

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON TUESDAY, 3 MARCH 2020**

COUNCILLORS

PRESENT Glynis Vince, Christine Hamilton, Elaine Hayward, Christine Chamberlain (Independent Person), Sarah Jewell (Independent Person) and Claire Stewart

ABSENT Ergin Erbil

OFFICERS: Jeremy Chambers (Director of Law and Governance), Dina Boodhun (Senior Solicitor / Investigating Officer) and Elizabeth Paraskeva (Principal Lawyer acting as Legal Representative to the Committee) Penelope Williams (Secretary)

Also Attending: No members of the public

1

WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. Apologies for absence were received from Councillor Ergin Erbil.

2

SUBSTITUTIONS

Councillor Claire Stewart substituted for Councillor Ergin Erbil who had been unable to attend the meeting due to illness.

3

DECLARATION OF INTERESTS

There were no declaration of interests.

4

APPEAL HEARING

The Committee received the report of the Monitoring Officer (Report No: 124) with details of the appeal against a monitoring officer decision on a Councillor Code of Conduct complaint against Councillor Terry Neville.

1. Introduction by the Monitoring Officer

1.1 Jeremy Chambers, Monitoring Officer highlighted the following:

1.1.1 A complaint had been made on the 25 January 2019 concerning Councillor Neville's handling of a planning application matter, alleging

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that Councillor Neville had broken the Councillor Code of Conduct. Several allegations were made but this committee was only concerned about those relating to the Councillor Code of Conduct.

- 1.1.2 The Monitoring Officer had consulted Sarah Jewell, as Independent Person on the 31 January 2019 and she had agreed with him that the case did warrant investigation.
- 1.1.3 On 7 February 2019 the Jeremy Chambers, Monitoring Officer had appointed Dina Boodhun, Senior Solicitor, to carry out an investigation.
- 1.1.4 The complainant alleged that Councillor Neville had breached nine areas of the Members Code of Conduct, as follows: -
 - a. Paragraph 8.1 (Selflessness)
 - b. Paragraph 8.3 (Objectivity)
 - c. Paragraph 8.5 (Openness),
 - d. Paragraph 8.6 (Honesty)
 - e. Paragraph 8.8 (Respect)
 - f. Paragraph 8.10 (Stewardship)
 - g. Rule 11 (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 would bring the Authority, you or members or officers generally into disrepute),
 - h. Rule 12.1 (treat others with respect and courtesy), and
 - i. Rule 12.3 (not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage).

1.2 The Investigating Officer's Report

Dina Boodhun, the investigating officer, presented her report, highlighting the following:

- 1.2.1 She had considered the letter of complaint including the 40 emails referenced in the investigation and had interviewed both parties Josie Nicolou and Councillor Terry Neville.
- 1.2.2 She had drafted her report in July 2019 and sent the completed report to the Monitoring Officer and Sarah Jewell, Independent Person, for their consideration. She had found no evidence that Councillor Neville had been in breach of the Councillor Code of Conduct. Jeremy Chambers and had agreed with the findings and the Monitoring Officer had sent a letter with this determination to the complainant on 26 July 2019.
- 1.2.3 On the 28 July 2019 an appeal had been received. Since then the appeal hearing had been delayed twice; once as Councillor Neville had

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been on holiday and a second time because of the General Election purdah restrictions.

1.2.4 The complainant raised a number of issues around the delay in processing and determining a planning application but had provided little evidence in support of her complaint. One of her concerns was that Councillor Neville had been copied in to a long email correspondence but had not responded. When interviewed Councillor Neville had said that he had seen no need to reply to an email which he had only been copied in to. He had not been emailed directly. The complainant was in touch with the relevant planning officer and he had not seen a need to intervene. If he had responded, he had felt that it may have resulted in a conflict of interest.

1.3 Questions/Comments from Councillors:

1.3.1 Members discussed the email correspondence and asked questions about the behaviour of Councillor Neville. They agreed that he had been very cautious in not responding.

1.3.2 Members felt that Councillor Neville could perhaps have communicated more effectively in respect of the e-mails he was copied into and could have suggested that the complainant approach one of the other ward councillors as regards the planning matter.

1.4 View of Independent Person

Sarah Jewell, Independent Person had studied the investigation report and had had felt that there was no evidence to suggest that a breach of the Councillor Code of Conduct had occurred.

At this point in the proceedings Jeremy Chambers, Dina Boodhun and Sarah Jewell left the meeting.

1.5 Consideration of Evidence by the Committee

1.5.1 The Committee reached their decision on a balance of probabilities. The Committee took into consideration the views of members and the independent persons, the appeal representations and supporting documents, the report, and written and oral evidence of the Monitoring Officer and Investigating Officer, and the legal advice to the committee.

1.5.2 Members after a vote with the following result agreed with the conclusions in the investigator's report that there was no evidence that there had been a breach of the councillor code of conduct:

For: 3

Against: 0

Abstentions: 1

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AGREED: to uphold the Monitoring Officer decision based on the investigation report that Councillor Neville had not been in breach of the Councillor Code of Conduct.

1.5.3 But they also felt that Councillor Neville could have communicated with the complainant more effectively, that he could have responded to the trail of emails and could have suggested that the complainant approach one of the other ward councillors for representation in the planning matter.

At this point in the meeting Jeremy Chambers, Dina Boodhun, Sarah Jewell, returned to the meeting room.

5 UPDATE ON CURRENT COMPLAINTS

The Committee received a list detailing the five complaints currently under consideration.

NOTED

1. Few details had been provided in case a complaint had to be considered at a later date by the committee.
2. For the next meeting the information on complaints would be provided with the agenda,
3. The aim was to determine complaints within 3 months, but this was not always possible.
4. Wherever possible complaints were investigated internally but a complaint involving the leader or leader of the opposition would be investigated externally.

6 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 4 September 2019 were agreed as a correct record.

7 DATES OF FUTURE MEETINGS

The date of the next scheduled meeting will be agreed at Annual Council on 13 May 2020.