

**MEMBER CONDUCT PANEL
14TH NOVEMBER 2018**

PRESENT: Councillors Bentley, Draycott and Tassell

Monitoring Officer
Democratic Services Officer (NC)

APOLOGIES: none

1. APPOINTMENT OF CHAIR

RESOLVED that Councillor Tassell be appointed Chair for the meeting.

2. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures of interest were made.

3. EXEMPT INFORMATION

RESOLVED that members of the public be excluded from the meeting during the consideration of the following item on the grounds that it will involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

The Monitoring Officer summarized the process and explained there were three concerns which the Panel had requested to be investigated further. He stated that having considered the Investigator's report and the views of the Independent Person the Panel was required to determine if:

- (i) the Member had not breached the code of conduct and no further action is required;
- (ii) the Member had breached the code of conduct but has taken appropriate steps to remedy the situation and no further action is required;
- (iii) the Member had a case to answer and the Investigator's report should be referred to a panel of the Member Conduct Committee for a hearing.

4. FINDINGS OF AN INVESTIGATION INTO CONCERNS RAISED BY SEVERAL OFFICERS ABOUT A BOROUGH COUNCILLOR (REF: MC1 2018/19)

A report of the Monitoring Officer was submitted to enable the Panel to consider the Investigator's report relating to a number of concerns which had been raised by officers about a Borough Councillor, as requested following an earlier meeting of the Panel on 26th June 2018.

In response to a question the Monitoring Officer drew the Panel's attention to the list of interviewees stated in the report and explained that due to the nature and number of concerns raised by officers, he had brought the matter to the Panel's attention on

26th June 2018, having consulted the Chief Executive and an Independent Person, and in accordance with section 2 (g) of the Monitoring Officer Protocol in Chapter 23 of the Constitution.

Member of the Panel wished to note that as the Chief Executive and Leader of the Council were aware of these concerns, that they consider intervening if, in future, an occasion arose at a training session or in a committee meeting whereby the questioning of an officer could be construed as personal, bullying or confrontational.

RESOLVED

1. that in respect of the concern regarding whether a Councillor acted in a disrespectful and undermining way towards an officer at a Cabinet meeting, that the Councillor had not breached the Members Code of Conduct and no further action is required;
2. that in respect of the concern regarding whether a Councillor acted in a disrespectful and undermining way towards officers at a Member training event that the Councillor had not breached the Members Code of Conduct and no further action is required;
3. that in respect of the concern regarding a Councillor's communication with an officer of Leicestershire Police in a manner which was disrespectful and undermining towards an officer and to the Council more widely, that the Councillor had not breached the Members Code of Conduct and no further action is required;
4. that the recommendation of mediation put forward by the Investigating Officer not be implemented;
5. that the Monitoring Officer drafts a letter explaining the decisions reached by the Panel and, after agreeing the wording with the Panel, forwards the letter to relevant officers who raised the concerns;
6. that the Monitoring Officer considers implementing a process by which future member training events are chaired and consults with the Member Development Member Reference Group to implement the process by which a relevant and appropriate councillor is identified as the Chair for individual training sessions, and that if one is not available a vote is held at the start of the training session to appoint a Chair;
7. that the Member Development Member Reference Group considers providing training for officers with respect to presenting to councillors at member training events;
8. that the Member Development Member Reference Group considers implementing a process by which training presentations provided by an external organisation are verified by a senior officer prior to the training session and/ or that the external organisation presents the material;

9. that when Chairing Skills Training is provided to councillors that it includes techniques for handling occasions where the manner of questioning and probing may become personal or confrontational.

Reasons

1. Having considered the report the Panel agreed with the conclusions of the Investigating Officer.
2. Having considered the report the Panel agreed with the conclusions of the Investigating Officer.
3. Having considered the report the Panel agreed with the conclusions of the Investigating Officer. However it wished to note that the conclusion reached by the Panel was in the absence of evidence to support any other conclusion.
4. The Panel considered that this would not add value, did not suit the circumstances in which the concerns had been raised and would not aid resolution of the matter.
5. The Panel wished to explain to the relevant officers that it had fully considered the concerns that had been raised and understood that there were difficulties for both parties.
6. Having considered the matter of training, the Panel wished to ensure that if unacceptable behaviour at training sessions did occur that it was regulated by a Chair person which the Panel considered should be the relevant Cabinet Lead Member for the topic or relevant Committee Chair or Vice-chair.
7. The Panel considered that officers should be supported when undertaking training of councillors, and that presentation training be offered in advance of training sessions if required.
8. The Panel were concerned to ensure that when training materials were presented that they contain correct factual information and that appropriate officers were available to answer questions.
9. The Panel considered that training should be provided to Chairs of committees to enable them to identify and manage situations whereby questioning could become confrontational or be considered personal.