

START A REPORT CHECKLIST BEFORE WRITING YOUR REPORT

Council



13 July 2023

Title	Motion of Censure
Purpose of the report	To make a decision
Report Author	Karen Limmer, Deputy Monitoring Officer
Ward(s) Affected	All Wards
Exempt	Report – No Appendix A – Yes
Exemption Reason	Appendix includes information relating to an individual.
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision.
Recommendations	Council is recommended to: Censure Councillor Lawrence Nichols for his conduct in respect of the matters detailed by the Investigator Officer in his report to the Standards Sub-Committee meeting of 25 April 2023 relating to a breach of the Council's Code of Conduct.
Reason for Recommendation	The Standards Committee has considered a complaint made against Councillor Lawrence Nichols and recommended that Council censures him having found that there had been a breach of the Code of Conduct.

1. Summary of the report

1.1 This report seeks to consider the recommendation made by the Hearings Panel of the Standards Sub-Committee at its meeting of 25 April 2023, following consideration of the Investigator's Report.

2. Key issues

2.1 This explains the main criteria upon which the decision is to be based.

3. Options

3.1 The Council has the following options:

- 3.2 To censure Cllr Nichols; or
- 3.3 Not to censure Councillor Nichols.

4. Legal considerations

The Council has in place procedures for the investigations of potential breaches of the Code of Conduct by Council [Making a complaint against a councillor - Spelthorne Borough Council](#).

An Investigation Officer was appointed to carry out an investigation following a complaint regarding a potential breach of confidentiality by Cllr Nichols. The Executive Summary of the report is attached as Appendix A.

The Investigator found that Cllr Nichols had breached the Code of Conduct in that he had breached General Obligation 4.1 of the Code of Conduct which sets out the obligation regarding confidentiality. The Investigator that there had been no breach of General Obligation 5.1 regarding bringing the Council into disrepute.

The Standards Sub-Committee met on the 23 April 2023 and considered that there had been a breach of the confidentiality obligation.

The Sub-Committee then considered the following actions;

- To require Cllr Nichols to apologise either privately or in public;
- To require Cllr Nichols to attend training;
- To censure Cllr Nichols;
- To send a report to Council to censure Cllr Nichols;
- To require the MO to publish a full report in the newspaper and/or on the council's website about Cllr Nichols' conduct;
- To withdraw privileges provided to Cllr Nichols by the Council, such as computer equipment, internet or email access;
- To recommend to that Councillor Nichols be removed from any or all committees or sub-committees or outside body appointments as appropriate.

The Panel resolved that that the following sanctions would be put in place:

- 1) A public apology would be made at the next convenient meeting of Full Council;
- 2) At the next convenient meeting of the Council a formal motion would be put before the Chamber to consider censure Councillor A.

At the time of writing this report, Cllr Nichols had agreed to make an apology at the Full Council meeting of 13th July 2023.

5. Other considerations

5.1 There may be reputational considerations as set out in the Investigator's report.

6. Equality and Diversity

6.1 There are no equality and diversity impacts.

7. Contact

7.1 Please provide a contact name and email address for queries relating to this paper. This does not need to be the report author and can be a team address if appropriate.

Background papers: There are none.

Appendices:

CONFIDENTIAL APPENDIX:

The Investigator's Report (Executive Summary only).