

**CODE OF CONDUCT PANEL
28 JANUARY 2021
9.30 - 11.52 AM**



Present:

Councillors Allen (Chairman), Gbadebo and Mrs Temperton
Councillor Grant Strudley, Parish Council Representative and co-opted non-voting Panel Member

Apologies for absence were received from:

Councillors Neil

Also Present:

Dr Louis Lee, Independent Person
Donald Adam, Legal Advisor to the Panel
Sanjay Prashar, Monitoring Officer
Richard Beaumont, Investigating Officer
Melanie Saville, Witness and Complainant
Councillor Richard Price, Subject Member
Ann Moore, Head of Democratic and Registration Services
Hannah Stevenson, Clerk to the Panel
Lizzie Rich, Democratic Services Officer

1. Election of Chairman

RESOLVED that Councillor Allen be elected Chairman of the Code of Conduct Panel.

2. Apologies for Absence

Apologies were received from Councillor Neil. Cllr Mrs Temperton had been nominated as her substitute.

3. Declarations of Interest

There were no declarations of interest.

4. Code of Conduct Panel Hearing Procedure

The Panel noted the Code of Conduct Panel Hearing Procedure which would be followed.

5. Exclusion of Public and Press

The Code of Conduct Panel moved briefly into closed session to hear representations from the Monitoring Officer and Subject Member in order to determine whether the Hearing should remain in open session or move into closed session.

After hearing the representations, the Panel agreed that the hearing would continue in open session, and that the restricted annexes to the Monitoring Officers report be published with any third parties mentioned being redacted.

6. Code of Conduct Hearing Report

The Code of Conduct Panel met to consider a complaint which had been brought against Councillor Richard Price, a Crowthorne Parish Councillor and to determine whether Councillor Price had breached Crowthorne Parish Council's Code of Conduct For Members And Co-Opted Members.

The Panel considered the reports from the Monitoring Officer and Investigating Officer, as well as oral submissions given by the Investigating Officer's Witness, Mrs Melanie Saville, and Councillor Price.

Councillor Price had accepted one of the breaches of the Code that had been found against him within the report, and had apologised for this incident, but felt that he was not at fault for the other incidents raised.

Prior to the Panel's deliberations on whether Councillor Price had failed to comply with the Code of Conduct, the Independent Person, Dr Louis Lee expressed his view that based on the facts presented to the Panel, Councillor Price had breached the Code of Conduct.

After consideration of all that had been presented to it, both orally and in writing, The Code of Conduct Panel determined, on balance, that Councillor Price had breached the Parish Council's Code of Conduct and also its Equality and Fair Treatment Policy on the occasions and to the extent as had been set out in the Investigator's Report.

In agreeing with the findings of the Investigator's Report, the Code of Conduct Panel determined that in respect of the seven incidents of complaint that had been investigated, thirteen counts of breach of paragraph 3 of the Code of Conduct and including 6 counts of breach of paragraphs 1, 2 and 5 of its Equality and Fair Treatment Policy were proved and upheld, namely;

- Bringing the Parish Council or the Office of Councillor into disrepute (Upheld on 1 Count)
- Bullying the Complainant or others (Upheld on 6 Counts)
- Failing to treat the Complainant or others with respect (Upheld on 6 Counts)

The Code of Conduct Panel agreed with the Investigator's findings that there had, however, been no incident or element of discrimination of others by Councillor Price.

The Code of Conduct Panel determined that Councillor Price had breached the Parish Council's Code of Conduct in respect to six of the seven incidents in 2020 as set out in the Investigator's report as the Panel considered that his behaviour towards Mrs Melanie Saville, the Clerk of Crowthorne Parish Council on those occasions had been unacceptable. The Panel felt that Councillor Price's offer of a revised apology from him along with Code of Conduct training was not a reasonable sanction.

The Panel noted Councillor's Price's submission that he had not intended to bully the Complainant or anyone else during the incidents complained of and also noted Councillor Price's willingness to accept that those incidents described may have been construed by the recipient as bullying even though that was not his intention at the time. However, the Panel considered that Councillor Price's acknowledgment did not go far enough. The Panel considered that Councillor Price failed to accept that his behaviour towards the Complainant and others could be construed by the recipient as

bullying behaviour, even if that had not been Councillor Price's intention when conducting himself.

As such, the Panel recommended a number of sanctions including that Councillor Price be removed from his 'Finance Champion role', and be prevented from acting as chair of any Crowthorne Parish Council Committees or groups for at least one year.

The Panel determined these necessary and proportionate sanctions when considering both the nature and seriousness of the complaint and the need to uphold the public accountability of elected Councillors and to help ensure that such incidents are not repeated

A full list of the recommended sanctions were detailed in the Decision Notice which would be sent to the complainant, Cllr Price and the Chairman of Crowthorne Parish Council.

The Panel wished to thank and commend the Complainant, Mrs Saville, for bringing these matters to its attention.

CHAIRMAN

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Code of Conduct Panel

Record of Decision

Monday 1 February 2021

| MATTER FOR CONSIDERATION |
|--|
| Determination of a complaint against Cllr Richard Price, a Crowthorne Parish Councillor |
| DECISION MADE BY |
| Code of Conduct Panel – Sub-Committee of Governance & Audit Committee Cllrs Allen (Chair), Gbadebo, Strudley (non-voting co-opted member) and Temperton |
| DECISION |
| Cllr Richard Price, Crowthorne Parish Councillor, breached the Crowthorne Parish Council Code of Conduct by: <ul style="list-style-type: none">(i) Bringing the council or the office of councillor into disrepute(ii) Bullying the complainant(iii) Failing to treat the complainant and/or others with respect Cllr Richard Price also breached sections 1,2 and 5 of Crowthorne Parish Council's Equality and Fair Treatment Policy |
| SANCTIONS IMPOSED |
| (a) The Monitoring Officer is instructed to arrange for Cllr Price to attend: <ul style="list-style-type: none">• refresher training on the Member Code of Conduct• a suitable anti-bullying training session (b) The Panel will publish its decision in respect of this matter by issuing a press release in addition to this formal decision record |
| (c) The Panel recommends that Crowthorne Parish Council: <ul style="list-style-type: none">• issues a formal Censure towards Cllr Price through a motion at the next available public Parish Council meeting• removes Cllr Price from his role as Finance Champion and as Chair of any other committees or groups on the parish council for a period of at least 12 months from the point that the removal takes effect• adopts a Member/Officer Protocol on or before the Parish Council Annual Meeting in May 2021 and ensures that it is properly enforced (d) Cllr Price's compliance with the Member Code of Conduct and the Equality Fair Treatment Policy, and his behaviour towards Mrs Saville should be formally monitored by the Chair of Crowthorne Parish Council and the Monitoring Officer, at least quarterly and for a period of at least 6 months. This formal monitoring should include input from the complainant. |
| (e) All Panel recommendations should be implemented as soon as practicable unless indicated otherwise |

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