



# Rutland County Council

Catmose Oakham Rutland LE15 6HP.

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Minutes of the **MEETING of the CONDUCT COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Tuesday, 2nd April, 2019 at 4.30 pm

**PRESENT:** Mr K Bool Mr R Foster  
Mr R Gale Mr S Aley  
Mr G Grimes Mr O Hemsley  
Miss G Waller

**OFFICERS PRESENT:** Mr P Horsfield Deputy Director Corporate Governance (Monitoring Officer)  
Mrs N Taylor Governance Manager

## 753 APOLOGIES

Apologies were received from Mr M Oxley.

## 754 MINUTES

The minutes of the Conduct Committee held on 14 February 2019 were confirmed and signed by the Chairman.

## 755 DECLARATIONS OF INTEREST

Mr Hemsley declared an interest in Item 6 of the Agenda as he had previously made his views in this topic known publically and as such would step down from the Chair and leave the meeting during debate and decision of this item.

## 756 PETITIONS, DEPUTATION AND QUESTIONS

No petitions, deputations or questions had been received in relation to items listed on the agenda for this meeting.

## 757 QUESTIONS FROM MEMBERS

There were no questions from Members.

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Mr O Hemsley left the meeting.

Mr Horsfield invited nominations for a Chairman to preside over the meeting for Item 6.

Members of the Committee nominated Miss Waller.

There were no further nominations.

Miss Waller took the Chair.

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## 758 ALLEGATION OF BREACH OF CODE OF CONDUCT - REPORT OF INDEPENDENT INVESTIGATOR

Report No. 69/2019 was received from the Monitoring Officer the purpose of which was for the Conduct Committee to note the report of the independent investigator in relation to complaint reference 25/18.

Mr Horsfield, Monitoring Officer, introduced the report and provided a brief summary and confirmed that as Mr Alderman was no longer a Councillor, no further action could be taken.

During debate the following points were noted:

- i. Mr Horsfield confirmed that the report on Standards in Public Life had provided some clarification in relation to the requirement for the subject of a Conduct Complaint to be acting as a councillor at the time of the behaviour complained of. A Report would be brought back to the Committee at the start of the new Council Term;
- ii. Mr Aley clarified that some of the behaviour complained of had taken place when Mr Alderman was a Councillor, but the Code required there to be a distinction as to whether a subject was acting in their official capacity at the time of the alleged behaviour;
- iii. Mr Horsfield confirmed that his recommendation was to note the report as Mr Alderman was no longer a Councillor. However, had Mr Alderman still been a Councillor it would have been for the Committee to decide whether to accept the conclusion of the investigators or not;
- iv. Mr Grimes, Independent Person, was of the view that the sort of behaviour detailed in the report was unacceptable, had no place in society and had in fact been proved to constitute criminal behaviour. Mr Grimes did not agree with the conclusion in the report, he believed that the "person in the street" would take the view that Mr Alderman had been acting as a Councillor. Mr Grimes felt in his role he should take the perspective of how members of the community might understand the situation, without the application or knowledge of the legal and procedural tests applied to Conduct matters. Mr Grimes felt that although the committee could not impose sanctions they could choose to comment on the outcome in the report; and
- v. Miss Waller asked the Committee to consider whether it was appropriate, whilst acknowledging that Mr Alderman was no longer a Councillor and no further action could be taken, to send a clear message that the Committee felt that the behaviour was totally unacceptable and should be condemned. The Committee were in agreement that their views as to such behaviour should be clarified.

### RESOLVED

The Committee **NOTED** the final report of the Independent Investigator in relation to complaint 25/18 attached at Appendix A of Report No. 69/2019 and condemned anyone making such threatening and abusive comments as those made by Mr Alderman.

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Mr Hemsley returned to the meeting and took the Chair.  
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**759 EXCLUSION OF THE PUBLIC AND PRESS**

The Committee **AGREED** that the public and press be excluded from the meeting during consideration of Items 8 & 9 of the agenda in accordance with paragraph 1 of part 1 of Schedule 12A to the Local Government Act 197 (Information relating to any individual).

**760 ALLEGATION OF BREACH OF CODE OF CONDUCT**

In accordance with the resolution above, debate and decision on this item took place in private.

**761 ALLEGATION OF BREACH OF CODE OF CONDUCT - REPORT OF INDEPENDENT INVESTIGATOR**

In accordance with the resolution above, debate and decision on this item took place in private.

**762 NOTICES OF MOTION**

There were no notices of motion.

**763 ANY OTHER URGENT BUSINESS**

Mr Gale requested further clarification on whether the Committee were obliged to refer repeated complaints in relation to the Councillors from the same Parish for investigation as this involved considerable cost in terms of time and money.

Mr Horsfield confirmed that should the Committee be minded to make recommendations following an investigation and these recommendations were not accepted or acted on by the Parish, then the Committee would have to consider whether it would be in the public interest to approve further investigations in relation to subsequent complaints. The Committee would have to carefully consider future complaints, where these were in relation to the same members and/or behaviour, and decide whether there was any benefit in proceeding further with the complaints. The powers of the Committee in relation to Conduct Complaints was limited and Parishes were not obliged to comply with the recommendations of the Committee.

Miss Waller requested further information on how the Council could support best practice and training and development of Parish Members and Clerks.

Mrs Taylor, Governance Manager, confirmed that Leicestershire and Rutland Association of Local Councils (LRALC) were providing a briefing session for Parishes shortly after the Elections in May which would be held at the Council Chamber so that it was accessible for all Rutland Parishes. Parishes would also be invited on any training provided by the Monitoring Officer on Code of Conduct following the Election in May.

Mr Horsfield also confirmed that the Society of Local Council Clerks also provided training, guidance and support for Parish Clerks.

Mr Hemsley, Chairman, thanked the Independent Person and the Parish and Town Council Representatives for their contribution to the work of the Committee during the year.

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**The Chairman declared the meeting closed at 5.19 pm.**

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