

To: **CODE OF CONDUCT PANEL**
13 November 2024

Code of Conduct Panel Hearing
Executive Director of Communities - 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 has failed to comply with the Council's Code of Conduct for Councillors. The Code can be accessed by the attached link. A link to the Council's Arrangements ("the arrangements") for dealing with Code of Conduct Complaints can also be found here: <https://www.bracknell-forest.gov.uk/council-and-democracy/get-in-touch/complaints/councillor-complaints>

2 Recommendation(s)

- 2.1 The Hearing Panel is asked to consider and determine under the Arrangements a complaint made on 16 April 2024 by the Chief Executive against Cllr X, alleging breaches by Cllr X of the Members' Code of Conduct. A copy of the complaint is enclosed.
- 2.2 The complaint alleges that Cllr X had "*breached the code of conduct by failing to treat others with respect*"
- 2.3 The specific facts giving rise to the complaint are set out as follows;

Towards the end of March it was reported by X recently retired X , that he was witness to inappropriate behaviour in Time Square exhibited by Cllr X He reported, "My recollection is that X spotted her heading towards us and said to me something like 'look out X coming'. X then came up to us and said "watch it or I'll kick your fucking head in" which may have been directed at me but could have been at . She then said that she knew how to lip read. After that she started talking about planning matters for a bit and then left."

It is believed that this behaviour has breached the code of conduct in multiple ways;

- (i) Not treating others with respect*
- (ii) Bullying or harassing a person*
- (iii) Bringing the Council into disrepute*

The subject of the behaviour is a junior officer who does not wish to raise a formal complaint. Given the seriousness of the incident, it is being progressed on behalf of staff in the organisation by the Head of Paid Service"

3 Reasons for Recommendation(s)

- 3.1 To deliver an outcome pursuant to the 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 X has breached the Code of Conduct and efforts by the Monitoring Officer to achieve an informal resolution have not succeeded.

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 The complaint was referred for investigation. An external investigator was appointed to undertake this task. During the investigation process the investigator interviewed the complainant, Cllr X as well as two officers who were cited as witnesses to the incident.
- 5.3 Following completion of his investigation an investigation report was prepared. In accordance with the arrangements, both Cllr X and the complainant were given the opportunity to comment on the draft report prior to it being finalised. The final investigation report (dated 12 July 2024) is enclosed.
- 5.4 The investigator found that there was a failure by Cllr X to comply with the Members' Code of Conduct
- 5.5 The Monitoring Officer wrote to Cllr X on 23 July offering a meeting with a view to achieving an informal resolution, notwithstanding the outcome of the investigation. Cllr X responded by email on 24 July and 2 August. As the contents revealed a lack of contrition on the part of Cllr X and moreover given their clear criticism of the complaint and investigation process, the Monitoring Officer responded by email on 5 August, withdrawing the offer of a meeting.
- 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 X has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of Cllr X. Sanctions available to the Panel in the event it reaches a conclusion that Cllr X failed to comply with the Code of Conduct, are set out in Paragraph 9.1 of the Arrangements. They are as follows;
- The Panel recommending that the Council issue a formal Censure towards the Councillor e.g. through a Motion at a Council meeting.
 - The Panel publishing its decision by issuing a press release.
 - The Panel reporting findings to Council for inclusion on Council agenda.
 - The Panel recommending to the Councillor's group leader that he/she be removed from any or all committees or sub-committees.
 - The Panel Instructing the Monitoring Officer to arrange appropriate training.
 - The Panel requiring the Councillor to issue a written apology to the complainant in an open letter.
 - The Panel referring the matter to the party whip in order that the Political group may consider what action to take under its own procedures.

The Code of Conduct Panel has no power to suspend or disqualify the member or to withdraw the member's allowance

Contact for further information

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