another Councillor that Mrs McRoy had sent to him marked 'confidential'.

Having regard to the report and findings of an Investigation conducted by Helen Potts, Principal Legal Officer, Doncaster Council (Investigating Officer), the Sub-Committee accepted the Investigating Officer's findings that there had been a failure by Councillors Credland, Glynn and Morrison to comply with Obligations 1 and 2 of the Code of Conduct adopted by Hatfield Town Council in respect of the allegations detailed at (i) above for the reasons identified in the Investigating Officer's report. There had also been a failure by Councillor Morrison to comply with Obligation 5 of the Code of Conduct, adopted by Hatfield Town Council in respect of the allegation detailed at (ii) above for the reasons identified in the Investigating Officer's report.

Sanctions

The Sub-Committee resolved that in the circumstances of this case appropriate sanctions to be imposed upon Councillors Credland, Glynn and Morrison are as follows:

- (1) Censure (and reprimanded) for their actions;
- (2) That they each provide a written apology to Clare McRoy, copied to the Monitoring Officer;
- (3) That the Sub-Committee's findings in respect of Councillors Credland, Glynn and Morrison's conduct be published on Doncaster Council's website and to recommend to Hatfield Town Council that the Sub-Committee's findings be published on its website;
- (4) That the Sub-Committee's findings be reported to Hatfield Town Council, for consideration;
- (5) To recommend to Hatfield Town Council that Councillors Credland, Glynn and Morrison undertake training at the expense of Hatfield Town Council on the Member Code of Conduct and the roles and duties of a Councillor, to be arranged with the Yorkshire Local Council's Association;
- (6) To recommend that Town Councillor Morrison also undertakes training on General Data Protection Regulations; and
- (7) To recommend to Hatfield Town Council to immediately remove Councillors Credland, Glynn and Morrison from the Hatfield Town Council Personnel Committee and, not to consider their reappointment to that Committee for a period of two years after the completion of the training at Recommendation 5 (and in the case of Councillor Morrison Recommendation 6), and the receipt of the apologies detailed at Recommendation 2.

Appeals

There is no right of appeal for the Complainant or for the Members against a decision of the Sub-Committee.

If the Complainant or Members feels that the Council has failed to deal with the complaint properly and that this failure has caused injustice, they can make a complaint to the Local Government Ombudsman.

Hearing Sub-Committee

The Hearings Sub-Committee was chaired by Councillor R A Jones and comprised Councillors Iris Beech and Mark Houlbrook, and Co-opted Members David Harle and Monica Clarke.

The meeting was also attended by the Council's Independent Person, Philip Beavers, whose views were sought by the Sub-Committee prior to making a determination on this matter.

The Council's Monitoring Officer, Scott Fawcus attended to provide legal advice to the Sub-Committee. The meeting was clerked by Andrea Hedges, Governance Officer. (DMBC Complaint Reference PC5 2018/19).

Signed: -----

Councillor R A Jones, Chair of the Hearings Sub-Committee
Dated: 22nd January, 2019

DONCASTER METROPOLITAN BOROUGH COUNCIL

AUDIT HEARINGS SUB-COMMITTEE

TUESDAY, 22ND JANUARY, 2019

A MEETING of the AUDIT HEARINGS SUB-COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER, on TUESDAY, 22ND JANUARY, 2019, at 2.00 pm.

PRESENT:

Chair – Councillor R.A. Jones

Councillors Iris Beech and Mark Houlbrook, and Co-opted Members David Harle and Monica Clarke.

ALSON IN ATTENDANCE:

Philip Beavers, (Independent Person)
Town Councillor Jessie Credland, (Subject Member)
Town Councillor Michael Glynn, (Subject Member)
Town Councillor William Morrison, (Subject Member)
Clare McRoy, Hatfield Town Clerk, (Complainant)

OFFICERS IN ATTENDANCE:

Scott Fawcus, Assistant Director, Legal and Democratic Services and (Monitoring Officer)
Helen Potts, Principal Legal Officer (Investigating Officer)
Neil Concannon, Head of Service, Litigation and Regulatory, Legal and Democratic Services (Observer)
Andrea Hedges, Governance Officer (Clerk to the Hearing)

Prior to the commencement of the meeting, Scott Fawcus, Monitoring Officer outlined the proceedings for the hearing and introductions were made. The Monitoring officer highlighted that the hearings Panel was constituted in accordance with the Council's Constitution having regard to the provisions of the Localism Act 2011.

1 APPOINTMENT OF CHAIR FOR THE MEETING

Nominations were sought for the appointment of a Chair for the hearing.

It was proposed by Councillor Iris Beech and Seconded by Councillor Mark Houlbrook that Councillor R.A. Jones preside as Chair for the hearing.

RESOLVED that Councillor R. A. Jones preside as Chair for the hearing.

2 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Austen White, who was unable to attend the hearing due to illness. The Chair Councillor R.A. Jones confirmed that the meeting was quorate.

3 DECLARATIONS OF INTEREST, IF ANY

Councillor R.A. Jones declared a non-disclosable pecuniary interest by virtue of being a Parish Councillor at Sprotbrough and Cusworth Parish Council.

4 TO CONSIDER THE EXTENT, IF ANY, TO WHICH THE PUBLIC AND PRESS ARE TO BE EXCLUDED FROM THE MEETING

There were no exclusions from the meeting.

5 CONSIDERATION OF THE INVESTIGATING OFFICER'S REPORT REGARDING COMPLAINTS AGAINST COUNCILLORS JESSIE CREDLAND, MICHAEL GLYNN AND WILLIAM MORRISON OF HATFIELD TOWN COUNCIL (CASE REF. PC5 2018/19)

The Sub-Committee considered the final report of the Investigating Officer, Helen Potts which was presented to the Monitoring Officer on 30th November, 2018.

The report related to allegations in respect of Town Councillors Jessie Credland, Michael Glynn and William Morrison of Hatfield Town Council, that they had breached the Hatfield Town Council's Member Code of Conduct. The investigation had been undertaken following a complaint, submitted by Mrs Clare McRoy, Clerk to Hatfield Town Council on 20th June, 2018, alleging that the three Councillors had handed her a letter dated 11th June 2018, dismissing her from her post as Clerk. The complainant alleged that the three Councillors had no authority to issue the letter and did so without the knowledge of the rest of the Councillors, or any proper processes being followed. It was also alleged that Councillor Morrison had passed on an email without authority or permission to another Councillor that Mrs McRoy had sent to him marked 'confidential'.

The Investigating Officer summarised the main findings within her report, in particular, outlining the rationale for reaching her conclusions that, in respect of complaints regarding Town Councillors Jessie Credland and Michael Glynn and William Morrison had failed to comply with the Hatfield Town Council Code of Conduct ("the Code of Conduct") in relation to the following obligations of the Code:-

Obligation 1

- *He/she shall behave in such a way that a reasonable person would regard as respectful.*

Obligation 2

- *He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.*

In addition, Morrison had failed to comply with the Code of Conduct in relation to the following Obligation of the Code:-

Obligation 5

- *He/she shall not disclose information which is confidential or where disclosure is prohibited by law*

Town Councillors Credland, Glynn and Morrison were each provided the opportunity to question the Investigator on the content of her report. Members of the Hearings Sub-Committee were then afforded the opportunity to ask questions of the Investigating Officer.

The subject members, Town Councillors Credland, Glynn and Morrison, were invited to present their respective cases, following which the Sub-Committee asked them a number of questions with regard to the allegations.

The Investigating Officer was then invited to sum up the complaints. Town Councillors Credland, Glynn and Morrison were afforded the opportunity to sum up their respective cases, prior to the Sub-Committee reaching its decision on these matters 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, in order to determine whether or not there had been breaches of the Code of Conduct and, if so, whether any sanctions should be imposed. In reaching its conclusions, the Sub-Committee considered the representations and evidence, in consultation with the Independent Person.

All 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 Councillors Credland, Glynn and Morrison to comply with Obligations 1 and 2 of the Code of Conduct adopted by Hatfield Town Council. In addition, there had been a failure by Councillor Morrison to comply with Obligation 5 of Hatfield Town Council's Code of Conduct for the reasons identified in the Investigating Officer's report, and agreed that sanctions should be applied.

RESOLVED:-

- (1) the Investigating Officers findings that there had been a failure by Town Councillors Credland, Glynn and Morrison to comply with Obligations 1 and 2 of the Code of Conduct adopted by Hatfield Town Council and there had been a failure by Town Councillor Morrison to comply with Obligation 5 of the Code of Conduct adopted by Hatfield Town Council, be accepted; and
- (2) that in the circumstances of this case, appropriate sanctions to be

imposed upon Councillors Credland, Glynn and Morrison be as follows:-

- i. that Councillors Credland, Glynn and Morrison be censured and reprimanded for their actions;
- ii. that Councillors Credland, Glynn and Morrison each provide a written apology to Clare McRoy, copied to the Monitoring Officer;
- iii. that the Sub-Committee's findings in respect of Councillors Credland, Glynn and Morrison's conduct be published on Doncaster Council's website and to recommend to Hatfield Town Council that the Sub-Committee's findings be published on its website;
- iv. That the Sub-Committee's findings be reported to Hatfield Town Council, for consideration;
- v. To recommend to Hatfield Town Council that Councillors Credland, Glynn and Morrison undertake training at the expense of Hatfield Town Council on the Member Code of Conduct and the roles and duties of a Councillor, to be arranged with the Yorkshire Local Council's Association;
- vi. To recommend that Town Councillor Morrison also undertakes training on General Data Protection Regulations; and
- vii. To recommend to Hatfield Town Council to immediately remove Councillors Credland, Glynn and Morrison from the Hatfield Town Council Personnel Committee and, not to consider their reappointment to that Committee for a period of two years after the completion of the training at Recommendation v. (and in the case of Councillor Morrison Recommendation vi., and the receipt of the apologies detailed at Recommendation ii.

CHAIR: _____

DATE: _____

