

Medway Council
Meeting of Councillor Conduct Committee
Wednesday, 7 July 2021
6.00pm to 7.30pm

Record of the meeting

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

- Present:** Councillors: Brake, Mrs Diane Chambers (Chairman), Howcroft-Scott, Kemp (Vice-Chairman), McDonald and Potter
- Substitutes:** Councillors:
Curry (Substitute for Price)
- In Attendance:** Bhupinder Gill, Assistant Director, Legal and Governance
Jan Guylar, Interim Assistant Director, Legal and Governance
Sameera Khan, Assistant Head of Legal Services
Teri Reynolds, Democratic Services Officer
Debbie Yau, Democratic Services Officer

127 Election of Chairman

Councillor Mrs Diane Chambers was elected as Chairman for the 2021-22 municipal year.

128 Election of Vice-Chairman

Councillor Kemp was elected as Vice-Chairman for the 2021-22 municipal year.

129 Apologies for absence

An apology for absence was received from Councillor Price.

130 Record of meeting

The record of the meeting held on 20 January 2021 was agreed and signed by the Chairman as correct.

131 Urgent matters by reason of special circumstances

There were none.

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132 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

133 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 items 8 and 9 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 considers that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

134 Screening of complaint CCC/2021/001

Discussion:

The Deputy Monitoring Officer introduced a report which detailed complaints received which related to four Parish Councillors. The Committee considered the complaints as detailed in section 2 of the report, along with the full complaint submissions, which were appended to the report and included in two addendum reports. The complaints were divided into seven elements and an assessment of each element was undertaken in accordance with the screening process that the Committee had adopted for this purpose.

Decision:

The Committee agreed to take no further action in relation to all elements of complaint CCC/2021/001.

Reasons:

The Committee completed the Screening Process and determined the following for each element:

- Element 1 – did not breach the Code of Conduct because it was the responsibility of the Responsible Finance Officer of the Parish Council and was therefore an employment matter for the Parish Council.

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- Element 2 – did not breach the Code of Conduct because the Parish Council had followed advice provided by the previous Monitoring Officer. The Committee did request the Deputy Monitoring Officer to confirm to the Parish Council the procedures they should follow to enable them to discuss exempt information at future meetings.
- Element 3 – did not breach the Code of Conduct because it was the responsibility of the Responsible Finance Officer of the Parish Council and was therefore an employment matter for the Parish Council.
- Element 4 – did not breach the Code of Conduct because it was not an issue relating to Councillor Conduct and it had been confirmed all Parish Councillors satisfied the criteria within S79(1)(e) of the Local Government Act 1972.
- Element 5 – did not breach the Code of Conduct and even if they were to, the Committee confirmed the issues would not be considered proportionate or in the public interest to investigate. In addition, some of the issues raised related to matters that were more than 6 months old.
- Element 6 – did not breach the Code of Conduct and even if they were to, the Committee confirmed the issues would not be considered proportionate or in the public interest to investigate. In addition, some of the issues raised related to matters that were more than 6 months old.
- Element 7 – did not breach the Code of Conduct as it related to a matter that was not the responsibility of any Councillor but would be something managed by staff.

The Committee acknowledged the difficulties being experienced by the Parish Council and that there was a need for some support, which the Committee understood from the Deputy Monitoring Officer was now being provided by an experienced clerk.

135 Screening of complaint CCC/2021/002

Discussion:

The Deputy Monitoring Officer introduced a report which detailed a complaint received which related to a Medway Councillor. The Committee considered the complaint as detailed in section 2 of the report, along with the full complaint submissions, which were appended to the report.

An assessment of complaint was undertaken in accordance with the screening process that the Committee had adopted for this purpose.

Decision:

The Committee agreed to take no further action in relation to all elements of complaint CCC/2021/002, however did recommend that:

- a) All Councillors be notified that it is much safer for them to use their Council email addresses, as opposed to personal email address, to reduce the risks relating to hacking.

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- b) That the team who are responsible for the management of Ward Improvement Fund payments be requested to remind Members of the extra care they must take to reduce the risks of scams.

Reasons:

The Committee completed the Screening Process and determined that the matter did not amount to a potential breach of the Code of Conduct. The Committee understood that the Subject Member had referred the issue to the Council's Audit and Fraud Team and the matter was being investigated.

Whilst acknowledging that the tone of the Subject Member's email was curt, the Committee did not consider it amounted to a breach of the Code of Conduct, noting no offensive language had been used and acknowledging the likely frustration of both parties at the time of the emails being sent.

Chairman

Date:

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