

Action By

The appeal was to be heard on 13 March 2008 and the Adjudication Panel had invited the Council to say whether it wished to make any written representations or to attend the appeal to make oral representations.

It was noted that the period of suspension would have ended by the date of the appeal hearing.

The Committee had regard to the fact that the Town Clerk had been present at the hearing and that Mr. McCarthy had not questioned her on the issue of advice given to him and he had made no reference to this advice in his submission given at the hearing, unlike his wife.

The point was made that Mr. McCarthy had clearly accepted that he had had a prejudicial interest in the matter concerned which was the subject of the complaint. It was reasonable to think that he would have raised the point about receiving advice from the Town Clerk at the hearing.

Regardless of the claim now made, Members considered they had rightly concluded at the hearing that there had been quite a blatant breach of the Code of Conduct and that the decision to suspend Mr. McCarthy accorded with the seriousness of the breach.

The Committee concurred that it should make written representations to the Adjudication Panel and accordingly

RESOLVED that the Standards Consultant make representations to the Adjudication Panel for England on the Committee's behalf to the effect that while noting the comments now made by Mr. McCarthy that he had acted on the advice given by the Town Clerk, these had not been made at the hearing and that the hearing had been carried out with due diligence on the evidence given at that time and the Committee's decision was based on a clear breach of the Code.

John Chinnery

3/08 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

The following Substitute Members were present:

- Mr. J.P. Labouchere
- Mr. M. Eveling
- Mr. B. Rayner

4/08 ORDERS AND REGULATIONS RELATING TO THE CONDUCT OF LOCAL AUTHORITY MEMBERS IN ENGLAND - CONSULTATION (AGENDA ITEM 7)

Consideration was given to the consultation paper from the Department for Communities and Local Government on the new standards committee powers as provided for under Part 10 of the Local Government and Public Involvement in Health Act 2007.

Responses to the consultation were required to be submitted by 15 February 2008.

RESOLVED that the Committee's response to the consultation be as set out in the appendix to these minutes and submitted to the Department for Communities and Local Government.

5/08 NEXT MEETING

Arrangements for the next meeting on 4 March 2008 were noted.

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The meeting closed at 4.05 pm

CHAIRMAN