



Minutes of the Standards Hearing Sub-Committee

9 March 2018

-: Present :-

Councillors Stocks, Thomas (D) and Thomas (J)

1. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

2. Allegation of a Breach of the Member Code of Conduct

The Sub-Committee considered an investigation report on alleged breaches of the Code of Conduct by Councillor Stubley, full details of which are set out in Appendix 1 to the submitted report.

At the Hearing Mrs Gurry presented her investigation report and responded to Members questions. Councillor Stubley who was represented by Mr Roger Richards responded to the allegations and Members questions.

The record of the Standards Hearing Sub-Committee's decision and reasons for decision, is attached to these Minutes.

Chairman/woman

Record of Decision

Standards Hearing Sub-Committee Complaint Against Councillor Di Stubley

Decision maker

The Standards Hearing Sub-Committee at its meeting held on 9 March 2018.

Finding of Fact

The Sub-Committee concluded that there is evidence on the balance of probabilities evidence to support the following findings;

- i) that Councillor Stubley did not represent constituents equally;
- ii) that Councillor Stubley through her behaviours and conduct has failed to uphold the principles of the Equality Act 2010 in respect of those with protected characteristics;
- iii) that Councillor Stubley's conduct and behaviours has impacted upon the impartiality, professionalism and integrity of officers;
- iv) that Councillor Stubley's conduct regarding her own research and comments to the public impacted upon the reputation of the Council;
- v) that Councillor Stubley did use her personal email account for Council business;
- vi) that Councillor Stubley did use significant Council resources on the issue of unauthorised encampments at Churston Common.

During deliberation the Monitoring Officer provided the Sub-Committee with the following legal advice, which was repeated in the presence of Councillor Stubley and her representative:

The Equality Act 2010 is a duty of the Council as a whole. Councillor Stubley acting in isolation cannot cause the Council to have breached the Act.

Determining Breach of the Members Code of Conduct

Paragraph 4 of the Members Code of Conduct - you must treat others with courtesy and respect.

That through Councillor Stubley's conduct and behaviours towards officers, she has failed to treat others with courtesy and respect and has therefore breached this element of the Code. The representations made to the Sub-Committee evidenced that Councillor Stubley has not been able to reflect upon her behaviours, as such the

lack of courtesy and respect continued to be demonstrated within the Committee meeting.

Paragraph 5(b) - you must not do anything which may cause the Council to breach a statutory duty or any of the equality enactments.

The Sub-Committee find no breach in respect of this element of the Code of Conduct.

Paragraph 5(h) - you must not conduct yourself in a manner or behave in such a way as to give a reasonable person the impression that you have brought your office or the Council into disrepute.

By the fact that Councillor Stubbley through her behaviours and conduct has failed to uphold the **principles** of the Equality Act 2010 in respect of those with protected characteristics, she has brought the Council into disrepute.

That Councillor Stubbley's conduct and behaviours has impacted upon the impartiality, professionalism and integrity of officers, and has therefore brought the Council into disrepute. The representations made to the Sub-Committee evidenced that Councillor Stubbley has not been able to reflect upon her behaviours, continued to be demonstrated within the Committee meeting.

That whilst there can be no breach in respect of the fact that Councillor Stubbley sought to undertake a level of research, the manner in which she then proceeded to disseminate that research, and the associated criticism of officers did bring the Council into disrepute.

Members IT protocol

The Sub-Committee do not believe that it is in the public interest to consider this matter further, given the current drafting of the IT Protocol. The Sub-Committee recommend that the Director of Corporate Services and Operations review this Protocol and make suggestions for revision to the Mayor and Group Leaders.

Local Protocol - Member and Officer relations in respect of the prudent use of Officer resources

The Council's limited resources are well documented. The Council's Corporate Plan highlights the need to use resources efficiently and effectively. Councillor Stubbley did not cease her demands until the Director intervened, which the Sub-committee find to be a Breach of this element of the Local Protocol.

Sanctions

The role of Councillor is a privileged position, and it is incumbent upon all members to demonstrate the highest possible standards in respect of their behaviours and conduct. It is the role of the Standards Committee to hold members to account in this respect.

Further to the findings of breach, the current standards regime permits limited sanctions against members. In this context the Committee impose the following sanctions upon Councillor Stubley

1. That Councillor Stubley undertake enhanced training in respect of Members roles and responsibilities;
2. Mentoring from an experienced Member in respect of Councillor Stubley's communications with constituents and officers and community leadership. An appropriate mentor to be identified by the Conservative Group Leader and Governance Support Manager;
3. Training to be undertaken in respect of managing conflict in communities; and
4. Training to be undertaken in respect of the requirements of the Code of Conduct.

The Committee also make the following recommendation to the Elected Mayor, Group Leaders and Chief Executive, namely that a revised training programme be developed and delivered, aimed at increasing the standards of all Members.

The Committee also recommends that the Elected Mayor consider Councillor Stubley's continuing appointment as the Children's Champion (Early Years), given the breaches found.

The Committee also recommends that the Monitoring Officer review the following aspects of the Constitution;

1. Member IT Protocol
2. References to the Equality Act 2010.

Chairman of the Standards Hearing Sub-Committee