

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, 22nd March, 2022 at 7.00 pm

PRESENT: Councillor O Hemsley (Chair) Councillor A Brown (Vice-Chair)
Councillor P Ainsley Councillor N Begy
Councillor J Burrows Councillor S Harvey
Councillor S Webb

OFFICERS PRESENT: Marie Rosenthal Monitoring Officer
Sarah Khawaja Deputy Monitoring Officer
Tom Delaney Governance Manager

IN ATTENDANCE: Gordon Grimes Independent Person

1 APOLOGIES

There were no apologies for absence.

2 MINUTES

Consideration was given to the minutes of the meeting held on 7 December 2022.

RESOLVED

That the minutes of the meeting held on 7 December be **APPROVED**.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 PETITIONS, DEPUTATION AND QUESTIONS

No petitions, deputations or questions were received.

5 QUESTIONS FROM MEMBERS

No questions from Members were received.

6 NOTICES OF MOTION

No notices of motion were received.

7 REVISED MEMBERS' CODE OF CONDUCT

Report No. 61/2022 was presented by Marie Rosenthal, Interim Deputy Director for Corporate Governance and Monitoring Officer, the report set out a revised Members' Code of Conduct for consideration prior to it being submitted to full Council on 11 April 2022 for approval. The revised Code was based on the new model code recently produced by the Local Government Association following recommendations made by the Committee on Standards in Public Life.

Following consideration the recommendations of Report No. 61/2022 were moved by and seconded and upon being put to the vote, with seven votes in favour the motion was unanimously carried.

RESOLVED

That the Conduct Committee:

- 1) **RECOMMENDED** to Council that it approves the adoption of the revised Code of Conduct for Members as set out in Appendix A to the report.
- 2) **AGREED** the adoption of the 8 best practice recommendations of the Committee on Standards in Public Life set out in paragraph 5 of the report.
- 3) **AGREED** an all-member seminar would be arranged as soon as practicable to ensure Members were aware of the change and understood the terms of the new Code of Conduct.
- 4) **RECOMMENDED** the new Code of Conduct to Rutland Parish Councils.

8 REVISED ARRANGEMENTS FOR DEALING WITH CONDUCT ALLEGATIONS

Report No. 62/2022 was presented by Sarah Khawaja, Legal Services Manager and Deputy Monitoring Officer, the report set out revised Arrangements for Dealing with Conduct Allegations for consideration and submission to Council for approval.

It was noted and agreed that agreement of the arrangements would be subject to the inclusion of a public interest test and that where the Monitoring Officer, in consultation with the Independent Person, considers it necessary to take action without investigating a matter, the Monitoring Officer will notify the Chair as soon as practicable.

In response to concerns raised by Members on oversight of complaints resolved informally without a Committee hearing, it was agreed that the Monitoring Officer would present an annual report on complaints to the Committee. The Chair of the Committee would also be kept informed of complaints resolved informally as a check and balance.

The recommendations of Report No. 62/2022 were moved and seconded and upon being put to the vote, with seven votes in favour the motion was unanimously carried.

RESOLVED

That the Committee **RECCOMENDED** that Council approves the adoption of the revised Arrangements for Dealing with Conduct Allegations in Appendix A to the report, subject to the amendments agreed at the meeting.

9 EXCLUSION OF THE PRESS AND PUBLIC

Councillor O Hemsley moved from the Chair that the meeting exclude the press and public as consideration of the following items was likely to involve discussion of exempt information relating to the identities of the complainant and subject Councillor.

This was seconded and upon being put to the vote, with seven votes in favour the motion was unanimously carried.

RESOLVED

That the press and public be excluded from the remainder of the meeting as the following items of businesses would involve discussion of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual.

10 ALLEGATION OF BREACH OF CODE OF CONDUCT - OAKHAM TOWN COUNCIL

Report No. 63/2022 was received from the Monitoring Officer.

Sarah Khawaja, Deputy Monitoring Officer, presented the report and summarised the findings of the Independent Investigator

RESOLVED

- 1) That the final report of the Independent Investigator be **NOTED**.

Consideration was then given to whether the Councillor concerned had breached Oakham Town Council's Code of Conduct, during its considerations the Committee was advised by Marie Rosenthal, Monitoring Officer, and also had the opportunity to receive the views of Gordon Grimes, the Council's Independent Person.

It was moved by Councillor A Brown that the Committee find the Councillor concerned in breach of Oakham Town Council's Code of Conduct. This was seconded and upon being put to the vote, with seven votes in favour the motion was unanimously carried.

RESOLVED

- 2) That the Councillor concerned was found in breach of Oakham Town Council's Code of Conduct.

Consideration was then given to the potential sanctions available for the Committee to impose on the Councillor concerned. Following discussion, it was moved by Councillor O Hemsley that all available sanctions be imposed except the recommendation of training, which the Committee felt would not be of value. This was seconded and upon

being put to the vote, with six votes in favour and one abstention, the motion was carried.

RESOLVED:

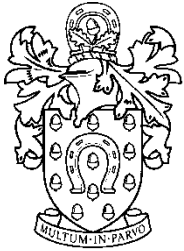
- 3) That the subject Member be issued a formal letter.
- 4) That formal censure be imposed.
- 5) That Oakham Town Council be recommended to remove the Member the member from committee(s) and other appointments.
- 6) That a press release and other appropriate publicity be published.

A full copy of the decision notice in respect of the complaint can be found appended to these minutes.

11 ANY OTHER URGENT BUSINESS

There was no urgent business for consideration.

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The Chair declared the meeting closed at 8.08pm
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Conduct Allegation

Rutland Council Conduct Committee Decision Notice:

Subject Member: Cllr Adam Lowe – Oakham Town Council

Date Complaint Received: 16th July 2021

Date of Conduct Committee Decision: 22nd March 2022

<p>Summary of Complaint and Findings</p>	<p>That Cllr Lowe had attended another Cllr’s home for a meeting during which he made several offensive comments. Cllr Lowe subsequently threatened the Cllr after a complaint was made.</p>
<p>Decision</p>	<p>The Committee found that Cllr Lowe was in breach of the following Oakham Town Council Code of Conduct obligations:</p> <p><i>“He or she shall</i> <i>4.1.1 behave in such a way that a reasonable person would regard as respectful and</i> <i>4.1.2 not act in way which a reasonable person would regard as bullying or intimidatory”.</i></p> <p>The Committee held that the following sanctions should be imposed:</p> <ol style="list-style-type: none"> 1. Cllr Lowe be issued a formal letter of censure. 2. Oakham Town Council be recommended to remove Cllr Lowe as a member from committee(s) and other appointments. 3. A press release and other appropriate publicity be published of the Decision. <p>DATED 22 MARCH 2022</p>

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