

Public Report  
Standards and Ethics Committee

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**Committee Name and Date of Committee Meeting**

Standards and Ethics Committee - 15 June 2023

**Report Title**

Outcome of Standards and Ethics Sub-Committee Hearing re Alleged Breach of the Code of Conduct – Maltby Town Councillor C McMahon

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Strategic Director Approving Submission of the Report**

N/A

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

This report sets out the outcome of a Standards and Ethics Sub Committee Hearing which took place on 4<sup>th</sup> April 2023 in relation to an alleged breach of the Code of Conduct by Maltby Town Cllr C McMahon.

**Recommendations**

It is recommended that the Committee:

1. Note the outcome of the Standards and Ethics Sub-Committee Hearing on 4<sup>th</sup> April 2023.

**List of Appendices Included**

Appendix 1 Decision Notice in respect of the Hearing on 4<sup>th</sup> April 2023  
Appendix 2 Minutes of the Sub-Committee Hearing on 4<sup>th</sup> April 2023

**Background Papers**

None

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

**Council Approval Required**

No

## **Exempt from the Press and Public**

Appendix 2 to this report will be considered in the absence of the press and public as being exempt under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relating to an individual – in particular complainants and witnesses at the sub-committee hearing).

## **Outcome of Standards and Ethics Sub-Committee Hearing re Alleged Breach of the Code of Conduct – Maltby Town Councillor C McMahon**

### **1. Background**

- 1.1 A Hearing of the Standards and Ethics Committee Sub-Committee took place on 4<sup>th</sup> April 2023. The Decision Record in respect of the Hearing is at Appendix 1.
- 1.2 Two similar complaints were considered at the Hearing to the effect that Councillor McMahon had been disrespectful to and bullied the Maltby Council clerk, at a meeting of the Town Council on the 12<sup>th</sup> May 2022. The details of the complaint, Councillor McMahon's response and the evidence heard by the Sub-Committee are set out in the minutes of the hearing which are at Appendix 2.
- 1.3 As set out in the Decision Record, the Sub-Committee found that Cllr McMahon's conduct did not amount to a breach of the Town Council's Code of Conduct. Specifically, the Sub-Committee found neither bullying nor disrespect proved on the balance of probabilities. However, the Sub-Committee found that the conduct of the Town Council was not such that upheld or promoted high standards of Conduct as required by Section 27(1) of the Localism Act 2011.
- 1.4 As such the Sub-Committee made the following Resolutions:
  - (1) The Sub-Committee directed the Monitoring Officer to provide advice to Maltby Town Council as to the future conduct of their meetings in presenting this decision to them.
  - (2) That training be provided to both Councillors and Officers at the Town Council to ensure that future meetings are conducted appropriately.
  - (3) That this decision be reported to Maltby Town Council.
- 1.5 Members are asked to note the Decision of the Sub-Committee.

### **2. Key Issues**

- 2.1 The key issues are set out above.

### **3. Options considered and recommended proposal**

- 3.1 The Sub-Committee considered the evidence and the options open to them having made a finding on the evidence presented.

### **4. Consultation on proposal**

- 4.1 As required by the Localism Act 2011, one of the Committee's Independent Persons was consulted by the Sub-Committee during the Hearing on 4<sup>th</sup> April 2023.

### **5. Timetable and Accountability for Implementing this Decision**

5.1 The Decision Record and outcome of the hearing has been presented to the Maltby Town Council by the Monitoring Officer at their meeting on the 1<sup>st</sup> June 2023.

## **6. Financial and Procurement Advice and Implications**

6.1 The officer time in dealing with this complaint is met within existing Legal Services resources.

## **7. Legal Advice and Implications**

7.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

## **8. Human Resources Advice and Implications**

8.1 None

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 None

## **10. Equalities and Human Rights Advice and Implications**

10.1 None

## **11. Implications for Partners**

11.1 None

## **12. Risks and Mitigation**

12.1. None

## **13. Accountable Officers**

Bal Nahal, Head of Legal Services

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