

CONDUCT COMMITTEE



11 JULY 2014 - 2:30PM

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

APOLOGIES: Councillor M J Humphrey, Councillor D Mason

Officers in attendance: Alan Pain (Corporate Director & Monitoring Officer), Tom Lewis (Deputy Monitoring Officer), Jane Webb (Member Services & Governance)

CND18/13 TO SIGN AND CONFIRM THE MINUTES OF THE MEETING OF 2 APRIL 2014

Councillor Hoy introduced herself to Members, welcomed everyone and asked them to introduce themselves.

The minutes of the meeting of 2 April 2014 were confirmed and signed. Councillor Yeulett asked for names within the minutes to be used in a consistent manner.

CND19/13 MATTERS ARISING

Alan Pain updated Members:

- Concern was raised at the previous meeting whether documents had been leaked to the public prior to the meeting. As requested, Tom Lewis, Deputy Monitoring Officer, had looked into this concern and reported that:
 - All four parties who attended the meeting were written to asking for their assistance and to highlight any concerns regarding the documents. All four parties stated there were no specific incidents they could highlight where there was clear evidence of these documents having been leaked in advance. Councillor Jolley was concerned there was greater knowledge of what was known when these were published. Tom Lewis explained this was made public in October and then available on Fenland District Council's website and he could not see within the press or social media of any specific leaks and therefore this could not be taken any further.
- The complaint lodged by Mr Murat from Wisbech Town Council was still in the system and that previously Members had decided to place this complaint on hold whilst other investigations were ongoing. Alan Pain reported that it was understood that an employment tribunal is currently in progress and further information is awaited; this can be lengthy and therefore a view was sought as to whether the Committee will wish to delay its consideration of the matter. Committee members confirmed that they did not wish to investigate the complaint while another process was ongoing.

CND20/13 INITIAL CONSIDERATION OF A MEMBER CONDUCT COMPLAINT –
COUNCILLOR TIERNEY

Members considered complaints raised by Councillors Patrick, Lay and Clapp about the conduct of Councillor Tierney at a meeting of Wisbech Town Council on Monday 19 May 2014.

Councillor Hoy stated that she knew Councillor Tierney as they both served on Wisbech Town Council but that she would not let it affect her judgement as she would look at the complaint in a fair manner.

Alan Pain outlined the complaint and explained that the complaint was just for initial consideration which meant this was a chance for the committee to decide if the case merited taking any further. The options open to Members were:

- Reject and give reasons why;
- Decide that case warranted further investigation;
- Refer the matter to further informal resolution

Councillor Skoulding asked if there was any way that the footage of the film recorded could be viewed as this would show how long the filming took place for and if the recording was carried out standing away from Councillor Tierney or in his face. Alan Pain explained that this could only be looked at if further investigation was asked for as the next step today. Councillor Skoulding stated he would like to see the footage as this would show if further investigation was required.

Councillor Sutton stated he had read the report and explained that on many occasions people had not adhered by the rules at meetings but when the Chairman lays the law down and the perpetrator obeys the Chairman's order then this would be finished with and was no big issue, therefore did not merit taking any further.

Ann Hay agreed with Councillor Sutton that the behaviour was bad manners. She explained that she had picked up that within the report there seemed to be some inconsistency in the fact that it mentions a Councillor Clarke, there was no Councillor Clarke present and that it also mentions a Government policy about being qualified to film, of which you do not need any qualifications. Ann Hay stated it seemed to be very "tit for tat" and very much like school children having a playground fight.

Councillor Yeulett stated this was a waste of committee time and tax payers money and that Councillor Tierney had summed it up in his final comment stating that as a councillor you open yourself up to public scrutiny and the fact that the Chairman asked him to refrain from filming and he did, in his view this should not be taken any further.

Councillor Skoulding stated that it was a lack of respect and that there was no policy adopted by Wisbech Town Council for filming so why did he use his phone, it should have been switched off. Councillor Hoy asked what part of the Code of Conduct did Councillor Skoulding think that Councillor Tierney had breached. Councillor Skoulding replied stating it was a lack of respect.

Councillor Russell stated he agreed with Councillor Skoulding that more respect should have been shown but that he felt the same way as Councillor Sutton in the fact that when asked to stop filming, he did and therefore that should be the end of it.

Councillor Sutton stated he went on the Wisbech Town Council website to see if anything was on there about phones and filming and the first thing that was drawn to his attention was that the Chairman conduct of the meeting is final and those concerned should abide by his decision; Councillor Tierney did that so he did not see any reason this complaint needed to go further. Councillor Yeulett supported Councillor Sutton in this statement.

Councillor Yeulett proposed to dismiss the complaint and that no further action was necessary; this was seconded by Councillor Sutton.

Councillor Sam Hoy stated she would take no part in the vote.

It was agreed that no further action would be taken.

CND21/13 FUTURE WORK PLAN

Alan Pain explained that Members had asked for this to be included on the agenda in order to have the opportunity to discuss current issues and bring forward any ideas. The Chairman was keen to discuss processes regarding if there should be any stages implemented before the committee meets.

Councillor Skoulding stated he thought that all Members should be able to vote.

Councillor Sutton explained that the case brought to committee today was a typical example of where an extra stage in the process would have been ideal. There should be an opportunity for the Independent Member, Deputy Independent Member, Chairman and Monitoring Officer to meet in order to "weed" out the vexatious claims before they are taken to committee as today has been a waste of taxpayers' money. Councillor Yeulett supported Councillor Sutton.

Councillor Hoy agreed that there needs to be some way of assessing these complaints otherwise any complaint could go through to committee.

Ann Hay stated that any initial process definitely needs to involve herself, the Deputy Independent Member and Chairman, as this would allow two completely unbiased people with the Chairman to make a decision and if two Members disagreed then the complaint would go through to Committee. Councillor Sutton stated that this filter is a necessity.

Alan Pain explained that a paper can be brought to Members for comments and then a change in the Constitution could be submitted to Full Council.

Tom Lewis added there could still be an effort to resolve complaints between both parties at a preliminary stage before it was taken to the next level. Members agreed to this stage being still included.

It was agreed that a paper would be drafted to take forward the Committee's view that an initial sifting of complaints should be incorporated into the process.

2:50pm

Chairman