
Meeting	Joint Standards Committee Hearings Sub-Committee
Date	18 April 2024
Present	Cllrs Lomas And Fisher (CYC Members) Cllr Chambers (Parish Council Member) Mr J Leigh (Independent Person)
In Attendance	Lindsay Tomlinson (Deputy Monitoring Officer) George Eddon (Senior Solicitor) Ms R Mazza (Independent Person – Observing)

9. Appointment Of Chair (3:11pm)

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

10. Declarations Of Interest (3:11pm)

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.

11. Exclusion Of Press And Public (3:11pm)

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.]

12. Complaint Against A Member Of A Council Covered By The Joint Standards Committee (3:13pm)

The Panel considered a complaint from an officer of the Council (Officer A) alleging that Cllr Warters had breached the Code of Conduct by arranging by copying a number of members of the public and Parish Councillors into a formal complaint that he had made about the officer's conduct.

On the same day, Officer B, who is Officer A's line manager, also made a complaint to the Monitoring Officer. The complaint related to the same incident i.e. the copying of the complaint about Officer A to third parties, but gave greater detail as to why this was considered to be a breach of both the Member/Officer Protocol and the Member Code of Conduct. The matter had been referred to the Hearings Sub-Committee for determination following an investigation.

The investigating officer presented his report and responded to questions from the panel. The Panel members considered the report of the Investigating Officer and the supplementary pack comprising two additional emails presented by the subject member and one email from Officer A.

The Panel heard from the Investigating Officer that Cllr Warters had declined to contribute to the investigation and declined to attend the hearing. The subject member made no representations challenging the facts contained in the investigating officer's report and consequently witnesses were called.

The Panel accepted the investigating officer's analysis of the facts and concluded as follows:

- i. Cllr Warters intentionally copied a number of members of the public into correspondence relating to the complaint against Officer A;
- ii. In doing so, Cllr Warters acted in breach of para 4.4 of the Protocol for Officer / Member Relations;
- iii. The actions of Cllr Warters created a real possibility that the reputation of Officer A would be damaged and their working relationship with the persons copied into the email would be undermined.

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

Resolved: That the Investigating Officer's findings that Cllr Warters had breached the code be upheld;

Reason:

- Cllr Warters is an experienced member of more than one local authority and can be taken to be familiar with the requirements in relation to officer/member relations;
- Cllr Warters has not acknowledged that there may have been a breach of the Code;
- The lack of engagement with the investigation process;
- The absence of any commitment to avoiding similar breaches in the future.

Sanctions:

The Panel considered what, if any sanctions should be imposed for the breach. In doing so they

Resolved:

- i. Formal censure; and
- ii. Restriction of communication with staff in the relevant service area to officers of Assistant Director level and above, such communication to be professional in tone and

in all other respects in accordance with the principles set out in the Protocol on Officer Member Relations.

The Panel further recommended that the Monitoring Officer should carry out a review of the information security implications of the use by Cllr Warters of his personal email address for Council business and be authorised to take such action as is necessary to manage any information security risks identified.

Cllr K Lomas, Chair

[The meeting started at 3.11 pm and finished at 4.10 pm].

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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