

To: **CODE OF CONDUCT PANEL**
28 JANUARY 2021

Code of Conduct Panel Hearing
Executive Director of Delivery - Legal

1 Purpose of Report

- 1.1 The Code of Conduct Panel has responsibility for the determination of allegations that a Member or Co-opted Member of the Borough Council (or Parish/Town Council) has failed to comply with the Council's Code of Conduct for Councillors. A link to the Code of Conduct as adopted by Crowthorne Parish Council can be found [here](#). A link to the Council's Arrangements ("the arrangements") for dealing with Code of Conduct Complaints (also adopted by the Parish Council) can also be found [here](#).

2 Recommendation(s)

- 2.1 The Hearing Panel is asked to consider and determine under the Arrangements a complaint made against Cllr xxxx by xxxx, alleging breaches by Cllr xxxx of the Members' Code of Conduct. A link to a copy of the complaint (which was submitted on 11 September 2020) can be found at Annex A.
- 2.2 The complaint set out that that Cllr xxxx had *'breached the code of conduct: By bringing the council or the office of councillor into disrepute, By bullying me and/or others, By discriminating against me and/or others, By failing to treat me and/or others with respect..'* and that he had displayed *'aggressive, harassing and bullying conduct towards [me] in written communications, meetings and in the wider public realm..... Cllr xxxs behaviour has been witnessed by Members, Officers and the public..... Informal attempts to resolve the situation have been unsuccessful as several Cllrs had assured me they had spoken to Cllr xxxx to inform him that his conduct towards me was unacceptable and must stop. Despite this, the situation has continued and escalated to a point it is impacting my health and well-being.'*
- 2.3 The complainant supported her complaint with a schedule of seven specific incidents, dated between January and September 2020

3 Reasons for Recommendation(s)

- 3.1 To deliver an outcome pursuant to the xxxx Parish Council Code of Conduct and its arrangements for dealing with allegations of Code breaches.

4 Alternative Options Considered

- 4.1 None. The Investigator has found that Cllr xxxx has breached the Code of Conduct and efforts to achieve an informal resolution have not borne fruit.

5 Supporting Information

- 5.1 As provided for in the Arrangements the complaint was initially considered upon receipt by the Monitoring Officer who was required to make one of three decisions:
- Take no action
 - Seek to resolve the complaint informally
 - Refer the Complaint for investigation
- 5.2 Following consultation with the Independent Person, Dr Louis Lee, the complaint was referred for investigation. Mr Richard Beaumont, a former Head of Service in Bracknell Forest Council with over 40 years' experience in the public sector was appointed to undertake this task. During the investigation process Mr Beaumont interviewed the complainant and Cllr **xxxx**. He also sought and obtained written comments from them on their recollection of two incidents alleged by the complainant, which had been refuted by Cllr **xxxx**.
- 5.3 Following completion of his investigation an investigation report was prepared by Mr Beaumont. In accordance with the arrangements, both Cllr **xxxx** and the complainant were given the opportunity to comment on the draft report prior to it being finalised. A link to a copy of the final investigation report can be found at Annex B
- 5.4 Mr Beaumont found that there was a failure by Cllr **xxxx** to comply with the Members' Code of Conduct on the following grounds;
- *Bringing the council or the office of councillor into disrepute (1 count)*
 - *Bullying me and/or others (6 counts)*
 - *Failing to treat me and/or others with respect. (6 counts)*
- 5.5 His report which was shared with Cllr **xxxx**, the complainant and the Monitoring Officer concluded with the following recommendations;
- a) Councillor **XXXX** should make a written apology to the complainant, acknowledging that his behaviour constituted bullying, promising to cease all such behaviour and to abide by the Code of conduct in future, and undertake to work with her in a spirit of respect and co-operation, for the benefit of the Council and the residents of **xxxx**. The apology should be copied to the Parish Council Chairman and the Monitoring Officer.
 - b) Councillor **xxxx** should receive refresher training on the Members code of conduct, and specifically on the standards of behaviour required of councillors.
 - c) Councillor **xxxx** compliance with the Members code of conduct and the Equality & Fair Treatment Policy, and his behaviour towards the complainant should be formally monitored by the Chairman of the Parish Council and the Monitoring Officer, at least quarterly and for a period of at least six months.
 - d) **xxxx** Parish Council should adopt a Member/Officer Protocol as soon as possible and ensure that it is properly enforced.
- 5.6 The Monitoring Officer wrote to Cllr **xxxx** on 14 October to establish whether he accepted the recommendations. In the absence of a response follow up emails were sent on 27 October and 6 November. A response was received from Cllr **xxxx** accepting recommendations b, c & d. However, Cllr **xxxx** only accepted a breach of the Code in relation to one of the incidents cited in the complaint and indicated he would present a written apology on that basis. A draft letter of apology was received by the Monitoring Officer in such terms on 13 November which was rejected by the Monitoring Officer on the grounds that it fell short of a full recognition of the findings.

The correspondence referred to in this paragraph, including a copy of the draft apology can be found at Annex C

5.7 In the absence of an informal resolution the Monitoring Officer is referring the complaint to the Code of Conduct Panel. The Panel is required to determine whether Cllr **xxxx** has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of Cllr **xxxx**. Sanctions available to the Panel in the event it reaches a conclusion that Cllr **xxxx** failed to comply with the Code of Conduct, are set out in Paragraph 9.1 of the Arrangements. They are as follows;

- to report its findings to council for inclusion on a council agenda
- to issue a press release with its findings
- to instruct the Monitoring Officer to arrange appropriate training
- to require the councillor or co-opted member to issue a written apology to the complainant in an open letter
- to recommend that the council issues a formal censure (for example through a motion at a council meeting)
- to recommend to the relevant group leader (or in the case of 'ungrouped' councillors or co-opted members, to recommend to council or to committees) that the councillor or co-opted member is removed from any or all committees or sub-committees
- to recommend to the Leader of the Council that the councillor is removed from the Executive, or removed from particular portfolio responsibilities
- to recommend that the councillor is removed from any or all outside appointments to which he/she has been appointed or nominated by the Leader of the Council
- to refer the matter to the party whip in order for the political group to consider whether to take action under its own procedures

NB: The above sanctions are not mutually exclusive. A Panel has no power to suspend or disqualify a Member or to withdraw a Member's allowances.

Contact for further information

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