

 Hearing Panel – 15 November 2013		Agenda Item No. 5
Title	Code of Conduct Complaint 5 and 5a 2012	
For further information about this report please contact	Andrew Jones andrew.jones@warwickdc.gov.uk 01926 456830	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director		N/A
Chief Executive		N/A
CMT		N/A
Section 151 Officer		N/A
Legal		N/A
Finance		N/A
Portfolio Holder(s)		N/A
Consultation Undertaken		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 The report appraises members of the Hearing Panel as to the background to today's Committee meeting, asks the Panel to consider the outcome of the Code of Conduct investigations and reach a decision on whether there has been a breach or breaches of the Code of Conduct by Councillor Mrs Bromley.

2. **RECOMMENDATION**

- 2.1 That the Panel considers the findings of the appointed investigator in respect of the conduct complaints about Councillor Mrs Linda Bromley of Warwick District Council. The complaints are about:
- (a) Councillor Mrs Bromley's actions in approaching a contractor engaged by the Council to carry out work to install CCTV and lighting in St Nicholas Park Warwick;
 - (b) Councillor Mrs Bromley's alleged failure to acknowledge that she had received and understood the new Code of Conduct which had been adopted by the Council; and
 - (c) Councillor Mrs Bromley's alleged failure to adhere to the provisions of the Code of Conduct relating to objectivity, honesty and accountability in relation to her actions, including the manner in which she questioned the complainant, during the consideration of a Warwick Community Forum grant application by the Jackie Turpin Amateur Boxing Club at a Planning meeting on 7 June 2012 and its full meeting on 4 October 2012.
- 2.2 The Committee determines any breaches of the Code of Conduct and if appropriate issues sanctions.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Following complaints to the Monitoring Officer of this Council respectively by a member of the public and the Chief Executive, the Monitoring Officer, after consultation with the Independent Person for the Council, decided that the matters should be referred for investigation.
- 3.2 The Monitoring Officer instructed Peter Oliver of Warwickshire County Council Legal Services to undertake the investigations. His reports, as set out Appendix A and B to this report, were submitted to the Monitoring Officer in August and September 2013.
- 3.3 Following consideration of the Investigating Officers reports and in consultation with the Independent Person, the Monitoring Officer passed the matters for determination by a Hearing Panel.
- 3.4 Members of the Hearing Panel will need to consider the findings as detailed in Appendices A and B to this report. Members will need to determine whether there is evidence of a breach of the Code of Conduct for Members and if it finds that there has been a breach, what action should be taken.
- 3.5 A pre Hearing meeting has taken place and based on this all parties had agreed there was no reason for the Hearing not to take place in public session. All parties also agreed to the date of the meeting and the need to progress this matter swiftly for the benefit of all parties.
- 3.6 Councillor Mrs Bromley has instructed a legal representative in these matters and told the Monitoring Officer that all correspondence should be through her

representative Mr Hathaway. Mr Hathaway stated at the pre Hearing meeting that he would provide a list of witnesses and the matters of the Investigating Officer's report that he wished to challenge by the 16 October 2013. Unfortunately this information has not been submitted to the Monitoring Officer.

- 3.7 A copy of the details agreed at the pre Hearing along with a copy of the follow up email and letter to Mr Hathaway are set out at Appendix C to the report.
- 3.8 It should be noted that some personal data has been removed from the public reports as have two CRB disclosures and the annual Profit and Loss Accounts 2012/2013 for Jackie Turpin Boxing Stable ABC. The two CRB disclosures and the profit and loss account will be available to the Panel for consideration if they so require.

4. **POLICY FRAMEWORK**

- 4.3 In respect of the matter before the Committee today, the Monitoring Officer has followed the Council's requirements to the point where a decision on whether there has been a breach of the Code of Conduct for Members needs to be made.

5. **BUDGETARY FRAMEWORK**

- 5.1 This matter is being dealt with in accordance with the budgetary framework as agreed by this Council.