
Meeting	Joint Standards Committee Hearings Sub-Committee
Date	12 November 2024
Present	Cllrs Kent and Runciman (CYC Members) Cllr Chambers (Parish Council Member) Ms R Mazza (Independent Person)
Officers in Attendance	Frances Harrison (Deputy Monitoring Officer) Lucy Waller (Lawyer)
Observing	Cllr Geoghegan-Breen (Parish Council Member)

13. Appointment of Chair (6:00pm)

Resolved: That Cllr Runciman be appointed as Chair of the meeting.

14. Declarations of Interest (6:01pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registerable interests they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests.

No interests were declared.

15. Exclusion of Press and Public (6:01pm)

Resolved: That the press and public be excluded from the meeting during consideration of the private reports at Agenda Item 4 (Code of Conduct Complaints received in respect of a Parish Councillor), on the grounds that they contain information relating to individuals and information likely to reveal the identity of individuals, which is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

[Note: following the above resolution, the Deputy Monitoring Officer confirmed that she had nothing further to add in respect of the public reports in the agenda papers, and the remainder of the meeting took place in private session.]

16. Complaint against a member of a Council Covered by the Joint Standards Committee (6:02pm)

The Hearing Panel considered a complaint from an employee of a partner organisation alleging that Councillor Warters had breached the Code of Conduct by using offensive and inappropriate language in an email and by recommending a course of action to a member of the public for which there was no basis.

The complaint was investigated by a CYC lawyer and a report prepared and presented to the Hearing Panel. The subject member and complainant had opportunity to comment on the draft report and their views were considered by the investigating officer. The parties were also invited to attend the hearing panel but declined to do so.

The panel asked questions of the investigating officer and retired in private to consider the complaint.

Accepting the investigating officer's analysis of the facts, they concluded as follows:

1. Cllr Warters was acting in his capacity as a city councillor in sending the email complained of.
2. Whilst Cllr Warters acted appropriately in advocating for a constituent and challenging what he identified as poor service from a partner organisation, his manner of so doing was disrespectful.
3. There was no evidence of a racially aggravated element to the original issue raised by the constituent and subsequently taken up by Councillor Warters on their behalf.
4. Panel Members did not consider that Cllr Warters seriously expected the constituent to reframe their original

complaint as being racially aggravated following his intervention.

5. The tone and language Cllr Warters used and his flippancy in respect of racially motivated behaviour demonstrated a lack of awareness and sensitivity to the issue unbecoming of the role of a councillor.

Having considered the Investigating Officer's report and the Local Government Association guidance and advice of the Deputy Monitoring Officer, the panel

Resolved: That Cllr Warters breached the Code of Conduct in the following respects:

- i. Breach of rule 1 in failing to treat the complainant with respect.
- ii. Breach of rule 2 in failing to promote equalities.
- iii. Breach of rule 5 in bringing the role of councillor into disrepute.

Members of the Panel found that Cllr Warters did not abuse his position (rule 6)

Reason:

- Cllr Warters is an experienced member of more than one local authority and can be taken to be familiar with the requirements of the Code of Conduct.
- Cllr Warters has not acknowledged any fault in his behaviour or made any commitment to avoiding similar breaches in the future.
- Cllr Warters' comments to the investigating officer (although made with appropriate courtesy and respect) were dismissive of the importance of upholding standards of conduct in general.

Sanctions:

The Panel considered what, if any sanctions it was proportionate and appropriate to apply. In doing so they

Resolved:

- i. Formal censure

For transparency, the Independent Persons' views were that there had been multiple breaches of the code and sanctions should be imposed.

Cllr C Runciman, Chair of Hearings Panel
[The meeting started at 6.00 pm and finished at 7.10 pm].