

**Medway Council**  
**Meeting of Councillor Conduct Committee**  
**Tuesday, 11 June 2013**  
**6.00pm to 6.30am**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

**Present:** Councillors: Paul Godwin, Adrian Gulvin, Kemp (Vice-Chairman, in the Chair), Royle, Shaw and Smith

**In Attendance:** Rosie Gunstone, Democratic Services Officer  
Perry Holmes, Assistant Director Legal and Corporate Services/Monitoring Officer

**46 Appointment of Chairman**

Councillor Mrs Diane Chambers was elected as Chairman for the remainder of 2013/2014.

**47 Record of meeting**

The record of the meeting held on 6 February 2013 and the record of the Joint Meeting of All Committees were agreed and signed by the Chairman as correct.

**48 Apologies for absence**

Apologies for absence were received from Councillors Mrs Diane Chambers and Hicks.

**49 Urgent matters by reason of special circumstances**

The Chairman reminded Members that the minutes of the Joint Meeting of All Committees had been declared urgent as they had been inadvertently omitted from the original agenda.

**50 Declarations of disclosable pecuniary interests**

There were none.

**51 Exclusion of the press and public**

It was agreed that the press and public be excluded from the meeting during consideration of the exempt material contained in agenda item 7 because consideration of these matters would disclose information falling within

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Paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 7 and in all circumstances of the case, the Committee considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### 52 Assessment of complaint - CCC/001/2013

#### Discussion:

The Committee considered complaint CCC/01/2013 received by the Monitoring Officer on 17 May 2013.

#### Decision:

##### (a) Complaint one: prejudicial interest

The Committee considered advice from the Monitoring Officer and decided that this complaint to be out of time since it related to events before 1 July 2012 and that there were no relevant legislative transitional arrangements and so no legal basis to consider the complaint. They therefore decided to take no further action on this element of the complaint.

##### (b) Complaint two: Disclosable Pecuniary Interest

With reference to the assessment criteria the Committee were not persuaded that the issue gave rise to a breach of the Code of Conduct. The subject member's contract interest ended in February 2012 and the appointment as a trustee by the Council did not constitute "employment, office, trade, profession or vocation carried on for profit or gain" which meant the subject member did not have a Disclosable Pecuniary Interest (DPI). Although the Committee believed that the subject member had a conflict of interest because of their appointment as a trustee, the committee noted that the subject member had been appointed by the Council to the position and declared the conflict appropriately at the Planning Committee and had taken no part in the debate or voting. They therefore decided to take no further action.

The Monitoring Officer informed the Committee that because of an apparent confusion amongst members generally about leaving the meeting room, a requirement in the Code of Conduct although not the law, for DPIs, and the choice for members on conflict of interests to leave the meeting room, he undertook to contact the subject member and also to produce a briefing note to be circulated to all Members of the Council giving further advice in this regard.

**Councillor Conduct Committee, 11 June 2013**

**Chairman**

**Date:**

**Rosie Gunstone, Democratic Services Officer**

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