

# CONDUCT COMMITTEE

5 OCTOBER 2017 - 10:00AM



**PRESENT:** Councillor Miss S Hoy(Chairman), Councillor C Boden(Vice-Chairman), Councillor M J Humphrey, Councillor D Mason, Councillor R Skoulding, Councillor A Donnelly, Councillor N Russell, T Gambell, .

**APOLOGIES:** C Hawden-Beal(Non-Voting Substitute)

Officers in attendance: Joanne Goodrum (Member Services and Governance) and Carol Pilson (Corporate Director)

## **CND1/17    PREVIOUS MINUTES**

The minutes of the meeting of 23 February 2017 were confirmed and signed.

Councillor Boden noted Members had previously agreed to review the Member Code of Conduct. The Chairman agreed and stated that Conduct Committee Members would be invited to discuss this in due course.

## **CND2/17    INITIAL DETERMINATION OF A MEMBER CONDUCT COMPLAINT - COUNCILLOR KIT OWEN, MARCH TOWN COUNCIL**

Members considered a complaint under the Member Code of Conduct against Councillor Kit Owen of March Town Council and were informed that:

- A complaint had been received from Martin Field about the conduct of Councillor Kit Owen at a meeting on June 19, 2017.
- An informal resolution was not possible and therefore the complaint was forwarded to the pre-screening process and following a thorough discussion it was determined that it was appropriate for the complaint to go forward for consideration by the Conduct Committee.
- Members need to consider the Member Code of Conduct and determine whether Councillor Owen was acting in his role as a Councillor.
- The Chairman advised of the three options available to the Committee; 1) Dismiss the complaint; 2) Determine a breach has taken place and decide upon a sanction; 3) Request an investigation.

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

- Councillor Boden stated he was not clear what status the March Christmas Lights Committee had which may impact in what capacity Councillor Owen was acting in.
- Councillor Boden stated it is in dispute between both parties whether the comments were made before or during the Christmas Lights meeting, however point 4 of the pre-sift notes suggest that it had been accepted that the comments were made during the course of the meeting.
- Councillor Boden stated he was concerned that the complainant claims the comment made about Muslims was racist as Islam is not a race, it is a religion. The comments, if made, are offensive however it is disputed whether the comments were actually made as there are conflicting accounts. In future, it may be helpful to obtain witness statements at the pre-sift

stage before a complaint comes to Committee.

- Councillor Boden stated he did not believe the complaint was vexatious as this is the first complaint received. It may be politically motivated however that is not a material consideration and the Committee must focus on the content of the complaint.
- In considering the Code of Conduct and whether a breach has occurred, Councillor Boden stated that treating others with respect and bringing the organisation into disrepute could have been breached, however he did not believe causing the organisation to breach equalities legislation was relevant. Councillor Boden stated it was difficult to make a decision.
- The Chairman made reference to the pre-sift and stated there is a low bar to refer matters to the Conduct Committee. The pre-sift only have to consider whether a breach of the code may have occurred. In the notes of the pre-sift there is reference to the future helpfulness witness statements may have.
- Councillor Skoulding made Members aware he was present at the Christmas Lights Committee where the comments are alleged to have been made. He stated he did not hear Councillor Owen make those comments and there was no reference to knives or Muslims at that meeting.
- The Chairman asked is the Christmas Light Committee an officially constituted meeting of March Town Council. Councillor Skoulding stated there are Town Councillors present and the minutes are read at the next meeting of March Town Council.
- Councillor Mason asked for clarification as to whether there is a dispute that the remark was made. The Chairman clarified that there is a dispute. Councillor Mason asked why there is reference to an apology made by Councillor Owen in the Committee papers? It was clarified that the apology is referenced but was not received as a genuine apology by the complainant.
- Councillor Boden asked for clarification that Councillor Skoulding's comments could be heard. The Monitoring Officer stated Councillor Skoulding had information on the matter and that could be heard by the Committee.
- Tina Gambell, Independent Person commented that there may be other perspectives on this matter that may be relevant, however there is no provision for Members to hear that today.
- The Chairman stated it is for Members of the Committee to decide whether this issue can be decided today or whether an investigation is required.
- Councillor Mason stated that this matter has been reported in the press and the public have a view of this matter now. The Monitoring Officer confirmed that Conduct Committee is a public meeting therefore information about the complaint must go in to the public domain. The Council approved process that Conduct Committee follow was amended previously so that all complaints do not automatically come to Conduct Committee, they are first sifted by the Chairman, Independent Person and Deputy Independent Person.
- Councillor Humphrey said the Committee may wish to review its processes to allow more information to be sought at this stage of the process.
- Councillor Boden stated it is an important form of accountability to have this meeting and the report in public.

It was considered there was not a reasonable prospect a breach of the Code of Conduct had occurred therefore an investigation should not be commissioned.

Proposed by Councillor Skoulding and seconded by Councillor Humphrey and agreed to DISMISS the Member Code of Conduct complaint against Councillor Kit Owen of March Town Council.