

STANDARDS COMMITTEE

6.10 P.M.

5TH DECEMBER 2018

PRESENT:- Councillors Tracy Brown (Chairman), Jon Barry (Vice-Chairman), Nathan Burns, Colin Hartley, David Whitaker and Peter Williamson

Apologies for Absence

Councillor Roger Mace

Officers in attendance:-

David Brown	Interim Head of Legal and Democratic Services and Monitoring Officer
Rephael Walmsley	Acting Head of Legal Services
Paul Washington	Legal Assistant (part)
Liz Bateson	Principal Democratic Support Officer

14 MINUTES

The minutes of the meeting held on Monday 13 August 2018 were signed as a correct record.

15 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

16 DECLARATIONS OF INTEREST

The Monitoring Officer advised that he was not in a position to advise the meeting with regard to agenda item 7 in view of a suggestion that the disclosure could have been made by officers. He advised the meeting that the Principal Democratic Support Officer had no advisory role and would remain in the meeting in the capacity of note taker with the agreement of the Committee. The Committee confirmed that it was acceptable for the committee clerk to remain for item 7 and that the entire committee could be perceived to have an interest in that item.

17 EXCLUSION OF THE PRESS AND PUBLIC

That in accordance with Section 110A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it could involve the possible disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of that Act.

18 COMPLAINT 5/18

The Committee considered an exempt report from the Monitoring Officer about a code of conduct complaint. Initially it was proposed that consideration of the item be deferred to the next scheduled Standards Committee on 17 January 2019, due to the Councillor having indicated that he was unwell. At this point the Committee were made aware that

the Councillor could be seen on the webcast of a Lancashire County Council Children's Services Scrutiny Committee meeting, which had taken place earlier that afternoon. A majority agreed not to defer the issue and the Committee proceeded to discuss the complaint at some length.

During the course of the discussion, Members indicated that they accepted the investigating officer's findings that the code of conduct had been breached and considered a subsequent course of action.

The Committee unanimously agreed to the following statement:

The Standards Committee, having considered the report of the Monitoring Officer and upon noting Councillor Gardiner's admissions, find that the Councillor did during an Overton Parish meeting shout at a member, gesticulate with his spectacles and act in such a manner as to cause alarm and distress to another member of the public.

The behaviour of the Councillor was contrary to the Members Code of Conduct, Part 7, Section 2, Paragraph 3 – namely the requirement to treat others with respect.

Furthermore, the Standards Committee noted Councillor Gardiner's failure to engage sufficiently in the Monitoring Officer's investigation and find that the lack of engagement offends against the Standards in public life – namely accountability. Such behaviour, we find breaches the Members Code of Conduct, Part 7, Section 2, Paragraph 5 in that it is conduct which can reasonably be regarded as bringing the office of councillor into disrepute.

Resolved unanimously:

- (1) That the investigating officer's findings be accepted and the decision made public.
- (2) That the Deputy Monitoring write to Councillor Gardiner and the complainant explaining the outcome of this issue.

The Monitoring Officer left the meeting at this point. The Legal Assistant joined the meeting during consideration of the following item.

Councillor Barry in the Chair.

19 INVESTIGATION INTO DATA BREACH

The Standards Committee considered a report and recommendations from the Deputy Monitoring Officer following an internal investigation into sensitive material being disclosed to the national media and member conduct. The Committee agreed to deal with each of the recommendations in turn.

The Committee recognised that the current Standards Committee could be perceived as being tainted by the investigation and therefore agreed with the first recommendation that the matter be referred to full Council to appoint a single purpose Standards

Committee to consider the investigation report.

Members then considered the draft report and agreed that Council should be provided with the full investigation report in order that it had all the information necessary to decide whether a single purpose Standards Committee was justified. The Committee requested the Deputy Monitoring Officer to undertake any required redactions/minor modification before the report was made available to Council.

The Committee made a number of other points:

- Council needed to be clear that they were being asked to appoint a single purpose Standards Committee and not act as a Standards Committee.
- To avoid further possible data leaks the Monitoring Officer/Deputy Monitoring officer should draft a strongly worded sentence about respecting exempt information.
- That preparations be made in order that the single purpose Standards Committee can be convened as soon as practical if its establishment is agreed at full Council on 19 December 2018.

Resolved unanimously:

- (1) That the recommendations of the Investigations Report be accepted and the matter referred to Council to appoint a single purpose Standards Committee.
- (2) That the draft report for full Council be agreed.

Chairman

(The meeting ended at 7.10 p.m.)

**Any queries regarding these Minutes, please contact
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