

STANDARDS COMMITTEE

30 SEPTEMBER 2019

Present: Councillors Barnett (Chair); O'Callaghan (Vice-Chair); and Roberts.
Independent Persons: John Baker and Amanda McIntyre.

27. APOLOGIES FOR ABSENCE

Apologies received from Councillor Bishop.

28. DECLARATIONS OF INTEREST

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Roberts	29	Personal – Knows one of the complainants.

29. MINUTES OF THE PREVIOUS MEETING HELD ON 18 AUGUST 2019

RESOLVED – that the minutes of the meeting held on 19 August 2019 be approved by the Chair as a true record.

30. STANDARDS COMPLAINT REF 2019/7/A-D

The Monitoring Officer presented a report to decide what action to take in respect of 4 complaints against Councillor X regarding the following paragraphs of the Code of Conduct:

- Section 3-(1): You must treat others with respect.
- Section 3-(2)(a) You must not- do anything which may cause your authority to breach any of its equalities duties (in particular as set out in the Equality Act 2010).

As all four complaints were relating to the same incident they were heard as one complaint.

The complaints were received between 30th July 2019 and 6th August 2019. The Monitoring Officer and Deputy Monitoring Officer met with Councillor X on 21st August to discuss the complaints.

The Monitoring Officer sought the views of an Independent Standards Consultancy. Their advice was included in the Monitoring Officer's report.

The Committee considered the external advice, asked questions of the Monitoring Officer and sought the views of both Independent Persons.

The Sub-Committee initially considered if the complaint met the initial tests as set out in the report:

- a) It is a complaint against one or more named councillors of the Council;

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b) The named councillor was in office at the time of the alleged conduct and the Code of Conduct was in force at the time; and

c) The complaint, if proved, would be a breach of the Code under which the councillor was operating at the time of the alleged misconduct.

The Committee felt that the complaints did not meet paragraph (c) of the initial tests and therefore the Code of Conduct was not engaged.

RESOLVED (unanimously):-

Complaints A-D: Code of Conduct not engaged. Equalities Act training required for all councillors.

Reasons for Decision

The Committee considered the complaint and evidence submitted and found that whilst Councillor X's choice of words were ill advised, there was insufficient evidence for them to find that the provisions of the Equality Act 2010 was specifically breached which is the requirement of the Code of Conduct. The Committee felt strongly that mandatory training for all councillors on the duties set out in the Equalities Act should be organised as soon as possible.

The Committee considered that the balance between Freedom of Expression under Article 10 of the European Convention on Human Rights and treating others with respect under the Code of Conduct was a fine line but one which they did not consider Councillor X to have crossed on this occasion.

(The Chair declared the meeting closed at. 12.25 pm)