

REPORT TO: STANDARDS COMMITTEE - 21ST MARCH, 2011
REPORT BY: JANE ELLIS, MONITORING OFFICER & EXECUTIVE
DIRECTOR (LEGAL & DEMOCRATIC SERVICES)
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BOROUGH OF HYNDBURN

HEARING SUB-COMMITTEE

WEDNESDAY, 26TH JANUARY, 2011

PRESENT:- Mr. Laurence Loft (Independent Chair)
Councillor Stan Horne
Councillor Colette McCormack

IN ATTENDANCE:- Ms. Jane Ellis (Monitoring Officer & Executive Director (Legal &
Democratic Services)
Miss Monica Bell (Senior Member Services Officer)

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

**3. HEARING SUB-COMMITTEE
REQUEST TO WITHDRAW AN ALLEGATION OF A BREACH OF HYNDBURN
BOROUGH COUNCIL'S CODE OF CONDUCT FOR MEMBERS**

3.1 The Executive Director (Legal & Democratic Services) reported that Mr. B. Calvert had requested that the determination of an allegation of a breach of Hyndburn Borough Council's Code of Conduct for Members which had been made against Councillor Wilson by his late wife (Mrs. M. Calvert) be discontinued. Mr. Calvert had no wish to follow up the complaint or attend a Hearing Sub-Committee at which a determination would be made. Advice received from Standards for England was that a Hearing Sub-Committee meeting should be held to determine whether or not the matter should proceed.

3.2 The Assessment Sub-Committee had determined that the allegation, if proven, could be a breach of the Code and had referred it to the Council's Monitoring Officer for investigation in accordance with Section 57A(2) of the Local Government Act 2000. The Legal Services Manager had been appointed by the Monitoring Officer to conduct the investigation and that Officer's report of the investigation carried out under Section 66 of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008 had previously been circulated to the Hearing Sub-Committee and Councillor Wilson.

3.3 The Hearing Sub-Committee considered the Investigation Report and the request from Mr. Calvert and were mindful that Councillor Wilson had indicated that she had no objection to the matter being discontinued.

Decision of the Hearing Sub-Committee:-

- Resolved**
- (1) That, in accordance with the request received from the late Complainant's widower (Mr. Calvert), the determination of an allegation of a breach of the Council's Code of Conduct for Members by Councillor Wilson be discontinued;**
 - (2) That it be noted that the reasons for agreement to Mr. Calvert's request were:-**
 - a) The complainant was now deceased**
 - b) The complainant's widower did not wish the matter to proceed**
 - c) As the case appeared to be one person's word against the other, any evidence given at a hearing would be one-sided thus making it virtually impossible to adjudicate**
 - d) Councillor Wilson had no objection to the determination of the allegation being discontinued**
 - (3) That the Hearing Sub-Committee's thanks to the Legal Services Manager for the detailed Investigation Report be recorded.**