

Report of	Meeting	Date
Director (Governance)	Governance Committee	Wednesday, 29 November 2023

Report from Standards Panel

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

- To inform members of the outcome of a recent meeting of the Standards Hearing Panel.

Recommendations

- That the contents of the report be noted

Reasons for recommendations

- The purpose of the report is to keep the Governance Committee informed of the workings of the Standards Hearings Panel.

Other options considered and rejected

- Not relevant here.

Corporate priorities

- The report relates to the following corporate priorities:

Housing where residents can live well	A green and sustainable borough
An enterprising economy with vibrant local centres in urban and rural areas	Healthy, safe and engaged communities

Background to the report

- A Standards Hearings Panel was recently held into a complaint that had been brought against Councillor Alan Whittaker. It was concluded that Cllr Whittaker had breached the Members' Code of Conduct. The purpose of this report is to provide details of this.

Detailed Considerations

7. On Tuesday, 31 October 2023 at 10.00 am a Standards Hearing Panel was convened to determine whether Councillor Alan Whittaker had breached the Code of Conduct whilst in attendance at the Planning Committee meeting on 17 January 2023.
8. A complaint had been received by the Monitoring Officer on 18 January 2023 which referred to Councillor Whittaker's alleged behaviour from the Chair of Planning Committee. In accordance with the Council's complaints procedure an initial assessment had been carried out, in conjunction with the Council's appointed Independent Person. An investigation was undertaken with the Investigating Officer concluding that the Code of Conduct had been breached, with the matter being subsequently referred to the Panel to consider and determine.
9. The Hearing Panel consisted of Councillor Alan Platt (in the Chair), and Councillors Mark Clifford and Christine Heydon. Councillor Alan Whittaker, the Independent Person, Peter Ripley and the Investigating Officer were also present.
10. In her complaint the Chair of Planning Committee had stated: "His behaviour and attitude if things don't go his way are unacceptable. He shows no respect for the position of Chair and continually undermines the role."
11. The Panel was informed of a written and oral apology that the complainant had subsequently received from Cllr Whittaker on 12 October 2023.
12. In determining findings of fact, all parties agreed with the key points of the alleged incident, including the context of a heated debate around a contentious planning application, and the comments made by Councillor Whittaker to the complainant.
13. Cllr Whittaker outlined the circumstances at the time of the incident. Members of the Planning Committee had been presented with a report that proposed the council should choose not to contest an appeal against an earlier decision to refuse a contentious application within Cllr Whittaker's ward. Cllr Whittaker admitted he was surprised by and frustrated with the late notice of the proposed course of action and that there was a 'frank exchange of words' with the Chair. Cllr Whittaker insisted that he had not shared the confidential report in question with anyone.
14. The Panel considered the Investigating Officer's findings relating to 3 alleged breaches of the Code of Conduct.
15. Regarding the first alleged breach concerning failure to comply with the paragraph in brackets (*'Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit'*) the Panel on balance decided there was no breach.
16. However, the Panel decided that there had been breaches of the Code in respect of failing to comply with the following paragraphs:-

'Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government'

And;

‘Always treating people with respect, including the organisations and public I engage with and those I work alongside’

17. The Panel then decided what sanction to impose. Following careful consideration of all evidence and representations provided, and ensuring any sanctions are reasonable and proportionate to the breach, the Hearing Committee resolved (unanimously) to apply the following:

Instruct the Monitoring Officer to arrange training for Cllr Whittaker, relevant to the breaches determined by the Panel

Climate change and air quality

18. The work noted in this report has no impact on the Council’s Carbon emissions and the wider Climate Emergency and sustainability targets of the Council.

Equality and diversity

19. There are no equality implications or considerations that should be documented

Risk

20. The report is merely for noting – there are no risk implications.

Comments of the Statutory Finance Officer

21. There are no financial implications arising.

Comments of the Monitoring Officer

22. The report is for noting. The Hearing was conducted in accordance with the council’s normal procedures. There are no direct legal implications arising.

Background documents

There are no background papers to this report

There are no Appendices

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