

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.

Tim 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