

**MEMBER CONDUCT PANEL
12TH JULY 2019**

PRESENT:

Councillors Hamilton, Murphy, Tassell and Ball
(Parish Member)

Councillor Brown (Quorn Parish Council)
Mr A Oram (Investigating Officer)
Mr R Gough (Independent Person)

Monitoring Officer
Democratic Services Officer (NC)

APOLOGIES: none

The Monitoring Officer stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website and also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

1. APPOINTMENT OF CHAIR

RESOLVED that Councillor Tassell be appointed Chair for the meeting.

2. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures of interests were made.

3. DETERMINATION OF COMPLAINTS OF A BREACH OF THE MEMBERS' CODE OF CONDUCT OF QUORN PARISH COUNCIL BY COUNCILLOR ANDREW BROWN

In accordance with the procedure for dealing with complaints, the Panel was asked to determine the complaints of a potential breach of the Members' Code of Conduct of Quorn Parish Council as set out in the report of the Monitoring Officer, and to decide whether they amounted to a breach of the Code of Conduct by Councillor Brown, and if so, whether it felt it was appropriate to recommend the imposition of sanctions to the Parish Council.

Administration of the Panel

The Chair explained the order of proceedings and all present confirmed they understood the procedure. It was established that nobody present was aware of any interests or other reason which could prejudice the ability of the Panel to hold a fair hearing and make a sound determination on the matters in question.

It was confirmed that the Investigating Officer and Councillor Brown would not be calling witnesses and that Councillor Brown would be representing himself and that he was happy to proceed on this basis.

The Monitoring Officer stated that having sought the views of the Investigating Officer and Councillor Brown the hearing would be held in public. However, he recommended that the detailed witness statements be considered as exempt due to the nature of comments made about other Quorn Parish Council staff, and that if the Investigating Officer and Councillor Brown wished to refer to witness statements that they let the Chair know in advance so the hearing could go into exempt session.

Summary of Proceedings

The Investigating Officer, Mr Alex Oram, presented his report and drew the Panel's attention to the following:

- that Councillor Brown had cooperated and assisted the Investigating Officer throughout the investigation and had made his comments in good faith.
- it was important to consider the long-standing issues, primarily relating to horticultural matters at Quorn Parish Council, which had led Councillor Brown to have serious concerns.
- that prior to the council meeting on 6th November 2018 Councillor Brown had tried to address the issues with two Chairs of Quorn Parish Council and in the Investigating Officer's opinion was let down by their inaction, although this did not give him the right to make his comments that were the subject of the complaints in the manner he did.
- that Councillor Brown had agreed to abide by Members' Code of Conduct of Quorn Parish Council and by making his statements during a public meeting and by attacking the clerk's integrity and reputation where she had no prior notice or the right of response, he had breached the Parish Council's Code of Conduct, sections 2(i) and 2 (j).

The Panel Members and Councillor Brown had no questions for the Investigating Officer.

Councillor Brown presented his case, and drew the Panel's attention to the following:

- that the purpose of a Members' Code of Conduct was to contribute to bringing about good governance, and that this in turn, influenced the organisation to improve the service of the Parish Council.
- he had tried to address the issue which had been going on for 8 years by speaking to senior councillors and to the Chair of the Council, by asking for the matter to be considered by the HR Committee and by speaking to the clerk privately but none of these actions had resolved the matter.
- his personal views about the clerk's conduct, which he reiterated in a similar manner to the statement he had made which was the subject of the complaints against him.

There was a brief adjournment for the Panel to receive advice from the Monitoring Officer.

On the Panel's return the Monitoring Officer stated that the purpose of the hearing was to consider complaints regarding comments made by Councillor Brown in a public

meeting about the conduct of the clerk. He stated that whilst it wasn't acceptable to allow Councillor Brown to make similar comments again in a public hearing, he recommended that in the interests of natural justice if Councillor Brown wished to express further personal views relating to the clerk's conduct he could do so in exempt session.

The Panel continued in public session with Councillor Brown continuing to present his case, and asking the Panel to consider three passages in the exempt witness statements, and to note that:

- the Investigating Officer's report did not appear to consider that the longstanding difficulties between Councillor Hollingworth and the clerk were within the scope of the investigation, but a wider view of the long-standing issues relating to the conduct of the clerk should be considered when determining if he had breached the Code of Conduct.
- that the hearing was an opportunity for Charnwood Borough Council to support Quorn Parish Council in achieving good governance by making possible recommendations to improve the situation, whether or not the Panel determined he had breached the Code of Conduct.

The Panel and the Investigating Officer questioned Councillor Brown and received the following responses:

- as the previous Chair of the Environment Committee, he could see its work being jeopardised as a result of the issue between Councillor Hollingworth and the clerk.
- Quorn in Bloom was supported by the Environment Committee.
- he and Councillor Hollingworth had been members of the Environment Committee and his wife and Councillor Hollingworth were members of Quorn in Bloom. It was possible there was a conflict of interest.
- after the election the Parish Council's committees had been restructured, including the Environment Committee.

Summary Statements

Mr Gough, in his role as the Independent Person, stated that in his view the comments made by Councillor Brown at the Council meeting on 6th November 2018 had been intentional and pre-meditated. There was already a mediation process as recommended by LRALC being arranged when the comments were made, and Councillor Brown's actions exacerbated matters. In his view Councillor Brown had clearly breached the Members' Code of Conduct of Quorn Parish Council, sections 2 (i) and 2 (j).

The Investigating Officer stated that in making his statement at the council meeting on 6th November 2018, Councillor Brown had paid scant regard for the clerk's feelings, his own responsibility as her employer and his duty to adhere to the Members' Code of Conduct. He was a member of LRALC and knew that the mediation was in hand yet chose to make an inflammatory attack of the clerk's integrity. It may have been understandable given his frustration at his failed attempts to resolve the matter, but it was a clear example of failing to treat the clerk with respect.

Councillor Brown summed up by stating he had known about the mediation being proposed but had had no confidence in the process, and he had been proved correct by its not having resolved the matter. In response to a question by the Panel he stated that he had not attended the mediation meetings.

The Panel and the Monitoring Officer withdrew to allow the Panel to consider the evidence in private.

Once all parties had returned to the room, the Chair of the Panel announced the Panel's decision in relation to the material facts.

RESOLVED that Councillor Brown had breached the Members' Code of Conduct of Quorn Parish Council, particularly sections 2(i) and 2 (j) by making his statement on 6th November 2018 that was the subject of the complaints against him.

Reason

The Panel considered that Councillor Brown had breached the Members' Code of Conduct when making his statement at the Council meeting on 6th November 2018 regarding the clerk's conduct, in that he did not treat her with respect.

Recommendations of imposition of sanctions

Before the Panel considered whether to recommend the imposition of sanctions, the Chair asked if the Investigating Officer, the Independent Person or Councillor Brown wished to comment.

The Investigating Officer stated that he wished to draw the Panel's attention to the various mitigating and aggravating factors to the matter, but that in his personal view, given Councillor Brown's responsibility to adhere to the Members' Code of Conduct and as an employer of the clerk, his approach had been misguided.

The Independent Person had no comments.

Councillor Brown stated that he wished Charnwood Borough Council to make recommendations regarding improving governance arrangements at Quorn Parish Council.

The Panel clarified that Councillor Brown was not currently a chair or vice-chair of any committees of Quorn Parish Council.

The Panel and the Monitoring Officer withdrew to allow the Panel to consider whether or not to recommend the imposition of sanctions.

The Panel returned to announce the Panel's decision and the Chair stated that the Panel was disappointed in the behaviour of Councillor Brown and,

RESOLVED that in respect of the breach of the Members' Code of Conduct by Councillor Brown it be recommended:

1. that a formal letter be issued by Quorn Parish Council to Councillor Brown setting out the breach of the Code that has been identified;
2. that Quorn Parish Council should request Councillor Brown to apologise to the Clerk and that this apology should be witnessed by the Chair of Quorn Parish Council;
3. that Quorn Parish Council be informed that the Panel fully endorses the six recommendations of LRALC and that they should be implemented, if not already done so, and that the recommended training on the Code of Conduct and Interests should be mandatory for all Quorn Parish Councillors;
4. that Quorn Parish Council should arrange for an independent review of the impact of the recommendations made by LRALC to be undertaken by the end of the year.

Reasons

- 1&2. The Panel considered that, of the options open to them, these sanctions were appropriate and should be recommended to the Parish Council
- 3&4. The Panel considered that the recommendations that LRALC had made after its advice had been sought in relation to several issues, once implemented, would support the resolution of matters and that an independent review by the end of the year would determine whether there had been any improvement in the Parish Council's governance arrangements.

The Panel's decision will be published in the form of these minutes, and the Monitoring Officer will also arrange for the publication of a notice of the Panel's findings and Councillor Brown's right of appeal in a local newspaper and on the Borough Council's website.

Councillor Brown has a right of appeal which can be exercised within 10 working days of the date of the publication of the Panel's decision.