

CONDUCT COMMITTEE



7 NOVEMBER 2013 - 1:00PM

PRESENT: Councillor F H Yeulett (Chairman), Councillor M J Humphrey, Councillor R Skoulding, Councillor W Sutton, Ms A Hay.

APOLOGIES: Councillor D Mason, Councillor N Russell

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

CND6/13 TO SIGN AND CONFIRM THE MINUTES OF THE MEETING OF 26 JUNE 2013

The minutes of the meeting of 26 June 2013 were confirmed and signed.

CND7/13 CO-OPTION OF TOWN AND PARISH MEMBERS (VERBAL ITEM)

Members considered the co-option of Councillor David Mason, a Whittlesey Town Councillor, to replace Councillor Ridley following his resignation.

DECIDED that Councillor Mason be co-opted to the Conduct Committee as a Parish/Town Representative.

CND8/13 MEMBER CONDUCT COMPLAINT – COUNCILLOR PATRICK

Members considered a complaint under the member Code of Conduct against Councillor Patrick of Fenland District Council.

Members noted that this complaint contains allegations involving Fenland District Council, Cambridgeshire County Council, FACT and Councillor Patrick.

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

- Councillor Sutton stated that the distinction between the role of Councillor and that of Chairman of the Taxi Driver Association was the issue and not the allegations. If Councillor Patrick had sent his correspondence under his taxi role name then there would be no complaint to consider and therefore he has misused his position;
- Anne Hay agreed that he should not have used his Councillor email address and signature in this way;
- Councillor Yeulett asked if Councillor Patrick's actions had put Fenland District Council at risk in any way; to which Anne Hay responded stating that she thought he had as at first glance to the correspondence it appears to have been done with the acknowledgment of the Council;
- Councillor Yeulett asked if there was a difference between how Councillor Patrick had acted to that of Members of Parliament to which Councillor Sutton said on this occasion there was a difference because MPs, like Steve Barclay, are not members of another association and that was the issue;
- Councillor Skoulding stated he thought that Councillor Patrick was not aware that he could not use his Councillor name as he had been elected under the name of "Taxi Dave"; which

was his livelihood and he was a very passionate man who did not mean to do anything wrong;

- Councillor Humphrey agreed and stated that Councillor Patrick's issues with FACT were not for the committee to decide but did think that there should be a clear division as to what is said as a taxi driver as opposed to what had been said, as this looks like he has pursued this as an elected member and therefore could reflect badly on Fenland District Council;
- Anne Day stated Councillor Patrick had mentioned a colleague in his correspondence which alluded to another Member of the Council and this was not the case, therefore he should have signed the correspondence as a taxi driver;
- Councillor Humphrey stated that he felt not much would be deemed from taking this to further investigation as any sanctions made would be similar to those that could be agreed at this hearing whereby Councillor Patrick should accept that there should of been some division; it does not warrant investigation but certainly cannot be dismissed;
- Both Councillor Sutton and Anne Day agreed suggesting that a letter be sent to all organisations involved, from Councillor Patrick, explaining that all previous correspondence sent had been on behalf of his role as Chairman of the Taxi Drivers Association;
- Councillor Yulett stated Members should be mindful of their actions when making statements and allegations within the public domain and resulting affect on Fenland District Council, as in this case;
- Councillor Humphrey stated he was aware that the taxi trade had an issue with FACT but the problem occurs when Fenland District Council are pulled into this;
- Councillor Yeulett stated that the allegations should be dealt with directly with the parties concerned; there was not a need for a full enquiry but did ask that Councillor Patrick reflect on his actions and write to those concerned stating he was representing the taxi trade and not the Council;
- Councillor Humphrey stated that FACT need to understand that the allegations made were not for consideration of the Committee and that they need to be persued in a different arena;
- Alan Pain asked for a summary from Members - that they did not wish a full enquiry to go ahead but were suggesting that a letter to be sent to all parties from Councillor Patrick explaining that he was acting as a representative of the taxi trade and not for the Council;
- Councillor Yeulett confirmed this and asked that the committee be advised whether or not such a letter is send.

It was DECIDED that no further action be taken in respect of this complaint but that Councillor Patrick be asked to write to the parties concerned explaining that all correspondence had been sent under his role as Chairman of the Taxi Drivers Association and not that as a Councillor, acting on behalf of the Council.

CND9/13 MEMBER CONDUCT COMPLAINT – COUNCILLOR JOLLEY AND COUNCILLOR EMERY

Members considered a complaint under the Member code of Conduct against Councillor Jolley and Councillor Emery of Manea Parish Council and read the additional papers that had been submitted by Councillor Archer.

Members made comments and received responses as follows:

- Councillor Yulett stated there had been some doubt and confusion over dates in July and September;
- Councillor Sutton stated that in his view, as an ex parish councillor; if the complaint was true then he could not see where both the Parish Council and Councillors Emery and Jolley were coming from, because if a member of the public approached him, it is the job and duty of a parish councillor to take any complaint forward, whatever it may be;
- Councillor Yeulett pointed out that the committee were here to look at the Parish Council aspect and not the planning or enforcement side of the issues; it only concerns the parish

councillors' involvement;

- Anne Hay stated that upon reading the documents it did seem that Mr Fielding was told to keep quiet which suggests something underhand and as such needs investigating. What had been quoted as having been said would be very worrying to any member of the public and therefore requires an investigation which should be properly independent;
- Councillor Skoulding stated that because of the use of the word 'unlawful' there has to be a further investigation;
- Councillor Humphrey stated he had concerns regarding an investigation, but was not against one. He asked what would be discovered that they did not already know from the statements submitted and therefore what would be achieved and was therefore doubtful as to whether it should go to an investigation;
- Councillor Yeulett agreed with the majority about this complaint going to investigation because of public perception regarding councillors; the public need to know that councillors are open and honest and therefore an impartial investigation would remove any elements of doubt around this;
- Councillor Sutton asked if an investigation would be carried out independently to which Alan Pain stated that it could be carried out in a proportionate and impartial way, having already received statements from the various parties; it will be asked if any parties have any further information to add. If it is then subsequently brought to a determination hearing all parties will have a chance to put their views across verbally.

It was DECIDED that a further investigation take place regarding the complaint.

CND10/13 MEMBER CONDUCT COMPLAINT – COUNCILLOR ARCHER

Members considered complaints under the Member Code of Conduct against Councillor Archer.

Members made comments and received responses as follows:

- Councillor Yeulett stated that he wondered if this complaint was a response to the previous item and therefore "tit for tat". Anne Hay confirmed that she had read the complaint in the same manner to which Councillor Skoulding stated that he also thought it was "tit for tat" but did think that Councillor Archer should be more aware of what he writes on Twitter;
- Councillor Yeulett stated that care should be taken when writing anything within the public domain and felt that if the previous complaint had not been received then neither would this complaint nor the next one have been submitted;
- Councillor Humphrey stated that in his experience as a previous Chairman of the Council, that it was his view, if a Councillor behaved in the manner in question within a meeting then the Chairman should take the necessary action to be in control of the meeting and deal with the issue rather than make a complaint and he therefore thought this was a "tit for tat" complaint too;
- Councillor Sutton agreed stating that some people do get passionate but that the job of a Chairman is to keep order and therefore these issues should be dealt with by Manea Parish Council and not the Conduct Committee.

It was DECIDED that no further action be taken but reminded Councillors that there is a Code of Conduct that should be followed whilst on public duty and this should include taking care over remarks on sites such as Twitter.

CND11/13 MEMBER CONDUCT COMPLAINT – COUNCILLOR FIELDING

Members considered complaints under the Member Code of Conduct against Councillor Fielding.

Members made comments and received responses as follows:

- Councillor Sutton remarked this complaint was the same as the previous one, "tit for tat" to which Anne Hay, Councillor Humphrey and Councillor Yeulett agreed;
- Councillor Yeulett explained that the Committee did not want to discourage anyone from making genuine complaints that need to be taken forward but felt that this was not warranted in this case.

It was DECIDED that no further action be taken.

CND12/13 ANY OTHER BUSINESS

Members considered the comments that had been made at the previous minute CND5/13 regarding an Annual Review Meeting;

- Councillor Sutton stated the he would still like to see co-opted members being able to vote to which all Members agreed;
- Alan Pain stated that this can be looked at again; the issue was that the co-opted designation of such Members does not provide for voting powers. Other authorities can be looked at to see how they deal with this issue and then reported back to committee;
- Councillor Yeulett asked if Alan Pain had spoken to other Monitoring Officers regarding the sanctions that can come from Conduct Committee and whether these needed to be modified or strengthened. Alan Pain responded stating that there had been national debates regarding the sanctions available to Conduct Committee as these had been changed with the introduction of the Localism Act. Anne Hay stated that the sanctions that were available to committee did not have any "teeth" and only resulted in a "slap on the wrist";
- Councillor Yeulett asked if Members thought the process of committee was working to which Anne Hay stated she thought it was to which other Members agreed they were happy;
- Anne Hay asked about the complaint regarding the Wisbech Town Clerk to which Councillor Yeulett said he could not comment but that the complaint had originally come to Conduct Committee who had agreed that it was the business of the Wisbech Town Council in the first instance.

1:40pm

Chairman