

**Minutes of the
Audit and Governance Standards Sub-
Committee**

(to be confirmed at the next meeting)

Date: Wednesday, 13 April 2016

Venue: Collingwood Room - Civic Offices

PRESENT:

T G Knight (Chairman)

(Vice-Chairman)

Councillors: Miss T G Harper and D J Norris

**Also
Present:**



1. CODE OF CONDUCT

It was proposed by the Chairman that the public and representatives of the Press be excluded from the meeting on the grounds that the matters to be dealt with involve the likely disclosure of exempt information, as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Having been duly seconded, it was RESOLVED that in accordance with the Local Government Act 1972 the Public and Press be excluded from the meeting, as the Sub Committee considers that it is not in the public interest to consider the matters in public on the grounds that they will involve the disclosure of exempt information, as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Private Session

The Chairman confirmed that this Standards Sub Committee had been convened to consider an allegation of a breach of the Members' Code of Conduct against Councillor David Whittingham in the XX Department at the Civic Offices on Monday 21 March 2016.

The Chairman explained how the meeting would proceed, that it would be held in private session and the all information should be treated as confidential unless the Standards Sub Committee later resolved to remove the exemptions from publication.

The Chairman informed the panel that Councillor Whittingham had declined to attend the meeting and instead had submitted an email for consideration by the panel.

Councillor Miss T Harper declared a Personal Interest for this item as she has a family member working in the same department as the officers who had alleged that a breach of the Members Code of Conduct had occurred. Councillor Miss Harper confirmed that her family member had not been present in the office at the time of the alleged incident due to holiday and that the situation had not been discussed. Councillor Miss Harper remained present in the room and took full part in the debate and voted on the item.

The Chairman asked the Monitoring Officer to present his report. In presenting his report and investigation findings, the Monitoring Officer presented copies of an e-mail exchange between him and Councillor Whittingham in which the Councillor disputed the accuracy of the record of the investigatory meeting held between them. The Monitoring Officer provided clarification about what was discussed in the interview and referred to Councillor Whittingham's submitted e-mail as evidence.

The Monitoring Officer then answered clarification questions put to him about the allegation and the subsequent investigation by members of the Standards Sub Committee.

At the invitation of the Chairman, Officer A was called upon to outline the complaint raised about Councillor Whittingham's alleged conduct during his

visit to the XX department. Officer A then answered clarification questions put about the complaint. The Monitoring Officer also asked some clarification questions.

Officer A was thanked for attending and left the room and took no further part in the discussion.

At the invitation of the Chairman, Officer B was called upon to outline the complaint raised about Councillor Whittingham's alleged conduct during his visit to the XX department. Officer B then answered clarification questions put about the complaint. The Monitoring Officer also asked some clarification questions.

Officer B was thanked for attending and left the room and took no further part in the discussion.

At the invitation of the Chairman, Officer C was called upon to outline the complaint raised about Councillor Whittingham's alleged conduct during his visit to the XX department. Officer C then answered clarification questions put about the complaint. The Monitoring Officer also asked some clarification questions.

Officer C was thanked for attending and left the room and took no further part in the discussion.

The Chairman distributed copies of an email which had been submitted by Councillor Whittingham for the panel to consider.

The Designated Independent Person, Mr David Basson, was invited to give his views on the allegation.

There were further clarification questions about the allegation by Members of the Standards Sub Committee.

The Monitoring Officer was invited to give his final summary of the investigation into the alleged misconduct.

At this point, the Chairman adjourned the meeting to enable Members of the Standards Sub Committee to deliberate and reach a conclusion. The Monitoring Officer and Mr D Basson left the room and took no further part on the deliberation. The Solicitor to the Council and the Head of Democratic Services remained.

The Chairman confirmed that having considered all of the reasons given for the call-in, the Standards Sub Committee now had to consider the recommendations as set out in the report, that being:

- (a) determine whether or not a breach of the Members' Code of Conduct had taken place;
- (b) subject to the decision at recommendation (a), determine what action(s) should be taken in accordance with Standards Arrangements, as approved by Council on the 21 June 2012; and

- (c) subject to the findings of (a) and (b) above, the Report including the Minute of the decision be no longer treated as exempt information and be open for public inspection.

During the debate on the item, the Standards Sub Committee expressed its disappointment in the conduct of Councillor Whittingham which fell far short of the usual high ethical standards displayed by both Elected Members and Officers of Fareham Borough Council. The Sub Committee also voiced its alarm at the racist nature of the incident.

Following deliberation of the Standards Sub Committee and consultation with Mr David Basson, the Council's Designated Independent Person, a motion was proposed and seconded to resolve that a breach of the code had taken place in respect of paragraphs 3.9, 3.13 and 3.14 of the adopted Code of Conduct and further that the appropriate actions would be to:

- formally censure Councillor D M Whittingham;
- request that he provide a full written apology to the officers who raised the complaint about his conduct;
- instruct the Monitoring Officer to arrange appropriate training for Councillor Whittingham;
- remove Councillor Whittingham's access permissions to the Civic Offices for a period of 2 months, with the exception of his requirement to attend formal Council or Committee meetings or where his attendance is required by Officers; and
- report the findings of the Standards Sub Committee to the Council by submitting the minutes of the meeting for noting.

These actions are in accordance with paragraphs 8.1.2, 8.1.3, 8.1.6 and 8.1.8 of Appendix A to the report.

Upon being put to the vote, the motion was declared CARRIED.

The Chairman proposed that the report, including the minute of the decision be no longer treated as exempt information and be open for public inspection, save for the names of individuals involved.

Having been duly seconded, the motion was declared CARRIED.

RESOLVED that:

- (a) a breach of the Members' Code of Conduct at paragraphs 3.9, 3.13 and 3.13 had taken place;
- (b) the following sanctions be applied:
- i. Councillor D M Whittingham would receive a letter of censure from the Standards Sub Committee Chairman;
 - ii. Councillor D M Whittingham be requested to provide a full written apology to the officers who raised the complaint about his conduct;
 - iii. the Monitoring Officer be instructed to arrange appropriate training for Councillor D M Whittingham;

- iv. the removal of Councillor D M Whittingham's access permissions to the Civic Offices for a period of 2 months, with the exception of his requirement to attend formal Council or Committee meetings or where his attendance is required by Officers; and
 - v. the Standards Sub Committee report its findings to the Council by submitting the minutes of the meeting for noting; and
- (c) the report, including the minute of the decision be no longer treated as exempt information and be open for public inspection, save for individuals' names.

(The meeting started at 6.00 pm
and ended at 7.35 pm).

FAREHAM

BOROUGH COUNCIL

Audit and Governance Standards Sub-Committee

13 April 2016

Decision Notice

Complaint

1. On the afternoon of 21 March 2016, the Council's Monitoring Officer received a phone call from the Head of XX department asking to meet to discuss an incident which had occurred earlier in the day involving Councillor D M Whittingham, resulting in three officers requesting that the issue be taken further as they were very upset about it.
2. On the same afternoon, the Monitoring Officer met with the Head of XX department, who said that three officers wished to make a formal complaint against Cllr Whittingham due to his alleged racist comments and behaviour that they witnessed earlier in the day, and that they would be prepared to meet the Monitoring Officer and make formal statements relating to the allegations.
3. The Monitoring Officer took statements from the Officers who had witnessed Councillor Whittingham's behaviour and a meeting took place with Councillor Whittingham.
4. The Monitoring Officer took legal advice from the Solicitor to the Council and from Hoey Ainscough (a company which provides professional advice to local authorities on Governance and Code of Conduct issues). The Council's Designated Independent Person (DIP) was also consulted in accordance with the adopted process.
5. Having considered the allegation carefully, the Monitoring Officer concluded that it was serious enough to be taken before the Council's Audit and Governance Sub Committee to determine.

Main points considered

6. The Sub Committee received a report from the Monitoring Officer which included details of his investigation into the alleged incident. Appended to the report were notes of investigatory meetings held with each of the three Officers

who had made complaints against Councillor Whittingham and notes of a meeting with Councillor Whittingham.

7. At the investigatory meeting, Councillor Whittingham said that he did not mean to cause offence and would be prepared to apologise to the Officers concerned.
8. The Designated Independent Person advised that given the circumstances of the alleged incident, he agreed that it would be appropriate to refer the matter to the Audit and Governance Standards Sub Committee for its consideration.
9. The Sub Committee were advised that Councillor Whittingham had declined to attend the meeting on the 13 April 2016.
10. The Sub Committee considered an email submitted by Councillor Whittingham to the Monitoring Officer.
11. The Sub Committee received verbal evidence and written statements from the three Officers and the panel asked further questions for clarification.

Decision

12. In accordance with Section 28(11) of the Localism Act 2011, the Standards Sub Committee RESOLVED that:
 - (a) a breach of the Members' Code of Conduct had taken place;
 - (b) Councillor D M Whittingham would receive a letter of censure from the Standards Sub Committee Chairman and that the Monitoring Officer be instructed to arrange appropriate training for Councillor Whittingham;
 - (c) Councillor Whittingham would give written apology to the three Officers;
 - (d) From the date of this Notice, Councillor Whittingham's permission to access the Civic Offices is removed for a period of two months, except to attend statutory Council or Committee meetings or is invited by Officers to attend for a specific purpose; and
 - (e) that the report and appendices be no longer treated as exempt information and be open for public inspection, save for the names of the individuals involved.

Reasons

13. The Sub Committee reflected that Councillor Whittingham's comments and behaviour were racist in nature. This caused offence and upset to the Officers who witnessed this behaviour.
14. The Sub Committee further considered that such behaviour was in contradiction to the principle of integrity and expectation of Members, as contained within the Council's Code of Conduct for Members, paragraphs 3.9, 3.13 and 3.14.
15. The Sub Committee concluded that a breach of the code had therefore occurred and that the appropriate actions would be:
 - to issue a letter of censure from the Chairman of the Standards Sub Committee;

- to instruct the Monitoring Officer to arrange appropriate training for Councillor Whittingham;
- Councillor Whittingham must provide individual written apologies to the Officers; with effect from the date of this Notice,
- Councillor Whittingham's permissions to access the Civic Offices is removed for a period of two months, except to attend statutory Council or Committee meetings or is invited by Officers to attend for a specific purpose; and
- the report and appendices be no longer treated as exempt information and be open for public inspection, save for the names of the individuals involved.

Tom Knight

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Councillor T G Knight

14th April 2016

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Date

Chairman of the Audit and Governance Standards Sub-Committee

