

CONDUCT COMMITTEE



26 JUNE 2013 - 10:00 AM

PRESENT: Councillor F H Yeulett (Chairman), Councillor R Skoulding, Councillor W Sutton, Councillor G Ridley, Councillor N Russell, Ms A Hay.

APOLOGIES: Councillor M J Humphrey

Officers in attendance: Alan Pain (Corporate Director & Monitoring Officer), Ian Hunt (Chief Solicitor), Jane Webb (Member Services & Governance Supervisor)

CND1/13 TO SIGN AND CONFIRM THE MINUTES OF 7 MARCH 2013

The minutes of the meeting of 7 March 2013 were confirmed and signed.

It was agreed that Councillors should be reminded of their duties and training requirements when sitting on the relevant committees, and that this was part of new Members' Induction Programme.

The Independent Person enquired as to when the issue regarding the Wisbech Town Clerk would return to Conduct Committee. Officers advised that Conduct Committees are set on an ad hoc basis when needed and that this issue was still in process but the current Town Clerk had been asked to keep Fenland updated and once this is completed it would return to Conduct Committee. Councillor Russell asked whose decision it had been to appoint the committee at Wisbech to deal with this issue. Councillor Yeulett stated that it was his understanding that they were invited to which Councillor Skoulding added that he had been asked as they were struggling to find an Independent Councillor but he did understand that this would mean he would not be able to sit on the Conduct Committee when the complaint returned.

CND2/13 MEMBER CONDUCT COMPLAINT – COUNCILLOR KEPPEL-SPOOR

Members considered a complaint under the Member code of Conduct against Councillor Keppel-Spoor of Benwick Parish Council.

Members were reminded of the process to be followed when considering a complaint, including whether or not there is a reasonable prospect of the complaint being proven based on the information held, the factors that can be considered and the options available to them.

Members made comments, asked questions and received responses as follows:

- Councillor Skoulding stated that he would have liked to have thought that this issue could have been talked through and resolved within the village instead of being brought in front of Conduct Committee as a complaint. Councillor Ridley added that there had obviously been communication between the two parties, and as this was a trivial matter, should have been resolved; as the complaint presently stands it is not relevant to this committee;
- The Independent Person stated that this was a trivial complaint and did not warrant further investigation or time and money spent on it;
- Councillor Russell stated the tubs had been regularly varnished and a request should have been made prior to them being painted. The Benwick in Bloom team were at fault for not asking permission prior to painting the tubs;

- Councillor Sutton concurred with the comments made;
- Councillor Yeulett asked those that were parish councillors, if these types of problems happened within their parish councils were they normally resolved within the parish, to which they replied that they were. Councillor Ridley explained that the members of the parish council would work together.

Decided that no further action be taken in respect of this complaint as the committee feels that even if proven this allegation did not warrant action by the committee, whilst acknowledging the importance to the individuals concerned of this matter. The committee considered that this was a matter best suited to informal local resolution and would encourage the parties to meet and discuss their differences and look to move forward together. It was recommended that given that there is a recording of the relevant meeting it may be helpful for the parties to review this together.

CND3/13 MEMBER CONDUCT COMPLAINT – COUNCILLOR MELTON

Members considered a complaint under the Member Code of Conduct against Councillor Melton of Fenland District Council.

Members were reminded of the process to be followed when considering a complaint, including whether or not there is a reasonable prospect of the complaint being proven based on the information held, the factors that can be considered and the options available to them.

Members made comments, asked questions and received responses as follows:

- Councillor Yeulett asked if there was any protocol or ruling about Members attending planning committee meetings and remaining in the meeting when they have spoken to which Ian Hunt explained that a distinction has to be drawn between members of the committee who talk and other members. It is recommended that committee members leave the room as they are a member of the committee and the advantage of leaving the room is that they are then seen to be separated and independent of the decision. For other members there would be no requirement to do this;
- Councillor Yeulett stated that Councillor Archer's letter stated he had chosen to speak and was advised that he should leave the room, which is recommended practice;
- Councillor Ridley stated he did not think that Councillor Melton had broken any rules; he gave notice of attendance and is entitled to speak and sat down as any other member would so the issue that he attended is not a complaint as he is entitled to;
- The Independent Person stated that:
 - the only thing wrong was the bad manners by talking at a level to create disturbance;
 - Councillor Miscandlon had explained that Councillor Melton did not influence the members;
 - How could Councillor Archer state that Councillor Melton had been subsequently involved as he was not in the room when the decision was taken.
- Councillor Sutton explained he attended the Planning Committee and bullet point 9 of Councillor Melton's letter regarding the proposition to approve the application came from two members of the opposition was factually incorrect as it was seconded by Councillor Miscandlon. He stated to infer that Councillor Melton influenced his own group was not correct as both Councillor Connor and himself voted against the application;
- Councillor Yeulett stated he did not think this complaint should be taken any further however suggested a recommendation be made to members to be mindful at committee meetings not to cause any distractions to which Alan Pain stated this could be incorporated into the induction process for new members.

Decided that no further action be taken on the complaint as the committee feels that Councillor Melton had a right as a member to attend the planning committee and to speak and there was no legal requirement for him to leave the meeting. The Committee did not consider that he had impacted on the meeting by way of his continued presence in the room. Accordingly it was considered that there was no breach of the Code of Conduct identified. It was also decided that the Monitoring Officer updates the member induction program to include advice to members attending meetings as visitors about being respectful of the meeting and not talking during debates.

CND4/13 HANDLING OF INITIAL COMPLAINTS

Members considered the appropriate methodology for the initial consideration of member conduct complaints, reflecting on current practice and comments from recent cases.

Members made comments, asked questions and received responses as follows:

- Councillor Yeulett stated that in his opinion the committee had not long been in place and was still working through processes. After the last meeting there had been comments and complaints from members of the public regarding councillors "looking after themselves" and he felt this should be avoided; if processes changed now then it may be perceived that this was happening therefore he suggested that the committee continue in the way it was currently working and that systems could be reviewed once the committee had been running for a period of time.
- Councillor Sutton stated that transparency was important and that the committee must not go down the route of where it could be accused of lack of transparency; if it needed to be changed in the future then it could be looked at then.

It was AGREED that a change to the current process was not required.

CND5/13 CONSIDERATION OF ANNUAL REVIEW MEETING (VERBAL)

Members considered an Annual Review meeting.

Members made comments and received responses as follows:

- Officers suggested that the next scheduled meeting takes place in the Autumn, unless any other business comes forward earlier.
- Councillor Yeulett suggested that if members had any issues or ideas to improve the way forward for the committee, to contact officers as this was a members' committee. and suggested that officers may want to look at other authorities regarding benchmarking and any problems they have faced in order that we may pre-empt them at a review.
- Councillor Sutton stated that he would like to see co-opted members being able to vote and could this be put forward to national government to which Councillor Yeulett agreed this should be looked at.

10:30am

Chairman