

**To the Chair and Members of the
HEARINGS SUB-COMMITTEE**

**CONSIDERATION OF THE INVESTIGATING OFFICER'S REPORT REGARDING
COMPLAINTS AGAINST COUNCILLOR MICHAEL HENNESSEY OF THORNE
MOORENDS TOWN COUNCIL**

EXECUTIVE SUMMARY

1. On 12th May 2016 Helen Potts (Investigating Officer) presented to the Council's Monitoring Officer (Scott Fawcus), her report relating to allegations in respect of Councillor Michael Hennessey of Thorne Moorends Town Council, that he had breached the Thorne Moorends Town Council's Member Code of Conduct.

EXEMPT REPORT

2. **Appendix D and Annex 1** of the Investigating Officer's report contain exempt information and are therefore NOT FOR PUBLICATION under Paragraphs 1 & 3 of Part 1 of Schedule 12 (a) of the Local Government Act 1972 (as amended). (Information relating to any individual and the financial or business affairs of any particular person (including the authority holding that information)).

RECOMMENDATION

3. The Sub-Committee is requested to consider the report of the Investigating Officer, attached as **Appendix E** and **Annex 1** and having regard to the comments made at the Hearing, determine if Councillor Michael Hennessey has breached the Code of Conduct and agree the appropriate course of action in accordance with the Council's complaint handling procedure.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. Having robust ethical governance policies and procedures in place, including mechanisms to deal with complaints of alleged Member misconduct, helps to strengthen public confidence in local governance through maintaining high standards of conduct by Members.

BACKGROUND

5. Two separate complaints were received by the Monitoring Officer in January 2016 against Councillor Michael Hennessey of Thorne Moorends Town Council:-
 - 5.1 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.
 - 5.2 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.

6. Having considered the complaints in consultation with the Council's Independent Person (Mr Philip Beavers), the Monitoring Officer decided that, given the serious nature of the allegations, these matters should be the subject of a formal investigation under Section 28 of the Localism Act 2011. The Monitoring Officer subsequently appointed Helen Potts (Principal Legal Officer, Doncaster Council) to undertake the investigation on his behalf.
7. Following receipt of the Investigating Officer's Report on 3rd May 2016, in line with the Council's complaint handling procedure, the Monitoring Officer consulted with the Independent Person on the findings of the Investigation and decided to refer this matter to a meeting of the Council's Hearings Sub-Committee.
8. In accordance with the Council's procedure for hearing complaints, the Sub-Committee, upon receiving the report from the Investigating Officer and considering all the information, is asked to decide whether there has been a breach of the Code of Conduct. If so, the Sub-Committee is asked to consider recommending any appropriate sanctions against Councillor Hennessey to the Thorne Moorends Town Council.
9. The following documents are attached to this report to assist the Sub-Committee in its deliberations:-

Appendix A - DMBC Hearings Procedure;

Appendix B - Member Code of Conduct - Thorne Moorends Town Council;

Appendix C - Complaint form submitted by Councillor Susan Durant;

Appendix D - Complaint form submitted by Mrs Sharon Foster (Exclusion Paragraphs 1 and 3);

Appendix E - Investigating Officer's Report

Annex 1 - Investigating Officer's Report (Exclusion paragraphs 1 and 3)

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

10. As set out in the Hearings Procedure, if the Sub-Committee decides that the Member has **not** breached the Code of Conduct, the Sub-Committee can consider whether it should nevertheless make any recommendations to the Town Council as appropriate.
11. If the Sub-Committee decides that the Member **has** breached the Code of Conduct, where the Member is a Parish or Town Councillor, the Sub-Committee can only make recommendations to the Parish or Town Council as to the action it feels appropriate. This can include recommending any of the following possible sanctions against the Member concerned:-
 - (1) Censuring or reprimanding the Councillor;
 - (2) Publishing its findings in respect of the Councillor's conduct;
 - (3) Reporting its findings to the Parish/Town Council if appropriate for information;

- (4) Recommending to the Councillor's Group Leader (or in the case of ungrouped Councillors, recommending to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (5) Recommending that the Parish/Town Council arrange training for the Councillor;
- (6) Recommending to the Parish/Town Council that it removes the Councillor from all outside appointments to which he/she has been appointed or nominated by the Council;
- (7) Recommending to the Parish/Town Council that it withdraws facilities provided to the Councillor by the Council, such as a computer, website and/or email and Internet access; or
- (8) Recommending that the Parish/Town Council exclude the Councillor from the Council's offices or other premises for a defined period of time, with the exception of meeting rooms as necessary for attending meetings of the Authority of which they are a member.

The Hearings Sub-Committee has no power to suspend or disqualify the Councillor or to withdraw Members' Allowances (including Special Responsibility Allowances).

IMPACT ON THE COUNCIL'S KEY OUTCOMES

12.

Outcome	Implications
Working with our partners we will provide strong leadership and governance.	The Audit Committee and its Hearings Sub-Committee have responsibility for overseeing the Council's ethical governance activities. This includes promoting and maintaining high standards of conduct by Borough and Parish Councillors and Officers.

RISKS AND ASSUMPTIONS

13. There are no identified risks associated with this report.

LEGAL IMPLICATIONS

14. Section 27(1) of the Localism Act 2011 places a duty on relevant authorities to promote and maintain high standards of conduct by Members and Co-opted Members of the authority.

15. Section 28 of the Localism Act 2011 requires Principal Authorities to have in place arrangements for investigating allegations of Member misconduct and taking decisions on those allegations. It also requires Councils to appoint at least one Independent Person who is to be consulted as part of the complaint handling process. Doncaster Council's ethical governance functions, including dealing with complaints of alleged Member misconduct referred to the Monitoring Officer under

Section 28(6) of the Localism Act 2011, are carried out by the Audit Committee and its Hearings Sub-Committee.

FINANCIAL IMPLICATIONS

16. There are no specific financial implications arising from this report.

EQUALITY IMPLICATIONS

17. There are no specific equalities implications associated with this report.

BACKGROUND PAPERS

DMBC Complaint handling and Hearings procedures
Complaints File (exempt).

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