

Minutes of the Members' Code of Conduct Committee

Assessment Panel Hearing

24 September 2013

Present:

Councillors:

P.A. Broom

R. Dunn

A.E. Friday

Independent Members:

Mr Murray Litvak (Chairman)

259/13 Disclosures of Interest

No disclosures were made.

260/13 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 is 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 the 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.

261/13 Complaint Assessment against Councillor J

The Panel considered the report of the Deputy Monitoring Officer concerning a complaint from Councillor I about the conduct of the Chairman of the Planning Committee, Councillor J, at the meeting held on 31 July 2013.

She complained that at this meeting and on other occasions, the Chairman had ignored her when selecting a member to second motions or speak on items, choosing other members of the Committee first. She believed Councillor J's behaviour was likely to have breached Paragraphs 7, 9 and 10 of the Members' Code of Conduct.

The Planning Committee meeting of 31 July 2013 was recorded and therefore the Panel listened to the recording of the exchange between Councillors I and J.

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The Panel considered the current complaint having regard to the Assessment Criteria. It considered whether there had been a breach of the Members' Code of Conduct under paragraphs 7, 9 and 10, which state:

Paragraph 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”

Paragraph 9 – “You must treat others with respect. This means treating people fairly 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”.

Paragraph 10 - “You must discharge your duties and conduct yourself in such a way that assists the Council to comply with its duties under the Equality Act 2010”

The Panel concluded unanimously that although it understood Councillor I's frustration with the incident, there did not appear to be a breach of the Members' Code of Conduct under any of the three Paragraphs considered.

In considering the matter the Panel were grateful to have listened to the recording of the meeting which illustrated that there had been some confusion about the motion being proposed and that the Chairman appeared to be trying to move the process along in a difficult situation.

It also took into account the comments of officers who were present at the meeting on 31 July, and who stated that they saw three hands went up together and there did not appear to be any malice intended by the Chairman's selection of another member over Councillor I.

The Panel acknowledged that during the normal 'rough and tumble' of council meetings, it can be difficult for a Chairman to spot all the hands being raised particularly with members arranged around the horseshoe. This can be frustrating for those wishing to contribute to the debate but it does not indicate a deliberate intent to side-line a particular member.

The Panel found that there was no evidence of a pattern of similar behaviour by Councillor J as no other specific occasions were raised by Councillor I. It therefore only considered the incident on 31 July 2013.

The Panel also had regard to advice from the Independent Person, that it would not be appropriate to take this to more formal proceedings for the reasons stated in paragraph 3.14 of the report.

Having found that a breach of the Members' Code of Conduct had not occurred, the Panel

RESOLVED to take no further action against Councillor J.