

**Medway Council**  
**Meeting of Councillor Conduct Committee**  
**Monday, 20 October 2014**  
**6.00pm to 7.05pm**

**Record of the meeting**

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

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

**In Attendance:** Perry Holmes, Assistant Director, Legal and Corporate Services/Monitoring Officer  
Teri Reynolds, Democratic Services Officer  
Christine Wilson, Head of Legal Services

**458 Record of meeting**

The record of the meeting held on 15 September 2014 was agreed and signed by the Chairman as correct.

**459 Apologies for absence**

There were none.

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

There were none.

**461 Declarations of disclosable pecuniary interests and other interests**

Disclosable pecuniary interests

There were none.

Other interests

There were none.

**462 Councillor Conduct Complaints under the Localism Act 2011**

**Discussion:**

The Monitoring Officer presented the report to Members, which provided the Committee with the updated procedures for dealing with Councillor conduct

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complaints following the discussion at the previous meeting on 15 September 2014.

### **Decision:**

The Committee approved the revised criteria for dealing with Councillor conduct complaints, as set out at Appendix 1 to the report.

### **463 Exclusion of the press and public**

The Committee agreed that the press and public be excluded from the meeting during consideration of the exempt material relating to agenda item 7 because consideration of these matters in public would disclose information falling within Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 6 and, in all the circumstances of the case, the Committee considers that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **464 Complaint CCC/004/2014**

#### **Discussion:**

The Monitoring Officer introduced the report, which detailed two complaints that had been received in relation to a Councillor regarding the same incident.

The Monitoring Officer advised the Committee that, in accordance with the published assessment criteria for Councillor conduct complaints, Members needed to determine whether the conduct referred to in each of the complaints 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 the complaint, as set out by the two complainants, and asked the Committee to determine whether the conduct referred to by the complainants 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.

During its consideration the Committee agreed that whilst the Councillor was not acting in this capacity at the beginning of the reported incident, he was during the later parts. The committee were of the opinion that the later parts of the complaint could be a breach of the Code of Conduct, in particular, "you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example".

#### **Decision:**

(1) The Committee determined that:

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- a) The Subject Member was not acting in his/her capacity as a Councillor at the initial meeting with the complainants.
  - b) The Subject Member was acting in his/her capacity as a Councillor when they began to discuss issues with the complainants as the Ward Councillor.
  - c) The allegations made in the complaint could potentially fall within the Code of Conduct.
- (2) The Committee agreed that the allegations should be referred for an investigation.

### **Reasons:**

The committee considered that on the face of the complaint the Subject Member could have breached the Code of Conduct, in particular, “you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example”.

### **Chairman**

### **Date:**

**Teri Reynolds, Democratic Services Officer**

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