

**Members' Code of Conduct Committee**  
**Minutes of the Assessment Panel Hearing**

**4 June 2013**

**Present:**

**Councillors:**

Mrs C.A. Bannister

A.E. Friday

A.J. Mitchell

**Independent Member:**

Mr Murray Litvak (Chairman)

**152/13 Disclosures of Interest**

There were none.

**153/13 Exclusion of Press and Public**

The Panel considered whether the press and public should be excluded from the meeting during consideration of the following matter on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act.

The Panel in making its decision had regard to all circumstances and was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

**RESOLVED** that in the interest of having a frank and open discussion about the matter, the press and public are excluded from the meeting.

**154/13 Complaint Assessment against Councillor H**

The Panel considered the report of the Monitoring Officer setting out an allegation by way of a complaint received from a member of the public about an inappropriate remark made by Councillor H at a Police Crime Commissioner's public meeting held on 22 May 2012 in Stanwell.

The Monitoring Officer detailed the history of personal disagreements between the complainant and Councillor H by way of background to the current complaint.

The Panel considered the complainant's request that a previous incident in January 2012, which had been dismissed with no further action by a previous Assessment Sub-Committee, be re-examined. The Panel agreed that the previous incident had been dealt with and

**RESOLVED** that no further review of the incident which occurred between the parties in January 2012 was necessary or appropriate.

The Panel went on to consider the current complaint having regard to the Assessment Criteria. It identified that there appeared to be a breach of the Members' Code of Conduct under paragraphs 7,

*"You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example."*

and 9,

*"You must treat others with respect. This means treating people fairly and equitably and with courtesy, compassion and sensitivity. You should treat other people equally as you yourself would expect to be treated. You must never use behaviour which a reasonable person would consider as offensive, overbearing, intimidating, malicious, insulting or humiliating."*

The Panel then went on to consider the options open to it:

- (a) the Panel is able to ask the Monitoring Officer to direct that the complaint is investigated;
- (b) to direct the Monitoring Officer to take other appropriate action short of a formal investigation, for instance trying to secure an apology;
- (c) alternatively the Panel can decide to take no action in respect of the complaint; this may be where the complaint appears to be trivial, vexatious, malicious, politically motivated or tit-for-tat.

In considering the matter the Panel noted that the Councillor concerned had apologised to the Police Crime Commissioner's Office the following day but not the complainant.

The Panel also had regard to advice from the Independent Person, that "the councillor's behaviour was ill-advised, probably meriting a gentle slap on the wrist but that on balance he was inclined to advise that the matter be taken forward openly."

The Panel considered option (c), to take no action, but decided this was not appropriate bearing in mind the incident had occurred in a public forum. It agreed that further action was necessary.

In considering option (a), to direct that the complaint is investigated, the Panel was satisfied that the facts of the matter were sufficiently clear that they did not warrant a full investigation.

The Panel considered option (b), to direct the Monitoring Officer to take other appropriate action, and agreed that in view of the circumstances surrounding the breach, the matter should be resolved informally. The Panel agreed on the following appropriate action:

1. That the Monitoring Officer should try to secure an apology from Councillor H to the complainant.
2. If an apology was not forthcoming, then the matter should be referred for a full investigation.

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3. If an apology was forthcoming, then the Monitoring Officer would further arrange that Councillor H receive words of advice as to her future conduct in public meetings.
4. The complainant to be advised of the action taken.

**RESOLVED** that the Panel directs the Monitoring Officer to try to secure an apology from Councillor H to the complainant by way of an informal resolution and:

1. If an apology is not forthcoming, to refer the matter for a full investigation.

or

2. If an apology is forthcoming, that Councillor H receive words of advice as to her future conduct in public meetings.

and

3. The complainant be advised of the action taken.