

<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>8 MARCH 2013</b>
<b>TITLE OF REPORT:</b>	<b>BREACH OF THE MEMBERS' CODE OF CONDUCT BY COUNCILLOR GLENDA POWELL</b>
<b>REPORT BY:</b>	<b>HEAD OF GOVERNANCE</b>

## **1. Classification**

1.1 Open.

## **2. Key Decision**

2.1 This is not a key decision.

## **3. Wards Affected**

3.1 County-wide

## **4. Purpose**

To advise Council of the findings of the Audit and Governance Committee in relation to breaches of the Members' Code of Conduct by Councillor Glenda Powell.

## **5. Recommendation**

**THAT: Council notes the report.**

## **6. Key Points Summary**

- A complaint was made in December 2010 about allegations made by Councillor Glenda Powell in relation to the Northolme Community Centre Association.
- The Standards Panel met on 22 November 2012 to consider the complaint.
- The panel considered the facts of the case and the comments of both the complainant and the subject member, and decided that there had been a breach of the Code of Conduct.
- The Audit and Governance Committee received the recommendations of the Independent Person at its meeting on 5 December 2012.

- The Audit and Governance Committee agreed that the subject member had failed to comply with the members' Code of Conduct.

## **7. Alternative Options**

- 7.1 The report is brought before Council for formal noting only, and therefore there are no alternative options:

## **8. Reasons for Recommendations**

- 8.1 The Committee accepted the findings of the Standards Panel that the subject member had failed to comply with the Code of Conduct.
- 8.2 One option open to the Audit and Governance Committee, in dealing with the breaches of the Code, is to report them formally to Council which ensures that all members of the Council are aware of the breach of the Code of Conduct.

## **9. Introduction and Background**

- 8.3 The Standards Panel met on Thursday 22 November 2012 to consider a complaint made on 2 December 2010 that Councillor Glenda Powell had failed to comply with the Members' Code of Conduct.
- 8.4 The process of addressing the complaint had already commenced under the previous scheme. It had been referred for investigation following consideration by an assessment sub-committee.
- 8.5 The investigation was not concluded owing to delays resulting from the ill health of both subject member and the investigating officer's mother. On 1 July 2012, the standards system was abolished. The implementation of a new system and the statutory requirement to appoint Independent Persons resulted in further delays in resolving the complaint.
- 8.6 The Panel considered the facts of the case and the comments of both the complainant and the subject member, and decided that there had been a breach of the Code of Conduct.
- 8.7 The Panel discussed and agreed what sanctions it would be appropriate to recommend to the Monitoring Officer for decision by the Audit and Governance Committee.

## **10. Key Considerations**

- 10.1 The Standards Panel considered the complaint and agreed what sanctions would be appropriate to recommend to the Monitoring Officer, for decision by the Audit & Governance Committee.
- 10.2 Complaint SC1031 was made on 2 December 2010, by the Secretary / Director of the Northolme Community Centre Association (NCCA). The complaint relates to an e-mail that the subject member sent to a resident of Belmont parish, following his attendance at a seminar on 21 July 2010, which the subject member had also attended. In the e-mail, the subject member expressed concern about a comment made at the seminar

by the resident, that the Northolme Community Centre and the Belmont Community Centre, both of which are within the parish of Belmont, should be managed by the same group of people. In the e-mail, the subject member suggested that:

- the people running the Northolme Community Centre were not outward looking and excluded those not in their “clique”;
- the community centre association members and the community centre were under investigation by the Charity Commission;
- an Extraordinary General Meeting of the Association on 25 June 2010 was null and void because it had not complied with Charity Commission rules;
- at that meeting on 25 June, two committee members who tried to speak were shouted down by local residents; and
- because an Annual General Meeting had not been held in accordance with Charity Commission requirements, the Charity Commission could close down the Community Centre.

10.3 The panel considered that the allegations in the subject member’s e-mail were unsubstantiated, and that they could be damaging to the NCCA. The panel therefore considered that the subject member had failed to comply with the Code of Conduct. The relevant sections of the Code were:

Part 1, paragraph 2 of the Code of Conduct

- (1) You must comply with this code whenever you:
  - (b) act, claim to act or give the impression you are acting as a representative of your authority.

Part 1, paragraph 3 of the Code of Conduct

- (1) You must treat others with respect.

Part 1, paragraph 5 of the Code of Conduct

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

10.4 The panel noted that the new Code of Conduct, implemented on 20 July 2012, contained equivalent provisions in the Rules of Conduct, paragraphs 1(a) and 11(b).

10.5 The panel noted that on 23 March 2010, an assessment sub-committee of the Herefordshire Standards Committee had considered another complaint made by a representative of NCCA against the subject member. The assessment sub-committee had decided to refer the complaint to the monitoring officer of Herefordshire Council, but this had been subsumed in the decision on this complaint, SC1031.

10.6 The panel considered the options for penalties in respect of the complaint. The Independent Person made the following recommendations, that, in respect of the subject member’s position as a member of Herefordshire Council:

- the Audit and Governance Committee be asked to present a report on the consideration of the investigation of the complaint to the next full council meeting;
- the Audit and Governance Committee be asked to recommend to council to consider whether it was appropriate for the member to be appointed or nominated by the authority as a representative to external bodies;
- training should be arranged for the subject member to ensure she is fully aware of the provisions of the members' Code of Conduct.

10.7 The Audit and Governance Committee considered the Standards Panel report on 5 December 2012; both Councillor Powell and the Independent Person addressed the Committee. Although in broad agreement with the report and the recommendations – particularly in relation to training, the Committee did not support the recommendation relating to membership of outside bodies. Consequently, the resolution of the Committee was as follows:

'That:

- (a) The report of the Standards Panel meeting on 22 November 2012 be noted; and
- (b) The following recommendations of the Independent Person be approved:
  - 1) the Audit and Governance Committee present a report on the consideration of the investigation of the complaint to Council; and
  - 2) the Monitoring Officer be requested to arrange training for the subject member, to be undertaken by the subject member within three months of the date of this meeting.'

## **11. Community Impact**

11.1 None identified arising directly from this report.

## **12. Equality and Human Rights**

12.1 No impact on public sector equality identified.

## **13. Financial Implications**

13.1 None arising directly from this report.

## **14. Legal Implications**

14.1 The Council's Standards Committee and the previous regime for resolving complaints about the conduct of elected members were abolished on 1st July 2012 by the Localism Act 2011. Complaints unresolved at that date fall to be concluded in accordance with the new scheme to ensure a clear transition from the previous standards regime to the new local complaints system. The content of this report complies with the requirements of the Localism Act.

## **15. Risk Management**

15.1 If complaints are not handled expeditiously then public confidence may be undermined and the Council's ethical credibility may also be undermined.

## **16. Consultees**

16.1 None.

## **17. Appendices**

17.1 None.

## **18. Background Papers**

18.1 None identified.