

Minutes of Members' Code of Conduct Committee Panel

3 April 2019

Present:

Mr Murray Litvak (Chairman)
Councillor V.J. Leighton
Councillor D. Saliagopoulos
Councillor R.W. Sider BEM

107/19 Disclosures of Interest

There were none.

108/19 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.

109/19 Exempt Complaint Assessment Report against Councillor B

The Panel considered the report of the Monitoring Officer setting out an allegation by way of a complaint received from a councillor about the conduct of Councillor B.

The Monitoring Officer detailed the circumstances which had led to this complaint, by way of background.

The Panel went on to consider the complaint having regard to the Assessment Criteria. It identified that there appeared to be a breach of the Planning Code which is incorporated into the Code of Conduct.

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.

The Panel also had regard to advice from the Independent Person, that given the seriousness of the complaint and the importance of the integrity of the Council's democratic processes, it would be unwise not to take this complaint to the next stage of requiring a proper formal investigation.

The Panel considered option (c), to take no action, but decided this was not appropriate bearing in mind the matter was not a 'tit-for-tat' argument but concerned fundamental issues of propriety and process and in view of the balance of public interest in this case. It agreed that further action was necessary.

The Panel considered option (b), to direct the Monitoring Officer to take other appropriate action but agreed that in view of the public interest arguments for investigating this matter, an informal resolution should not be considered.

In considering option (a), to direct that the complaint is investigated, the Panel considered that the matter is sufficiently serious and if the alleged behaviour is true poses a risk to the Council's reputation and consequently warrants further investigation.

Resolved:

1. to direct the Monitoring Officer to arrange an investigation of the complaint; and
2. to reconvene a further Assessment Sub-Committee to consider the investigator's preliminary findings.