

TANDRIDGE DISTRICT COUNCIL

STANDARDS COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 7th June 2022 at 6.00pm.

PRESENT: Councillors N.White (Chair), Wren (Vice-Chair), Crane (in place of Sayer),
(in person) Flower, Groves and Lee

ALSO PRESENT: Shaun Mundy (Independent Person)
(in person)

ALSO PRESENT: David Kitson (Bevan Brittan, the Council's legal advisers)
(virtually) David Maycock (South East Employers)
The complainant
The complainant's representative

APOLOGIES FOR ABSENCE: Councillors Caulcott and Sayer

12. STANDARDS ISSUE RELATING TO A FORMER COUNCILLOR

The Committee resolved to deal with this item in 'Part 2' in accordance with Section 100A (4) of the Local Government Act 1972 (as amended) on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act; and
- (ii) for the item, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

This item related to a complaint from a member of staff (hereafter referred to as 'the complainant') concerning the conduct of former Councillor Tony Elias (hereafter referred to as 'TE') towards the complainant. The complaint alleged that TE had breached the following paragraphs of the Council's Code of Conduct for Members:

- 2.1. Do treat others with respect. In particular, you should promote equality by not discriminating unlawfully against any person, and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability. You should also respect the impartiality and integrity of the Council's employees.
- 2.2 Do not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.

The complaint also alleged that the Council was aware of a situation of bullying and harassment and failed to stop it.

David Maycock had been commissioned to undertake an independent investigation into the matter and his report had been sent to the all relevant parties.

The Chair introduced those present and confirmed that TE was not in attendance. The Chair also advised that the complainant was not being called as a witness by the investigating officer and was not a party to proceedings. The Committee agreed that both the complainant and the complainant's representative could observe the proceedings while on-line.

Councillors Groves and Flower raised various procedural concerns which were discussed until 6.57pm, when the Chair asked David Maycock to present his report. Councillors Groves and Flower stated that they had further procedural concerns that required consideration. The Chair ruled that David Maycock be now heard, upon which Councillors Groves and Flower left the meeting.

David Maycock presented his report which concluded that, based on the evidence he had gathered, and on the balance of probabilities, a number of TE's actions and comments towards the complainant were inappropriate, disrespectful and served to undermine the complainant's position within the Council and therefore constituted a breach of the Council's Code of Conduct for Members. However, it was found that none of these actions and comments amounted to unlawful discrimination. The Investigating Officer also concluded that, in respect of the allegation of bullying and harassment, the evidence submitted by the complainant did not support the claim that TE's behaviour was discriminatory or bullying in nature.

At 7.49pm, the remaining Committee members, assisted by David Kitson, retired to consider whether, based on the evidence before them, a breach of the Council's Code of Conduct for Members had occurred. All other on-line participants were placed in a virtual waiting room, pending the announcement of the Committee's decision. At the conclusion of the Committee's deliberations, the other on-line participants were re-admitted to the meeting and Committee's decision was announced, namely:

RESOLVED – that, following deliberations, and taking into account the views of the Council's Independent Person:

- A. arising from a complaint by an officer, the Committee agrees with the Independent Investigator's findings that former Councillor Tony Elias had breached the following clauses of the Council's Code of Conduct for Members which applied at the time of the complaint:
- Paragraph 2.1 ... treating others with respect; and
 - Paragraph 2.2 ... not conducting oneself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members
- B. in light of the above, the following apology be issued to the complainant on behalf of the Committee:

"The Chair of the Committee apologises wholeheartedly regarding:

- the behaviour of former Councillor Elias towards you which was found to be in breach of the Code; and
- the time it has taken for this matter to be determined

C. this outcome be:

- brought to the attention of all councillors and staff; and
- in light of the duty imposed on the Council by Section 27(1) of the Localism Act 2011 to promote and maintain high standards of conduct by councillors, made the subject of a press release.

Rising 8.53 pm