

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE  
HELD ON WEDNESDAY, 3 JULY 2019**

**COUNCILLORS**

**PRESENT** Ergin Erbil, Glynis Vince, Christine Hamilton and Elaine Hayward

**OFFICERS:** Jeremy Chambers (Director of Law and Governance) and Jayne Middleton-Albooye (Head of Legal Services) Penelope Williams (Secretary)

**Also Attending:**

**1**

**WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting. There were no apologies.

**2**

**SUBSTITUTIONS**

There were no substitutions.

**3**

**DECLARATION OF INTERESTS**

There were no declarations of interest.

**4**

**INDEPENDENT PERSON - EXTENSION OF TERM OF APPOINTMENT**

The Committee received a report from Jeremy Chambers (Monitoring Officer and Director of Law and Governance) on the extension of Christine Chamberlain's term of appointment as an Independent Person. (Report No: 55)

**NOTED**

1. Jeremy Chambers' advice to members that Christine Chamberlain had served the council well and that he felt that this was not a good time to make changes.
2. Christine Chamberlain had indicated that she was willing to continue in the role.
3. That the report had been included on the agenda for consideration at the 10 July 2019 Council meeting.

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**AGREED** unanimously to recommend to full Council that Christine Chamberlain's term of appointment, as Independent Person, be extended by two years to 30 June 2021.

### **5 ANNUAL REPORT 2018/19**

The Committee received a draft copy of the Councillor Conduct Committee Annual Report for 2018/19.

NOTED

1. That Jeremy Chambers advised members that the report was short and informative covering the committee's work over the preceding year, including details of the two appeal hearings.
2. That the report had been included on the agenda for consideration at the 10 July 2019 Council meeting.
3. The number of complaints considered would be included and circulated to members of the committee after the meeting.
4. It was likely that there would be further hearings in the current year.

**AGREED** to accept the report as the Annual Report of the Councillor Conduct Committee for 2018/19.

### **6 DISPENSATIONS**

NOTED

1. That no additional dispensations had been granted in 2018/19.
2. Members were advised that all councillors had a statutory dispensation allowing them to vote on setting of the Council Tax and Council housing rents.

### **7 UPDATE ON COMPLAINTS**

Members received a brief report of complaints currently under consideration.

NOTED

1. Only a brief outline had been provided, so as not to prejudice any outcome, if the committee were asked to hear the complaint or an appeal at a later date.
2. The first complaint concerning the alleged disclosure of confidential information had been discussed with Sarah Jewell as Independent Person and was being investigated.
3. The second complaint concerning social media postings had been discussed with Sarah Jewell as Independent Person and further action was being considered.
4. The third complaint concerning non-attendance at meetings had been investigated internally and no breach found.

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5. It was acknowledged that this complaint had taken a long time to be resolved. The aim was that all complaints should be resolved within 3 months, but these were often complicated issues and could take a long time to thoroughly investigate.
6. The fourth complaint concerned failure to treat with respect and bullying. An external investigation had been carried out, a breach of the code of conduct found, and an appeal lodged. An appeal hearing of the committee was to be arranged.
7. Complaints 5 and 8 concerned failure to treat with respect and bullying. Further detail was awaited on the fifth complaint and the eighth complaint had been considered by Sarah Jewell and would be investigated.
8. The sixth complaint concerned failure to treat with respect and bullying and equalities duties. The complaint had been investigated, partially upheld and the councillor been asked to apologise to full Council. It had taken a long time due to failure of the councillor to fully engage with the process.
9. The seventh complaint concerning a failure of openness, honesty, respect and the duty to uphold the law was being investigated.
10. The ninth complaint concerning media comments had been closed following an initial determination.
11. The tenth complaint concerning failure to uphold the law by interfering in the scrutiny process had been investigated and partially upheld. An apology was to be sent to the complainant. The matter is now closed, as no appeal had been received.
12. The eleventh complaint concerned an alleged inappropriate intervention in a planning matter. An investigation was being carried out and would be speeded up.
13. The twelfth complaint concerning various matters including failure to treat with respect had been investigated, no breach found, no appeal received and so the matter had been closed.
14. The thirteenth complaint concerning alleged failure to treat with respect, bullying, intimidation, compromises to impartiality, conferring disadvantage and disrespect was being investigated externally.
15. The fourteenth complaint concerning comments on facebook had been closed following initial determination.
16. The fifteenth complaint concerning failure to treat with respect, discourteous behaviour and bullying had been closed following initial determination.
17. Concern from Councillor Hamilton that as several of the complaints concerned internal political matters she felt that they should have been dealt with within the political group and not have been brought to the Councillor Conduct Committee.
18. The advice that although political groups had their own rules and procedures, if the Monitoring Officer received a complaint about a councillor, he had a duty to follow the complaint process.
19. Some of the complaints had been discussed in public by members but the Council had not and would not make public comments on these issues.

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20. When considering breaches of the code of conduct, consideration had to be given as to whether the councillor, when the incident took place, had been acting in their capacity as a councillor.
21. The process for considering complaints involved initial determination, consultation with the independent person, if judged serious, an investigation would be undertaken and a decision made on whether or not a breach of the councillor code of conduct had occurred.
22. Sarah Jewell made clear that she was not related to Councillor Rick Jewell.
23. Officers aimed to carry out as many investigations as possible in house. Only serious complaints were investigated externally. Hiring external investigators involved extra costs, but the Council had to provide the necessary resources to ensure complaints were investigated appropriately.
24. Councillor Christine Hamilton suggested that a process should be developed whereby complaints were considered informally by the political groups before being referred to the Councillor Conduct Committee.

**AGREED** to note the information provided on complaints currently under consideration.

## 8

### **WORK PROGRAMME 2019/20**

The Committee received a draft copy of the work programme for 2019/20.

### NOTED

1. Jeremy Chambers advised that he wanted to add two items to the work programme for the October meeting: a detailed training programme and a briefing on a recent report from the Committee in Standards in Public Life on local council standard's regimes.
2. The new proposals from the Committee in Standards in Public Life report included assuming that a councillor was acting in his official capacity unless he could prove otherwise and bringing in a sanction, which had existed under the pre 2012 Standard's regime, that a councillor could be suspended for 6 months for breaches of the code of conduct.
3. Reserve members would be invited to any training.
4. A social media training session had been held for all councillors on the preceding Monday. This had been poorly attended and it was felt had not included enough information on how members should conduct themselves on social media.
5. It was suggested that a short video on social media conduct should be produced which could be included on the Members Portal. Jayne Middleton-Albooye and Jeremy Chambers also agreed to provide a session for members of each group at future group meetings.

**9**

**MINUTES OF THE MEETING HELD ON 11 DECEMBER 2018**

The minutes of the meeting held on 11 December 2019 were approved subject to the amendment to the following sentence: Councillor Erbil clarified that he was not related to any of the four councillors in the second appeal case “as Councillor Vince had indicated that Councillor Erbil had no need to declare an interest. This was purely for clarity to prevent any possible future misunderstanding”. (Minute 888 Declarations of Interest).

**10**

**DATES OF FUTURE MEETINGS**

**AGREED** to note the dates agreed for future meetings:

- Wednesday 4 December 2019
- Tuesday 3 March 2020

The October meeting date would be re-arranged.