

## **DONCASTER METROPOLITAN BOROUGH COUNCIL**

### **HEARINGS SUB-COMMITTEE**

#### **NOTICE OF FINDING IN RELATION TO AN INVESTIGATION OF ALLEGED BREACHES OF THE THORNE MOORENDS TOWN COUNCIL'S CODE OF CONDUCT**

The Hearings Sub-Committee of Doncaster Metropolitan Borough Council, at a meeting held on Tuesday, 14th June 2016 considered allegations made by Councillor Susan Durant and Mrs Sharon Foster against Councillor Michael Hennessey of Thorne Moorends Town Council. The Sub-Committee determined that there had been a failure by Councillor Hennessey to comply with the following Paragraphs of the Members' Code of Conduct adopted by Thorne Moorends Town Council:-

1. (He/she shall behave in such a way that a reasonable person would regard as respectful).
2. (He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory).
4. (He/she shall use the resources of the Council in accordance with its requirements).

It was alleged that:-

- (i) 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; and
- (ii) Councillor Hennessey had physically assaulted Councillor Susan Durant of Thorne Moorends Town Council prior to the commencement of a Town Council meeting in December 2015.

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 Councillor Michael Hennessey to comply with Paragraphs 1, 2 and 4 of the Code of Conduct adopted by Thorne Moorends Town Council in respect of the allegations detailed 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 Councillor Michael Hennessey are as follows:

- (1) That Councillor Hennessey be censured and reprimanded for his actions;
- (2) That the Sub-Committee's findings in respect of Councillor Hennessey's conduct be published on Doncaster Council's website;
- (3) That the Sub-Committee's findings be reported to the Thorne Moorends Town Council, for information;
- (4) To recommend to Councillor Hennessey's Group Leader that he be removed from any Committees or Sub-Committees of the Council on which he serves;
- (5) To recommend to the Thorne Moorends Town Council that Councillor Hennessey undertakes training at the expense of Thorne Moorends Town Council on the following subjects:
  - The Nolan Principles of Public Life;
  - The Member Code of Conduct;
  - Use of Social Media; and
  - The Role of the Local CouncillorThis training will involve, where appropriate, the Monitoring Officer, Doncaster Council's Independent Person and the Yorkshire Local Councils Association.
- (6) To recommend that Thorne Moorends Town Council removes Councillor Hennessey from all outside appointments to which he has been appointed or nominated by the Town Council;
- (7) To recommend that Thorne Moorends Town Council withdraws facilities provided to Councillor Hennessey by the Council, such as a computer, website and/or email and Internet access; and
- (8) To recommend Thorne Moorends Town Council that Councillor Hennessey be excluded from the Council's offices or other premises for a defined period of time (see below), with the exception of meeting rooms as necessary for attending meetings of the Authority of which he is a member.

The Sub-Committee resolved to recommend to Thorne Moorends Town Council that the sanctions outlined in paragraphs (4), (6), (7) and (8) above should be imposed for a minimum period of 12 months, but that these sanctions should remain in place beyond that time in the event that Councillor Hennessey has not completed the training identified in sanction (5) above.

## **Appeals**

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

If the Complainant or Member 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 John Healey and Alan Jones, 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 Jonathan Goodrum, Senior Governance Officer. (DMBC Complaint Reference PC7-15)

Signed:  \_\_\_\_\_

Councillor R A Jones, Chair of the Hearings Sub-Committee

Dated: 14th June, 2016