

COUNCILLOR CONDUCT COMMITTEE - 3.2.2014

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON MONDAY, 3 FEBRUARY 2014**

COUNCILLORS

PRESENT Yasemin Brett (Chair), Tom Waterhouse, Tahsin Ibrahim, Michael Rye OBE

OFFICERS: John Austin (Assistant Director - Corporate Governance) and Jayne Middleton-Albooye (Principal Lawyer) Penelope Williams (Secretary)

Also Attending: Olwen Dutton (Bevan Brittan) and Christine Chamberlain (Independent Member)

731

WELCOME AND APOLOGIES

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

732

DECLARATION OF INTERESTS

Councillor Waterhouse declared a non-pecuniary interest in Item 5 on the Part 1 Agenda and Item 2 on the part 2 Agenda concerning the Complaint against a Councillor due to the fact that he had as Conservative Group Whip already been involved in an investigation into the complaint.

He left when the item was discussed as he felt it would be more appropriate to withdraw from the meeting.

733

SUBSTITUTE MEMBERS

NOTED that

1. The proposal for the use of substitute members to the Committee was approved at Council on 29 January 2014.
2. Councillors Levy and Cranfield had been nominated as Labour Group substitutes. The Conservative Group had agreed to nominate substitutes after the Local Government Elections in May 2014.
3. All substitutes would need to be trained before taking up their positions.

734

HEARINGS PROCEDURE FOR COMPLAINTS AGAINST COUNCILLORS

COUNCILLOR CONDUCT COMMITTEE - 3.2.2014

The Committee received the revised procedure for hearing complaints against councillors and co-opted members and for appeals against Monitoring Officer decisions on complaints.

NOTED that the procedure had been discussed at the last meeting and had since been amended to take account of comments from both the Labour and Conservative Groups.

AGREED that the Councillor Conduct Committee adopt the procedure for hearing complaints against members and co-opted members and for appeals against Monitoring Officer decisions on complaints.

735

CHANGE IN THE ORDER OF THE AGENDA

The Committee agreed to change the order of items on the agenda so that Item 2 - Complaint Hearing - on the part 2 agenda could be considered before Item 1 – Complaint against a Councillor. The order of the items in the minutes, follow the order of the agenda.

736

COMPLAINT AGAINST A COUNCILLOR

The Committee received the report of the Monitoring Officer (Report No: 193) on a complaint against a councillor asking the Committee to consider what if any further action they wish to take following the information provided in the report.

Jayne Middleton Albooye, Legal Advisor to the Committee, presented the report and said that the Committee was being asked to consider whether the complaint warranted further action.

Further discussion on this matter took part in the private part of the meeting as it involved exempt information. (Min.741 refers)

737

COMPLAINT HEARING

The Committee received the report of the Monitoring Officer (Report No: 195) presenting the outcome of the investigation into a complaint against a councillor.

Jayne Middleton Albooye presented the report to members and referred to the list of possible sanctions set out in appendix A to the report. She also introduced Olwen Dutton from Bevan Brittan who had carried out the investigation into the complaint.

Further discussion on this matter took part in the private part of the meeting as it involved exempt information. (Min.742 refers).

COUNCILLOR CONDUCT COMMITTEE - 3.2.2014

738

MINUTES OF MEETING HELD ON 3 DECEMBER 2013

AGREED that the minutes of the meeting held on 3 December 2013 were a correct record.

739

DATES OF FUTURE MEETINGS

The Committee noted the dates agreed for future meetings:

- Tuesday 25 March 2014

740

EXCLUSION OF PRESS AND PUBLIC

AGREED to pass a resolution under Section 100A (4) of the Local Government Act 1972 to exclude the press and public from the meeting for the items of business listed on part 2 of the agenda on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 (information relating to an individual) and Paragraph 2 (information likely to reveal the identity of an individual) of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

741

COMPLAINT AGAINST A COUNCILLOR

Councillor Waterhouse left the meeting when this item was considered.

The Committee received a report (Report No: 193) on a complaint against a councillor prepared by the Monitoring Officer including the representations received from the Councillor and the complainant.

NOTED

1. Jayne Middleton-Albooye presented the report to the Committee.
2. Members discussed the information that had been circulated with the report.
3. The Criminal Prosecution Service had found that there was no criminal case to answer.

AGREED that

- (1) The complaint would be subject to further investigation.
- (2) The investigation should be completed as quickly as possible.

COUNCILLOR CONDUCT COMMITTEE - 3.2.2014

- (3) Given the comments made with the representations submitted to the Committee, advice on information technology would be sought as part of the investigation.

742

COMPLAINT HEARING

The Committee received the report of the Monitoring Officer presenting the outcome of an investigation into a complaint against a councillor relating to an alleged data protection issue. This included the investigation report and representations from both the complainant and the councillor complained against.

NOTED

1. The hearing was conducted in accordance with the hearings procedure adopted by the Committee.
2. The presentation of the Monitoring Officer's report by John Austin (Monitoring Officer)
3. The findings within the independent investigation undertaken by Olwen Dutton (Bevan Brittan) on behalf of the Monitoring Officer into the complaint. This was presented by Olwen Dutton.
4. The questions put forward by members and the responses from Olwen Dutton.
5. The comments of the Independent Person on the findings arising from the Independent Investigation.

John Austin, Olwen Dutton and Christine Chamberlain left the meeting at this point.

Members considered all the available information, including the representations from the complainant and the councillor.

AGREED based on the outcomes of the investigation and the comments made at the meeting:

- (1) That the Councillor's actions on the day in question, 2 October 2012, fell within his role as a councillor.
- (2) That the Councillor was in breach of paragraphs 12 and 20 of the Council's Member Code of Conduct.

The decision was made on the following basis:

- a. *Paragraph 12 (4) "you must not disclose information given to you in*

COUNCILLOR CONDUCT COMMITTEE - 3.2.2014

confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware is of a confidential nature”.

The Committee agreed with the conclusions in the investigation report that the Councillor had deliberately disclosed information of a very personal nature, which had come into his possession by means of his position as an elected member, to the media.

- b. *Paragraph 20 “members shall co-operate, at all stages, with any investigation into conduct by the authority or those persons acting on his behalf. Failure to do so is likely to be a breach of the code”*

The Committee agreed that the Councillor’s lack of co-operation with the investigation meant that he had also breached this part of the code.

- (3)** That the Councillor had not breached the code of conduct in relation to paragraph 11. *“you shall at all times conduct yourself in a manner which will maintain and strengthen the public’s trust and confidence in the integrity of the Authority and never undertake any action which will bring the Authority, you or other members or officers generally into disrepute”.*
- (4)** In terms of sanctions arising from the breaches of the code, that the findings of the outcome of the hearing would be released to the local media. Details would be sent to the media on Monday 10 February 2014.

In reaching this decision, members noted that the Councillor had in his final written representation to the Committee, apologised unreservedly, to the officer involved, for any stress that might have been caused.