

Medway Council
Meeting of Councillor Conduct Committee
Monday, 28 April 2014
6.00pm to 6.43pm

Record of the meeting

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

Present: Councillors: Mrs Diane Chambers, Paul Godwin, Adrian Gulvin, Hicks (Chairman), Royle, Shaw and Smith

Substitutes: Councillors:
Brake (Substitute for Kemp)

In Attendance: Nicola Smith, Democratic Services Officer
Christine Wilson, Head of Legal Services

1055 Record of meeting

The record of the meeting held on 31 March 2014 was agreed and signed by the Chairman as correct.

1056 Apologies for absence

Apologies were received from Councillor Kemp.

1057 Urgent matters by reason of special circumstances

There were none.

1058 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

1059 Exclusion of the press and public

That the press and public be excluded from the meeting during consideration of the exempt material relating to agenda item 6 because consideration of these matters in public would disclose information falling within Paragraphs 1 and 2 of

Councillor Conduct Committee, 28 April 2014

Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 5 and, in all the circumstances of the case, the Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

1060 Assessment of complaint CCC/003/2014

Discussion

The Committee considered complaint number CCC/003/2014, allegations 1, 2 and 3 that had been received by the Monitoring Officer on 17 February 2014, then revised and resubmitted by the Complainant on 20 March 2014. At its meeting on 31 March 2014 the Committee determined that seeking the views of the Independent Person would assist it in making a decision as to whether the conduct alleged in the complaint could possibly constitute a breach of the Medway Council Members' Code of Conduct. The views of the Independent Person were appended to the report.

The Deputy Monitoring Officer introduced the report and advised the Committee that the Independent Person had been appointed at the annual meeting of Medway Council on 15 May 2013 and that under the Localism Act 2011, the Independent Person's views could be sought in relation to councillor conduct complaints at any stage during the complaints procedure. She also advised the Committee that they would need to decide whether the conduct referred to in each of the allegations could be attributable to the Subject Member, acting in his/her role as Councillor, and if the answer was Yes, then the Committee would need to determine whether it could possibly be a breach of the Code of Conduct.

The Chairman drew the Committee's attention to the details of each allegation in turn, as set out by the Complainant, and for each allegation asked the Committee to determine whether the conduct referred to by the Complainant was attributable to the Subject Member in his/her role as a Councillor and if it was, whether the conduct could potentially constitute a breach of the Code of Conduct.

The Committee felt there was no case to be answered in relation to allegations 1, 2 and 3 and that the complaint should not be upheld. Upon being put to the vote, this was agreed unanimously.

Decisions:

- (a) The Committee determined that:
 - i) having taken into consideration the allegations of the Complainant and the views of the Independent Person, there was no case to be answered in relation to allegations 1, 2 and 3.

Councillor Conduct Committee, 28 April 2014

- ii) complaint number CCC/003/2014, allegations 1, 2 and 3 were not upheld and therefore that no further action should be taken in respect of them.
- (b) The Committee also requested that, in respect of the views of the Independent Person in relation to allegation 1, the procedures relating to public questions to Full Council be reviewed.

Reasons:

(a) Allegation 1

There was no evidence on the face of the complaint that the conduct alleged by the Complainant occurred. Therefore the Subject Member's actions and statements could not be a breach of the Code of Conduct.

(b) Allegation 2

The Committee felt that there was no evidence on the face of the complaint that the conduct alleged by the Complainant occurred. Therefore the Subject Member's actions and statements could not be a breach of the Code of Conduct.

(c) Allegation 3

There was no evidence that supported the allegation. Therefore the Subject Member's actions and statements could not be a breach of the Code of Conduct.

Chairman

Date:

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