

**MINUTES OF A MEETING OF THE
ADJUDICATION AND REVIEW COMMITTEE
Zoom
19 August 2020 (4.00 - 5.00 pm)**

Present:

COUNCILLORS

Conservative Group Ray Best (Vice-Chair) and Timothy Ryan (Vice-Chair)

Residents' Group

Labour Group

Upminster & Cranham Linda Van den Hende

Residents' Group

Apologies were received for the absence of Councillors .

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members of the action to be taken in an emergency.

2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

There were no apologies for absence.

3 DECLARATIONS OF INTERESTS

There were no declarations of interest.

4 CODE OF CONDUCT

The code of conduct was noted by members.

5 EXCLUSION OF THE PUBLIC

The Committee resolved to excluded the public from the meeting during discussion of the following item on the grounds that if members of the public were present it was likely that, given the nature of the business to be transacted, that there would be disclosure to

them of exempt information within the meaning of paragraph 1 of Schedule 12A to the Local Government Act 1972 which could reveal information relating to the financial or business affairs of any particular person (including the authority holding that information) and it was not in the public interest to publish this information.

6 CONSIDERATION OF A COMPLAINT SUBMITTED BY A MEMBER AGAINST ANOTHER MEMBER

The Panel had met to consider two alleged breaches of the Members' Code of Conduct. The first case was an allegation that Councillor X had breached the Members' Code of Conduct which had been received from Councillor Y. The allegation related to Councillor X's alleged behaviour directly discriminating against Councillor Y because of her race and/or age during Councillor X's role as Chairman of the Children & Learning Overview and Scrutiny Sub-Committee. Councillor Y claimed that Councillor X had treated her less favourably during these meetings. She referred to the meeting of the Children & Learning Overview and Scrutiny Sub-Committee on 14 February 2019 when she felt Councillor X was limiting and / or frustrating her ability to fulfil her scrutiny role. Councillor Y also referred to evidence that Councillor X did not allow her to suggest an alternative area for scrutiny suggesting that Councillor X did not follow the correct procedure for agreeing the Sub-Committee's work programme on 26 September 2019. Section 4 of the Monitoring Officer's report noted the outcomes of face-to-face and telephone interviews with the Councillors concerned. Members of the Democratic Services Team were also interviewed to assist the Monitoring Officer's report.

The Panel concluded that in this case Councillor X had not been in breach of the Members' Code of Conduct and therefore the panel agreed that this report did not merit further escalation to a standards hearing. The Panel noted that Councillor X had admitted to issues with her chairing style and had accepted training from officers. The Panel agreed that the evidence did not show that Councillor X had treated Councillor Y unfairly based on race and/or age and therefore there had not been a breach of the Members' Code of Conduct.

In the circumstances the Panel had agreed that the allegation be dismissed and that no further action be taken.

The Panel then considered the second case which was an allegation that Councillor Z had breached the Members' Code of Conduct which had been received from the representative of a planning applicant - Mr W and concerned the Planning Committee meeting held on 26 September 2019. Councillor Z allegedly spoke aggressively and in an intimidating manner to the complainant and the complainant alleged that the words and behaviour used were motivated by racially and religiously discriminatory attitudes. The Panel considered the evidence put forward by the Monitoring Officer and concluded that whilst the complainant may have felt threatened this did not breach the Members' Code of Conduct as this was a reasonable reaction

based on objective grounds and did not meet the direct or indirect discrimination definitions under the Equality Act 2010. The Panel also noted that the exchange referred to by Mr W had not been noticed by professional officers present at the meeting.

The Panel concluded that while Councillor Z was wrong to respond or to talk to the member of the public which led to the exchange between them, it accepted the report of the Monitoring Officer which had found that Councillor Z had not breached the Members' Code of Conduct as the evidence was not conclusive of discriminatory behaviour towards Mr W.

In the circumstances the Panel agreed that the allegation be dismissed and that no further action be taken.

Chairman