

Standards (Hearing) Sub-Committee

Minutes of the meeting held on Thursday, 20 February 2020

Present:

G Linnell – Co-opted Independent Member (Chair)
Councillors Andrews, Evans and Kilpatrick

SHS/20/1 Appointment of Chair

Decision

To appoint Mr G Linnell as the Chair of the Subcommittee for this hearing.

SHS/20/2 Exclusion of the Public

Decision

To exclude the public during consideration of the following item which involved consideration of exempt information relating to any individual, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

SHS/20/3 The Hearing of Complaints Concerning an Alleged Breach of the Code of Conduct for Members

(Public excluded)

A number of complaints had been made that the conduct of a member of the Council constituted a breach of the Council's Code of Conduct for Members. The Subcommittee conducted a hearing into the complaints in accordance with the Council's procedure for hearing of allegations of misconduct.

(a) The finding on the facts

The Monitoring Officer had appointed an independent Investigating Officer to examine the complaints. The Subcommittee considered the Investigating Officer's report. The report included statements from the complainants and from the Member. The Subcommittee also watched a video of the incident that had resulted in the complaints being made. None of the complainants had personally witnessed the incident, all had become aware of it when the video was published on a website.

The Subcommittee heard from the Member, and two other councillors who accompanied the Member as his representatives, including information that the exchange between the member and Councillor Leech was longer than evidenced by the video which was accepted by the Panel. The Member was given the opportunity to put questions to the Investigating Officer.

The Subcommittee noted the time that had elapsed between the incident and this Hearing taking place. In noting that, they were satisfied that the proper investigatory procedure had been followed in relation to these complaints.

Decision

That the facts were not disputed and were accepted by the Subcommittee as the determined facts of the matter being considered.

(c) Question as to whether the Code of Conduct had been breached

Having considered the report of the Investigating Officer and the written and oral statements of the Member the Subcommittee examined the Code of Conduct to consider whether the conduct of the Member breached that Code. The Investigating Officer's report addressed three sections of the Code of Conduct and the Subcommittee considered and reached a decision on each in turn.

Decisions

1. The Subcommittee did not feel there was sufficient evidence that the conduct of the Member amounted to harassment, bullying or abusive behaviour by the member against another Councillor. Therefore, there was no breach of the Code of Conduct section 3.1(b): "bully or be abusive to any person".
2. The Subcommittee agreed that in having 14 of the letters of the sign displayed in the Council Chamber produced by the Member Services staff the Member did misuse the resources of the Council in breach of Section 6(b) of the Code and in doing so failed to demonstrate having regards to the use of the Local Authority code of publicity in breach of section 6(c) of the Code of Conduct.

"Section 6(b) You must, when using or authorising the use by others of the resources of your authority:

- (i) act in accordance with the Council's reasonable requirements; and
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes);

Section 6 (c) You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986."

3. The subcommittee did not on balance consider that the behaviour of the Member could reasonably be regarded as bringing the Member's office or the Council into disrepute. Therefore, there was no breach of the Code of Conduct under section 5: "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute."

(d) Decision whether a sanction should be applied

On the issue of whether a sanction was required, and if so of what nature, the Subcommittee considered the advice of the Investigating Officer as given in the written report and orally during the earlier part of the hearing. It also considered the

matters raised by the Member in mitigation. The Subcommittee examined each of the sanctions that were available to it under the Council's Standards procedures.

Decisions

1. That a sanction be applied.
2. That the appropriate sanction to apply was that the findings of the Subcommittee be reported to Council.
3. On the procedural lessons to be learned from these complaints, and the time it has taken for them to come before a subcommittee, to recommend to the Standards Committee that it review the processes and procedures regarding complaints against members.