

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON TUESDAY, 20 JANUARY 2015**

COUNCILLORS

PRESENT Claire Stewart, Yasemin Brett, Elaine Hayward and Joanne Laban

OFFICERS: John Austin (Assistant Director - Governance Projects) and Asmat Hussain (Assistant Director Legal and Governance)
Penelope Williams (Secretary)

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WELCOME AND APOLOGIES

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

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SUBSTITUTE MEMBERS

There were no substitute members.

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DECLARATION OF INTERESTS

There were no declarations of interest.

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COMPLAINT AGAINST A COUNCILLOR

This item was considered in the part 2 section of the meeting. Minute 358 refers.

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MINUTES OF MEETING HELD ON 3 DECEMBER 2014

The minutes of the meeting held on 3 December 2014 were agreed as a correct record with the following amendment.

Minute 268

A change was agreed to the second paragraph so that the final sentence of the paragraph read as below:

Councillor Brett suggested that the Council Communications Team should write an article for publication in the local press explaining the councillor's role, to give the public a better understanding of "what goes on at the Councillor

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Conduct Committee” rather than “what they could expect from their ward councillors”.

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DATES OF FUTURE MEETINGS

Members noted the date agreed for the next meeting of the Councillor Conduct Committee:

- Tuesday 24 March 2015 at 6.30pm.

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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).

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COMPLAINT AGAINST A COUNCILLOR

1. Complaint against a councillor

The Committee received a part 2 report from Asmat Hussain, Monitoring Officer, regarding a complaint against a councillor in relation to comments made at a Council meeting in January 2014.

1.1 Asmat Hussain presented the report to members:

She highlighted the following:

- The committee had initially considered this complaint at their meeting on 16 September 2014. At this meeting the two party whips had agreed to talk to the councillors, and the complainant involved, and to find out if the issue could be resolved informally.
- The whips reported back to the 3 December 2014 meeting that this had not been possible.
- It was therefore agreed that the committee would seek the view of Christine Chamberlain, Independent Person, before deciding the matter. This extra meeting had been arranged for this purpose.

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- Members were asked to take account of the following key principles for dealing with complaints as set out in the Council's Councillor Complaint's Procedure:

2.4 Be speedy and fair to all parties"

2.7 Be proportionate and comply with the principles of natural justice.

- Finally they were asked to decide whether or not the complaint warranted further action. The only option for further action remaining was to refer the complaint to the monitoring officer for full investigation: the other options had been exhausted.

1.2 The Independent Person's presented her view as follows:

- All informal measures of resolution had been tried and failed.
- A considerable length of time had passed since the complaint was first made.
- Article 10 of the European Convention on Human Rights, relating to freedom of expression applied.
- She felt that the complaint was based upon political comments made in a political context.
- She therefore advised that in her view no breach of the code had occurred and no further action was necessary.

The committee considered and discussed the information and advice in the reports provided by Asmat Hussain and John Austin and the advice of the Independent Member given above.

AGREED that no further action should take place in this matter.

Two members abstained on the decision.

There was no right of appeal to the committee decision, but if the complainant felt that the Council had failed to deal with the matter properly, they could take a case to the Local Government Ombudsman.

It was also recommended that in future members should be reminded, wherever possible, about appropriate behaviour in the council chamber and that the whips should encourage members to reconcile similar issues, informally, immediately after council meetings.

2. Update on other complaints under review

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Asmat Hussain advised the committee that she had three other complaints under consideration and would provide a preliminary report on these to the 24 March 2015 meeting.