

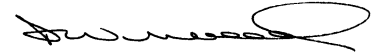
## Notice of Meeting

### STANDARDS SUB-COMMITTEE (HEARING)

Thursday, 16 September 2010 - 2:30 pm  
Meeting Room 1, Civic Centre, Dagenham

**Members:** Mrs F Fairweather (Chair), Councillor N S S Gill and Mr F Dignan

Date of publication: 8 September 2010



David Woods  
Acting Chief Executive

Contact Officer: Margaret Freeman  
Tel: 020 8227 2638  
Minicom: 020 8227 5755  
E-mail: [margaret.freeman@lbbd.gov.uk](mailto:margaret.freeman@lbbd.gov.uk)

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### AGENDA

1. **Apologies for Absence**
2. **Declaration of Members' Interests**

In accordance with the Council's Constitution, Members are asked to declare any personal or prejudicial interest they may have in any matter which is to be considered at this meeting.
3. **Minutes - To confirm as correct the minutes of the meeting held on 26 March 2010 (Pages 1 - 2)**
4. **Monitoring Officer's Report - MC6/09 (Page 3)**
5. **Any other public items which the Chair decides are urgent**
6. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

## **Private Business**

The public and press have a legal right to attend Council meetings such as the Executive, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Parts 1 to 3 of Schedule 12A of the Local Government Act 1972 as amended). Paragraph 7C – information presented to a Standards Committee or to a Sub-Committee of a Standards Committee set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England Regulations 2008) or referred under section 58(1)(c) of the Local Government Act 1972). **There are no such items at the time of preparing this agenda.**

- 7. Any other confidential or exempt items which the Chair decides are urgent**

## STANDARDS SUB-COMMITTEE (HEARING)

Friday, 26 March 2010  
(9:25 am - 5:30 pm)

**Present:** Mrs F Fairweather (Chair), Councillor N S S Gill, Mr F Dignan

### 28. **Hearing to consider an allegation of breach of the Members' Code of Conduct**

The Chair opened the meeting.

It was noted that the subject Member, Councillor Robert Bailey, was present and represented in a personal capacity by Mr Patrick Harrington.

The Chair reminded the meeting that the hearing was a public meeting and was not subject to the same procedures as a court of law.

Mr Harrington confirmed that he was agreeable to the proceedings being tape recorded.

### 29. **Apologies for Absence**

There were no apologies for absence and the Chair declared that the meeting was quorate.

### 30. **Declaration of Members' Interests**

There were no declarations of interest.

### 31. **Minutes - 14 January 2010**

**Agreed.**

### 32. **Monitoring Officer's Report - MC6(1&2)/09**

Received and noted the Monitoring Officer's report.

It was further noted that:

1. the bundle of evidence in support of the Investigating Officer's report has not been made available to the public due to the confidential nature of its contents;
2. three of the witnesses, Councillors Fairbrass and Rawlinson, and an officer, Masuma Ahmed, would not be attending. **Agreed** to note their non-attendance and this be taken into account when giving weight to their evidence.

Mr Winston Brown, Investigating Officer, presented his report which had been circulated with the papers for the hearing. Referring to the bundle of evidence, Mr

Brown advised that the bundle had been misnumbered as follows:

The bundle moves from page 219 to 230 - there were no missing pages.

A page between 293 and 294 was not numbered.

A page between 416 and 417 was not numbered.

There was no page 422 and no page 455.

Following questions of the Investigating Officer from Mr Harrington and members of the Sub-Committee, the following witnesses were called in turn:

Councillor McKenzie, Councillor Denyer, Councillor Mrs Rush, Councillor Barns and Pastor Aderounmu.

Each witness was questioned by the Investigating Officer, Mr Harrington and/ or members of the Sub-Committee.

Following completion of Pastor Aderounmu's evidence **it was agreed** to adjourn the hearing and reconvene at a date to be agreed between the parties and that the proceedings would commence at 9 am.

**STANDARDS SUB-COMMITTEE (Hearing)****16 SEPTEMBER 2010****REPORT OF THE MONITORING OFFICER**

<b>COMPLAINTS AGAINST FORMER COUNCILLOR ROBERT BAILEY REF: MC6/09</b>	<b>FOR DECISION</b>
<p><b>Summary</b> This case remains open and is mid-way through the hearing which commenced on 26 March 2010. Following that day it proved difficult to fix a new date due to the local elections on 6 May. Mr Bailey was not then re-elected as a councillor. In such cases Standards for England recommended that the hearing should, nevertheless, be completed even though the only sanction left open to the Standards Sub-Committee, if a breach of the Code of Conduct was found, would be censure.</p> <p>Further efforts were therefore made to continue with the hearing and it was arranged for 1 July. Unfortunately, as members of the Sub-Committee will recall, this had to be called off at short notice following a request by the complainant's representative (now a Mr Walker).</p> <p>As time has moved on, and given the circumstances that Mr Bailey is no longer a councillor, the public interest in the matter and effective use of public monies comes into question. It has therefore been proposed to Mr Bailey and his representative that the Monitoring Officer might consider recommending to the Sub-Committee that no further action be taken. This would mean that the hearing would be suspended indefinitely and the complaints would simply be filed away without any conclusion. The complainant's representative has responded that Mr Bailey accepts this proposal.</p> <p>A letter has also been sent from the Monitoring Officer to the four complainants notifying them of this intention.</p>	
<p><b>Recommendation</b> The Sub-Committee is asked to decide whether it is agreeable to the indefinite suspension of the case as suggested above, or whether it wishes to pursue the matter through to conclusion.</p>	
<p><b>Contact Officer:</b> Nina Clark</p>	<p style="text-align: center;">Monitoring Officer</p> <p><b>Tel:</b> 020 8227 2114 <b>Fax:</b> 020 8227 2252 <b>Email:</b> <a href="mailto:nina.clark@lbbd.gov.uk">nina.clark@lbbd.gov.uk</a> <b>Mincom:</b> 020 8227 2685</p>

**Consultees**

Yinka Owa – Deputy Monitoring Officer

**Background Papers used in the Preparation of the Report**

None

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