

STANDARDS COMMITTEE

2 July 2018

Present:-

Councillors C Chugg (Chair), M Asvachin, R Bloxham, P Colthorpe, A Connett, J Mathews, P Twiss.

Co-opted Members

Sir Simon Day, I Hipkin, A Mayes and R Saltmarsh

* **34** **Minutes**

It was **MOVED** by Councillor Mathews, **SECONDED** by Councillor Bloxham, and

RESOLVED that the minutes of the meeting held on 12 March 2018 be agreed as a correct record.

* **35** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **36** **Exclusion of Press and Public**

It was **MOVED** by Sir Simon Day, **SECONDED** by Councillor Bloxham, and

RESOLVED: that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Schedule 12A of the Act namely, information relating to an individual and information likely to reveal the identity of an individual and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* **37** **Allegation of Breach of Members' Code of Conduct**

The Committee considered the Report of the County Solicitor and Monitoring Officer which also included the Independent Investigator's Report into a complaint received from the Chief Executive Dr. Phil Norrey (the Complainant) relating to an alleged breach of the Members' Code of Conduct by Councillor Brian Greenslade (the Subject Member).

The covering Report of the County Solicitor and Monitoring Officer gave the background on actions to date including receipt of the complaint, consultation with the Independent Person, the views of the Assessment Sub Committee and the decision of the Assessment Sub Committee that the views of the Independent Person to undertake an independent formal investigation be endorsed.

The County Solicitor and Monitoring Officer's Report highlighted that the Independent Investigator believed that the Subject Member had breached the Code but, stressed the importance of the Committee thoroughly considering the issues before reaching its own conclusion as to whether or not there had been a breach of the Members' Code of Conduct.

The Report of the County Solicitor and Monitoring Officer also encompassed the views of the Independent Person following his consideration of the Independent Investigator's Report.

The County Solicitor and Monitoring Officer reminded the Committee of their role and remit which was to determine, in light of the Investigator's Report, whether or not it considered the Code of Conduct had been breached. If the Committee found there was no breach then there would be no further action, but if the Committee agreed with the Investigator and the Independent Person that there was a breach then it needed to determine what sanctions, if any, should be applied to the Subject Member.

The sanctions available to the Committee were to require the Subject Member to issue a formal, public apology, recommend that the Committee issue some form of public censure of the Subject Member, recommend to the appropriate Group Leader that the Subject Member be removed from any or all Committee / Sub Committees and outside bodies, exclude or restrict the Subject Member's access to some or all County Council premises, instruct the Monitoring Officer to arrange training, remove the Subject Member from all outside bodies appointed to or nominated to by the Council; and / or withdraw facilities (e.g. computer access).

The Committee then considered in full the content of the Independent Investigator's Report, which outlined that both the Subject Member and Complainant were interviewed along with four employees and the Chief Executive of North Devon District Council, and also the views of the Independent Person on the conclusions of the Independent Investigator's Report.

The Committee's deliberations and recommended course of action are reflected in full in the decision notice attached to these minutes, however, the decisions of the Committee on each of the alleged breaches and application of allowable sanction is detailed below.

It was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Bloxham, and

RESOLVED that the Committee agree that the Subject Member has breached Paragraph 1.3 (i) of the Code of Conduct, namely to '*promote and support high standards of conduct when serving in your public post, [.....], by leadership and example*'.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

It was **MOVED** by Councillor Asvachin, **SECONDED** by Councillor Bloxham, and

RESOLVED that the Committee agree that the Subject Member has breached Paragraph 4 (a) of the Code of Conduct, namely to '*treat others with courtesy and respect*'.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

It was **MOVED** by Councillor Bloxham, **SECONDED** by Councillor Twiss, and

RESOLVED that the Committee agree that the Subject Member has breached Paragraph 5 (b) of the Code of Conduct, namely '*not do anything which may cause the County Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010)*'.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

It was **MOVED** by Councillor Asvachin, **SECONDED** by Councillor Mathews, and

RESOLVED that the Committee agree that the Subject Member has breached Paragraph 5 (c) of the Code of Conduct, namely '*not bully any person (bullying being characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear)*'.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

It was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Bloxham, and

RESOLVED that the Committee agree that the Subject Member has breached Paragraph 5 (h) of the Code of Conduct, namely, '*not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute*'.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

The Committee then considered each of the sanctions available to them, in turn, and agreed the following. The County Solicitor and Monitoring Officer also informed the Committee of the views of the Independent Person in relation to those sanctions.

It was **MOVED** by Councillor Bloxham, **SECONDED** by Councillor Asvachin, and

RESOLVED that the Subject Member not be required to issue a formal public apology.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

It was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Bloxham, and

RESOLVED that the Subject Member be formally censured, the wording of which be delegated to the Monitoring Officer, in consultation with the Chair of the Committee. A copy of the censure will be included in the decision notice, appended to these minutes.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

It was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Asvachin, and

RESOLVED that a recommendation be made to the Group Leader that the Subject Member be removed from any or all Committee / Sub Committees and outside bodies.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

It was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Asvachin, and

RESOLVED that the Subject Member have his access to County Council premises restricted to the Member's Room, Council Chamber and Ante-Chamber, and that should the Subject Member wish to attend any other premises in order to carry out his duties as a County Councillor, he must give notice to an Officer within the Members Services unit and must be accompanied by an appropriate officer, to be identified following each request for access.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

It was **MOVED** by Councillor Mathews, **SECONDED** by Councillor Bloxham, and

RESOLVED that the Monitoring Officer be asked to arrange and / or provide relevant training to the Subject Member.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh, Mr Hipkin and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

It was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Bloxham, and

RESOLVED that the Subject Member be removed from all outside bodies appointed or nominated by the Council which do not otherwise fall to the determination of the Group Leader.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

It was **MOVED** by Councillor Bloxham, **SECONDED** by Councillor Twiss, and

RESOLVED that the Subject Member does not have his ICT and computer facilities withdrawn.

*(in line with the Procedure agreed under Standards Minute *18, Mrs Mayes, Mrs Saltmarsh and Mr Hipkin showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes)*

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 4.40 pm