

**Medway Council**  
**Meeting of Councillor Conduct Committee**  
**Monday, 23 February 2015**  
**6.00pm to 6.45pm**

**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

**778 Record of meeting**

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

**779 Apologies for absence**

There were none.

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

There were none.

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

Disclosable pecuniary interests

There were none.

Other interests

There were none.

**782 Guidance for Councillors on use of Council resources**

**Discussion:**

The Democratic Services Officer introduced the report which provided the committee with an updated guidance note for Councillors on the use of Council

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resources. She explained that the updates were to bring the guidance note in line with the new Councillor Conduct regime and the revised Communications Protocol and highlighted to the committee the most significant change to the document which was an additional paragraph on the use of social media.

### **Decision:**

The Committee authorised the Monitoring Officer to re-issue the guidance to all Councillors and co-opted Members after the local elections in May 2015.

## **783 Guidance for Councillors on ward work**

### **Discussion:**

The Democratic Services Officer introduced the report which set out an updated guidance note for Councillors on handling ward work. She drew the Committee's attention to a tabled version of the guidance which had further changes to it since the agenda had been published and these were highlighted as tracked changes.

A Member welcomed the guidance note but requested that more signposting for Members on where to go for additional information and advice on specific issues be included in the document. It was also noted that the words 'Customer First' under the safeguarding section should be replaced with 'the Customer Contact Team'.

Other Members also welcomed the document and wanted clarity on how this would be delivered in terms of Member induction post the local elections in May. It was felt that some training should be mandatory and part of that should be a session on this guidance. The Chairman confirmed that a meeting of the Member Development Advisory Group was due to be held the following week and this issue could be picked up at that meeting. The Democratic Services Officer also confirmed that the guidance note would be included in the welcome packs provided to all Members elected in May.

(NOTE: the Committee agreed a further addition to the guidance under the following item, providing Members with advice on when and when not Councillors are acting in their official capacity. This is reflected in minute number 785/2015)

### **Decision:**

The Committee agreed the guidance note as tabled at the meeting, subject to additional signposting being added to the document where appropriate and the words 'Customer First' being replaced with 'the Customer Contact Team' under the safeguarding section..

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### **784 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 8 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 7, 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.

### **785 Complaint CCC/004/2014**

#### **Discussion**

The Monitoring Officer introduced the report, which provided the Committee with the investigation report into complaint number CCC/004/2014, which the Committee had referred for investigation at its meeting on 20 October 2014. The Committee considered the report along with the views of the Independent Person, which were attached at Appendix 2 to the report. The views of the Independent Person had been sought in accordance with Section 28(7)(a) of the Localism Act 2011 which requires the views to be sought and taken into account before a decision is made on an allegation that has been investigated.

Members then discussed both the report from the Investigator and the submission from the Independent Person, both of which concluded that the Subject Member was not acting in their capacity as a Councillor when the alleged incident occurred. Both also advised that should the Committee consider that the Subject Member was acting in their official capacity the conduct was not so serious as to amount to a failure to comply with the Code.

The Committee agreed with the above findings of the Investigator and the Independent Person and referred to a suggestion made by the Independent Person in his submission, that Councillors should review their approach to constituents' casework and make a clear statement when involvement is in a private capacity, to avoid confusion being generated as to a councillor's role. It was suggested that advice relating to this should be included in the guidance for Councillors on ward work, which had been discussed earlier on the agenda, and to be picked up specifically during the forthcoming Member induction programme. The Head of Legal Services added that advice on this would also be included in the guidance for Members during the pre-election period which was now available via the Council's Intranet.

#### **Decisions:**

The Committee determined that no further action should be taken in relation to Complaint CCC/004/2014.

#### **Reasons:**

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The Committee, taking into account the report from the Independent Investigator and the Independent Person, found that the Subject Member was not acting in their official capacity as a Councillor at the time of the alleged misconduct and therefore was not subject to the Members' Code of Conduct.

**Chairman**

**Date:**

**Teri Reynolds, Democratic Services Officer**

Telephone: 01634 332817

Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)