



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 on Tuesday, 7th December, 2021 at 7.00 pm

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

OFFICERS PRESENT: Sarah Khawaja Principal Solicitor
Tom Delaney Governance Officer

IN ATTENDANCE: Gordon Grimes Independent Person

1 APOLOGIES

No apologies for absence were received.

2 MINUTES

Consideration was given to the minutes of the meeting held on 23 September 2020.

RESOLVED

That the minutes of the meeting held on 23 September 2020 be **APPROVED**.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 PETITIONS, DEPUTATION AND QUESTIONS

There were no petitions, deputations and questions.

5 QUESTIONS FROM MEMBERS

There were no questions from Members.

6 NOTICES OF MOTION

There were no notices of motion.

7 APPOINTMENT OF VICE-CHAIR

It was moved by Councillor O Hemsley that Councillor A Brown be appointed as Vice-Chair of the Conduct Committee for the 2021-22 municipal year, this was seconded. There were no further nominations and upon being put to the vote, the motion was unanimously agreed.

RESOLVED

That Councillor A Brown be **APPOINTED** as Vice Chair of the Conduct Committee for the remainder of the 2021-22 municipal year.

8 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 complainants and subject Councillors.

This was seconded and upon being put to the vote 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.

9 ALLEGATION OF BREACH OF CODE OF CONDUCT - UPPINGHAM TOWN COUNCIL

Report No. 170/2021 was received from the Monitoring Officer, the Principal Solicitor and Deputy Monitoring Officer, Sarah Khawaja, presented the report which presented the findings of an investigation into allegations of a breach of Uppingham Town Council's Code of Conduct by an Uppingham Town Councillor.

In line with the Council's Arrangements for dealing with complaints, the Committee was advised by Gordon Grimes, the Independent Person, and received representations from the subject Councillor during the hearing.

RESOLVED

- 1) That the subject Councillor breached Uppingham Town Council's Code of Conduct in respect of one of the allegations made.
- 2) That the subject Councillor be issued with a formal letter and required to attend appropriate training arranged by the Monitoring Officer.

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

Report No. 171/2021 was received from the Monitoring Officer, the Principal Solicitor and Deputy Monitoring Officer, Sarah Khawaja, presented the report which set out the details of a complaint against an Oakham Town Councillor and requested the Committee to consider what, if any, further steps should be taken in relation to the complaint.

In line with the Council's arrangements for dealing with complaints, the Committee was advised by the Independent Person, Gordon Grimes.

RESOLVED

That the allegations warranted a full report, and the Committee requested the Monitoring Officer to prepare such a report, including further investigations to be carried out if required.

11 ANY OTHER URGENT BUSINESS

There was no urgent business for consideration.

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The Chair declared the meeting closed at 9.00 pm.

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Conduct Allegation - Decision Notice

Subject Member: Cllr Mark Shaw (Uppingham Town Council)

Date complaint received: 29th March 2021

Date of Decision: 7th December 2021

Independent Person consulted: 22nd April 2021

Summary of Complaint	That the Subject Member had: i) Harassed the complainant and/or his builders ii) Disclosed the complaint to a third party. iii) Sent a cease and desist letter to the complainant
Findings of Fact	There was no evidence to support the allegation of harassment. Members were also not satisfied that the subject member could be said to be responsible for the cease and desist letter as it was sent by a third party. The subject member accepted that he had disclosed details of the complaint to a third party.
Decision	The subject member breached (5) of the Member Obligations in Uppingham Town Council's Code of Conduct which prescribes that Members shall not, 'disclose information which is confidential or where disclosure is prohibited by law.
Reason for Decision	There was clear evidence, including his own, that Cllr Shaw had disclosed information, which he knew was confidential, to a third party.
Sanction	i) Cllr Shaw will be issued with a formal letter ii) Cllr Shaw is required to attend appropriate training to be arranged by the Monitoring Officer.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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