

GOVERNANCE AND AUDIT AND STANDARDS - (HEARING) SUB COMMITTEE

Minutes of the meeting of the Governance and Audit and Standards -
(Hearing) Sub Committee held on Wednesday, 21 October 2015 at 3.00 pm at
the Guildhall, Portsmouth

Present

Councillor Aiden Gray (in the Chair)
Councillors Matthew Winnington and Stephen Hastings

Independent Person

Carole Damper

Also attending

Monitoring Officer, Michael Lawther

External Investigator, Richard Lingard

1. Election of Chair

Councillor Gray was elected Chair for the meeting.

2. Declarations of Members' Interests

There were no declarations of interest.

Deputation from the public

The Chair advised that there had been one deputation request. This was from the Complainant.

The Monitoring Officer outlined the procedure for the meeting which would be

- deputation to be heard in open session
- sub-committee to consider whether or not to move into exempt session to consider the complaint
- once decided, exclude members of press and public if appropriate
- Consider the report from the external investigator
- Consider any other evidence
- Discuss and ask questions
- Agree decision
- Communicate in open session the decision reached

The Chair invited the Complainant to make his deputation which he then did.

3. Exclusion of Press and Public

It was proposed by Councillor Gray, seconded by Councillor Hastings that the meeting move into exempt session to consider the complaint. This was agreed.

RESOLVED that, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information Act, 1985), the press and public be excluded for the consideration of the following item:-

Item 4 - on the grounds that it contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act, 1972 under paragraphs 1 and 2.

Paragraph Exemption Nos:

- 1. Information relating to any individual**
- 2. Information which is likely to reveal the identity of an individual**

Although there is a public interest favouring public access to local authority meetings, given the legally and personally sensitive information contained in the report and appendices, the public interest in maintaining the exemption outweighs the public interest in disclosing the (exempt) information.

4. Consideration of a complaint against a Member

(TAKE IN EXEMPT REPORT)

The investigator outlined the contents of the report and provided background information to the sub-committee members who each confirmed they had read the report prior to the meeting.

The sub-committee members were shown video clips of the incident which formed part of the alleged incident being complained about (as provided by the Complainant and the person on whose behalf the complaint was made.)

The sub-committee members were given the opportunity to discuss the matter before them and ask any questions.

The Monitoring Officer and the Investigator responded to the various questions/points of clarification raised by the sub-committee members arising from the investigation report and it was noted that all parties had had the opportunity to submit their views for the sub-committee's consideration.

The sub-committee members were advised by the Monitoring Officer of the options available should they conclude that the Code of Conduct had been breached.

Following detailed deliberation, the sub-committee members came to a unanimous decision and

RESOLVED that the sub Committee move back into open session to deliver their decision.

The Chair welcomed the public back and advised that the sub-committee had come to a conclusion having:

- read the investigation report by Richard Lingard, independent investigator
- heard the deputation made by the Complainant
- viewed the video clips provided
- questioned the Investigator on his findings
- been advised of the options open to them if they concluded that a breach of the code of conduct had occurred and
- participated in a full debate about the complaint

The Chair read out the unanimous decision of the sub-committee which

RESOLVED that.

- (1) A breach of the code of conduct had occurred in that the subject member had been disrespectful to the person on whose behalf the complaint had been made**
- (2) Formal training be arranged for all members on the Code of Conduct and how members should conduct themselves in relation to the relaxation of rules around electronic media at meetings to provide clarity for expected conduct in future**
- (3) A letter be written to the subject member to advise the decision reached by the sub-committee**
- (4) The subject member be given 28 days to respond to the letter.**
- (5) A full and formal apology be made by the subject member to the person on whose behalf the complaint was made; such apology to be either made at a face to face meeting or in writing, at the choice of the person on whose behalf the complaint was made.**
- (6) If the latter person chooses that the apology to be made at a face to face meeting, the subject member will not be permitted to make such apology conditional on the Complainant not attending.**
- (7) A letter of censure to then be written to the subject member the contents of which to be dependent on the response given**

The Complainant thanked the sub-committee for listening to the complaint.

The Chair thanked everyone for attending and in particular thanked Mr Lingard for his clear and comprehensive report.

The Monitoring Officer would carry out the instructions of the sub-committee and would report to the Chair on progress.

The meeting concluded at 4.15pm.

Chair