

CONDUCT COMMITTEE



4 APRIL 2018 - 3:00 P.M.

PRESENT: Councillor Miss S Hoy(Chairman),Councillor D Mason, Councillor R Skoulding, Councillor A Donnelly,T Gambell, .

APOLOGIES: Councillor C Boden (Vice Chairman),Councillor M J Humphrey, Councillor N Russell and C Hawden-Beal (Non Voting Substitute)

Officers in attendance: Anna Goodall (Head of Legal and Governance)
Fiona McMillan (Deputy Monitoring Officer and
Mrs J Goodrum (Member Services Officer)

CND3/17 PREVIOUS MINUTES

The minutes of the previous meeting of 5 October 2017, were agreed and signed as a true and accurate record.

CND4/17 INITIAL CONSIDERATION OF A MEMBER CONDUCT COMPLAINT – COUNCILLOR SIMON KING

The Chairman asked Fiona McMillan, the Deputy Monitoring Officer, to introduce the item to be considered at today's meeting.

Fiona McMillan advised Members that the complaint before them today, was raised by the Monitoring Officer about the conduct of Councillor Simon King in relation to the submission of mileage claims which appear to be over inflated. The complaint related to an apparent attempt to claim for journeys outside of the Members Allowance scheme, which equated to £1,511.10 which was paid to Councillor King and a further £736.65 which was claimed but not paid. In response to this, Councillor King submitted a written response which the Committee had sight of and Members have also been provided with all of the background paperwork concerning the Members Allowance scheme and Code of Conduct.

At the pre- screening meeting the Chairman of the Conduct Committee and the Council's Independent Persons determined that it was appropriate for the complaint to go forward for consideration by the Conduct Committee as they felt that a breach of the Code of Conduct may have occurred and the relevant sections of the Code of Conduct were highlighted to Members.

These were:

- The first Nolan Principle - ' Selflessness - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- 3.2: You must not; (e) conduct yourself in a manner, which could reasonably be regarded as bringing your office or authority into disrepute.
- 6. You must:- 6.1. when using or authorising the use by others of the resources of the Authority:-(a) act in accordance with your Authorities reasonable requirements.

Fiona McMillan advised the Committee that the pre screening panel had an extensive discussion concerning the complaint and agreed that the complaint could not be described as 'vexatious, trivial or tit-for-tat' and it was unanimously agreed that the Code of Conduct may have been breached and the matter should be brought before the Conduct Committee to determine.

The 2 options for the Committee to consider as to how to proceed were set out by Fiona McMillan. These were either to:-,1) dismiss the complaint with no further action or 2) to commission an independent investigation to consider all the issues raised and allow the Member the opportunity to be heard at a hearing.

The pre-screening panel recommended that the Conduct Committee referred the complaint for a formal investigation but it was down to the Conduct Committee to decide if it agreed with this recommendation.

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

- Councillor Skoulding commented that he has read the papers several times and from the information he agreed with Option B that the matter should go forward to a hearing. The Chairman clarified with Councillor Skoulding that he is asking for a recommendation for the matter to be determined at a hearing and he confirmed this.
- Councillor Mason commented that he agrees with Councillor Skoulding and due to the complexity of the whole matter, he feels that Councillor King should have the opportunity of a hearing to explain his actions.
- The Chairman asked the Independent Member of the Committee present, Tina Cambell, whether she had anything she wished to add. Tina Cambell commented that she is in agreement that an investigation will give Councillor King the opportunity to speak on the matter.
- The Chairman agreed with committee members that if there were to be an investigation, there would be the opportunity for Councillor King to speak and this would be useful. The Chairman asked Members whether they wanted any terms to be set for the investigation as it would not be right for Fenland District Council to investigate it as the Monitoring Officer was the complainant, and it should be an external body who carries out the investigation.
- Councillor Skouklding commented that he would like to see all the correspondence from Officers which forms part of this case and the Chairman confirmed that she feels it would be useful, as there are a number of items which are referenced in the Members agenda pack but Members have not seen sight of them.
- The Chairman asked who could carry out the investigation and Fiona McMillan commented that because the complaint has been made by the Monitoring Officer, it would be inappropriate for somebody internally to deal with it. Fiona McMillan is aware of a number of companies that specialise in this particular type of subject and if agreeable to Members, she will obtain quotations and a timescale in which they could work to. This matter has been going on for some time and it would be ideal to get it resolved as soon as possible. The Chairman asked that once this information has been gathered by Fiona, that the information provided by the external companies was provided to the Committee so members could input into the final decision on which Company to use and Fiona McMillan agreed this would be possible.
- The Chairman asked Members whether there was anything else to be considered in the investigation so everything is covered before it comes back to a hearing.
- Tina Cambell asked for a further audit of all paperwork which can be confirmed by the external investigator which can assist them in making a recommendation on whether the complaint can be upheld or not.

It was agreed that an external investigation should now be commissioned by the Deputy Monitoring Officer and all correspondence between both parties shall be included and reviewed. The Deputy Monitoring Officer would provide the Committee with the quotes so the Committee can input into the final decision on who the investigation will be carried out by.

Proposed by Councillor Skoulding and seconded by Councillor Mason that an investigation is commissioned by the Deputy Monitoring Officer to consider all the issues raised and make a recommendation as to whether the code of conduct had been breached which would be presented at a conduct hearing where Councillor King would be given the opportunity to be heard.

15.07pm

Chairman