

STANDARDS COMMITTEE

Minutes of the meeting held on Thursday 30 January 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT:

Councillors Mrs Bunker, De-Lara-Bond, Mrs Falp, Gifford, Mrs Higgins, Mrs Knight, Pratt, Syson, Wilkinson and Williams.

Parish and Town Council representatives: Councillors Cooke, Mrs Gordon, Owen and Smart.

Councillors Mrs Falp, Pratt and Syson were in attendance as non-voting Members of the Committee on this occasion, due to their membership of the Hearing Panel that met in November 2013.

ALSO PRESENT:

Independent Persons: Mr R Meacham

Officers: Miss A Carnall (Committee Services Officer), Mr A Jones (Monitoring Officer) and Mrs J Pollard (Solicitor for the Council)

The Committee Officer explained that, due to the Chairman, Councillor Pratt, being present as a non-voting Member of the Committee, the Vice-Chairman, Councillor Williams would be chairing the meeting.

11. SUBSTITUTES

Councillor Gifford substituted for Councillor Syson.

12. DECLARATIONS OF INTEREST

Councillors Mrs Bunker, De-Lara-Bond, Mrs Falp, Gifford, Mrs Higgins, Mrs Knight, Pratt, Syson, Wilkinson and Williams declared personal interests because they were fellow District Councillors and had worked alongside Councillor Mrs Bromley.

Councillors Mrs Higgins and Williams declared additional interests because they had worked closely with Councillor Mrs Bromley on Warwick issues.

13. CODE OF CONDUCT COMPLAINTS 5 AND 5a 2012 – COUNCILLOR MRS BROMLEY

Prior to discussions commencing on the report, Members were advised that the Committee meeting had been called following the failure of Councillor Mrs Bromley to comply with the Hearing Panel's decision of 15 November 2013. They were not present to discuss the details of the complaints nor to revisit the decision that the Hearing Panel reached.

Members were present solely to decide what action, if any, the Committee would like to take because the sanctions previously imposed had not been complied with.

STANDARDS COMMITTEE MINUTES (Continued)

The Committee considered a report from the Monitoring Officer which advised of the failure of Councillor Mrs Bromley to provide the relevant written apologies following the Hearing Panel of 15 November 2013.

On 15 November 2013, a Hearing Panel consisting of Councillors Mrs Falp, Pratt and Mrs Syson met to consider complaints made against Councillor Mrs Bromley. It was agreed that Councillor Mrs Bromley had failed to adhere to the Council's Code of Conduct and the following sanction was issued;

"that Councillor Mrs Bromley should apologise in writing to Ms Turpin, Mr Leach, Mr Coker, the Chief Executive, Mr Elliott and the Members of Standards Committee through the Chairman."

No timescale was given for the apologies to be provided and despite informal and formal reminders, Councillor Mrs Bromley failed to make the apologies.

On 10 December 2013, Councillor Mrs Bromley wrote to Councillor Pratt to advise that she would be appealing the decision of the Panel and that the Monitoring Officer would be receiving an appeal. At the time of the report being published, no appeal letter had been received, however, the Council's Code of Conduct arrangements made it clear that there was no right of appeal. Following the publication of the agenda, the Monitoring Officer received written notification that Councillor Mrs Bromley would be appealing the decision. Hard copies of all correspondence were available at the meeting.

In respect of Councillor Mrs Bromley's request for an appeal, the Council's solicitor, Ms Pollard, advised that the Council did not have an appeals process in the Code of Conduct. She advised that there was no requirement for this under the Localism Act and local authorities could choose to include them but there was no statutory need to.

In addition, Ms Pollard advised that there was no right to appeal under the rules of Natural Justice because these rules existed to ensure that individuals received a fair hearing. She explained that the rules that applied under Human Rights legislation, only applied to criminal matters and civil rights, neither of which were relevant in these circumstances.

The Vice Chairman, Councillor Williams, asked Councillor Pratt to explain to the Committee what matters had been taken into account when the Hearing Panel met in November 2013.

Councillor Pratt advised that when the Panel was reaching its decision on suitable sanctions, it had taken on board the comments made by Mr Hathaway, Councillor Mrs Bromley's representative. Mr Hathaway had stated that he, and his client, respected the findings of the Panel and he implied that apologies to various individuals would be preferable to an apology to full Council.

As Chairman of the Hearing Panel, and of Standards Committee, Councillor Pratt was disappointed that Councillor Mrs Bromley had failed to

STANDARDS COMMITTEE MINUTES (Continued)

adhere to the sanctions and felt that this showed disrespect to her fellow Members.

Councillor Williams stated that at this stage, he would have liked to invite Councillor Mrs Bromley to explain her reasons for the lack of apology. However, this was not possible because she had failed to attend.

There were discussions about the Code of Conduct and the expectation that Members would abide by it, along with advice from officers regarding the changes since the implementation of the Localism Act. Officers advised that a Code of Conduct Working Party had been set up to discuss these issues and suggested that any comments could be forwarded to them to consider.

Some Members felt that the breach of sanctions was a very serious issue and Councillor Mrs Bromley's refusal to comply with them made a mockery of the Standards Committee.

The independent representative, Mr Meacham, stated that he felt that Councillor Mrs Bromley had been given a lenient sanction following a series of mistakes and was disappointed that no apology had been forthcoming.

Members discussed the strength of some of the possible sanctions available to them and did not feel that further training was necessary in this case because the Councillor concerned was fully aware of the rules. In addition, it was not felt that an apology to Council was strong enough due to Councillor Mrs Bromley's failure to apologise so far.

It was, therefore, proposed and duly seconded that the Independent Group Leader be asked to remove Councillor Mrs Bromley from all Council Committees for a six month period and that any outstanding apologies should be made without further delay.

Councillor Cooke proposed an amendment to the original proposal, which was duly seconded, to extend the time frame from six to twelve months. He did not feel that six months was a tough enough sanction, considering the lack of respect showed by Councillor Mrs Bromley by her failure to apologise.

Following further debate, Councillor Cooke agreed to withdraw the proposal as long as the Committee insisted on the outstanding apologies being made.

The Committee therefore

RESOLVED that

- 1) the Committee write to Councillor Mrs Bromley's Group Leader and recommend that Councillor Mrs Bromley be removed from all Committees and Sub-Committees of the Council for a period of 6 months from implementation of this decision; and

STANDARDS COMMITTEE MINUTES (Continued)

- 2) the Committee expects Councillor Bromley to abide by the decision made by the Hearing Panel on 15 November 2013 and all apologies detailed in that decision should be made without further delay.

(The meeting ended at 7.05 pm)