

Medway Council
Meeting of Councillor Conduct Committee
Wednesday, 10 July 2024
6.03pm to 6.25pm

Record of the meeting

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

- Present:** Councillors: Gurung (Chairperson), Louwella Prenter (Vice-Chairperson), Brake, Howcroft-Scott, McDonald, Myton and Tejan
- Substitutes:** Councillors:
Gulvin (Substitute for Kemp)
- In Attendance:** Bhupinder Gill, Assistant Director, Legal and Governance
Wayne Hemingway, Head of Democratic Services

124 Apologies for absence

An apology for absence was received from Councillor Kemp.

125 Record of meeting

The record of the meeting held on 21 February 2024 was agreed and signed by the Chairperson as correct.

126 Urgent matters by reason of special circumstances

There were none.

127 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Councillor Gulvin declared an OSI in agenda item 5 (Review of Complaints 2023) and he left the meeting during consideration of this item.

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Other interests

There were none.

128 Chairperson's Announcement

The Chairperson advised the meeting that she would vary the order of business to take agenda item 6 (Appointment of Independent Persons) before agenda item 5 (Review of Complaints 2023).

129 Appointment of Independent Persons

Discussion:

This report informed the Committee of the requirement to appoint independent person(s) and set out proposals of the appointment process.

The Assistant Director Legal and Governance outlined the requirement to appoint Independent Persons (IPs) in accordance with the Localism Act 2011 in relation to Councillor conduct issues and the disciplinary appeals process in relation to the Council's statutory officers. He advised the Committee that the references to one of the existing IPs in the report, Mr Greenwood, should have read Mr Greenhill. He confirmed that Mr Greenhill was happy to be reappointed to continue in post. He also advised that no communication had been received by the other existing IP, Mr Teckhandani, and it was recommended that a recruitment process be undertaken in respect of this post, and it was anticipated that a report would be submitted to full Council in October 2024 seeking approval to the posts.

In response to a question on whether funding was put aside for the costs of the Independent Persons, including childcare costs, the Assistant Director Legal and Governance confirmed that there was no cost to advertising the role as it would be via the Council's website, that no allowances were payable for the role, however, out of pocket expenses, for example, travel and training, would be payable from within existing budgets. He also explained that some other local authorities did pay an allowance for IPs, for example Gravesham Borough Council, and this could be looked into the next time Medway reviewed its Members' Allowances.

It was also suggested that details of the IP recruitment be included in notices placed in the local newspaper to further publicise the recruitment.

Decision:

- a) The Committee noted the requirement for the appointment of independent person(s) under the Localism Act 2011.
- b) The Committee agreed to recommend Full Council to appoint Mr Greenhill for a further four-year term.

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- c) The Committee approved the process set out in paragraph 4.2 for the advertisement, selection and recommendation to Council for the appointment of a second independent person.
- d) The Committee agreed to consider the exploration of allowances for Independent Persons when there is next a review of Members' Allowances.

130 Review of Complaints 2023

Discussion:

This report informed the Committee of the number of complaints received under the code of conduct for Councillors, including the outcomes. The Assistant Director Legal and Governance explained the process in detail, including the process for the screening of complaints and the role of the Independent Person, whose views would be sought on the Assistant Director's assessment and draft decision. He also explained that where there was a divergence of views between the two, the complaint would then be referred to this Committee for consideration, and he confirmed that there had been no divergence of views during this period.

In response to a question regarding timescales, the Assistant Director advised the Committee that typically an acknowledgment of a complaint would be made within 5 working days and that a decision would be made within four weeks, subject to factors including workloads and whether any further information was required.

Decision:

The Committee agreed to note the complaints received during 2023 and the outcome.

Chairperson

Date:

Wayne Hemingway, Head of Democratic Services

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