

Minutes of Members' Code of Conduct Committee Panel

12 October 2016

Present:

Mr Murray Litvak
Councillor S.C. Mooney
Councillor R.W. Sider BEM
Councillor B.B. Spoor

Councillors in attendance: Councillor S. Burkmar

225/16 Disclosures of Interest

There were none.

226/16 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.

227/16 Exempt Determination of Complaint against Councillor Burkmar

The Chairman opened the meeting by re-introducing the members of the Panel and officers present and explained the nature of the decision to be taken.

The Chairman reminded all concerned of the process undertaken so far in that, on 15 July 2016, the Panel considered the report of the Monitoring

Officer concerning a complaint from a member of the public on the conduct of Councillor Burkmar in relation to a telephone conversation on 25 April 2016.

The Panel noted the Independent Person's view that the case appeared to involve a breach of the Members' Code of Conduct and should be investigated further.

The Panel concluded that there was sufficient evidence to indicate a breach of paragraphs 7 and 9 of the Members' Code of Conduct outlined herewith:

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."

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 decided as follows:

1. That Councillor Burkmar was disrespectful to his constituent during their telephone conversation contrary to paragraphs 7 and 9 of the Code of Conduct.
2. That Councillor Burkmar was discourteous and disrespectful to his email correspondents contrary to paragraphs 7 and 9 of the Code of Conduct.

RESOLVED that the Panel, having considered all the evidence, concluded the following sanctions were appropriate:

- a. For breach no. 1 above, Councillor Burkmar is required to send a private, written apology to the constituent and copy in the Monitoring Officer, Michael Graham, within 7 days of the Hearing.
- b. For breach no. 2 above, Councillor Burkmar is required to attend ICT training in order to get the best use out of the equipment he has purchased as soon as possible, and to advise the Monitoring Officer when this training is complete.
- c. Also for breach no. 2, the Panel censured Councillor Burkmar and agreed to issue a Press release on this matter.