

**MINUTES OF A MEETING OF THE
ADJUDICATION AND REVIEW COMMITTEE
Zoom meeting
2 September 2020 (4.00 - 5.00 pm)**

Present:

COUNCILLORS

Conservative Group Timothy Ryan

Residents' Group Ray Morgon

**Upminster & Cranham
Residents' Group** Linda Van den Hende

All decisions were taken with no votes against.

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 DISCLOSURE OF INTERESTS

There were no declarations of interest.

4 MEMBER CODE OF CONDUCT

The code of conduct was noted by Members.

5 EXCLUSION OF THE PUBLIC

The Committee resolved to exclude 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 allegedly having physically and verbally assaulted Councillor Y at a break in a Full Council meeting on 25 September 2019. Councillor Y reported the matter to the Metropolitan Police on 27 September 2019 who investigated the complaint and found in December 2019 "insufficient and conflicting evidence". No further action was therefore taken. The Monitoring Officer presented the report to the Panel and pointed to the fact there was no CCTV evidence available on the night. The Councillor interviews conducted by the police pointed to inconsistent accounts of events in terms of both the physical and verbal interaction between Councillor X and Councillor Y on the day of the Full Council meeting.

The Panel had concluded that it was in agreement with the investigating officer's opinion that there was no breach of the Members' Code of Conduct and there was no justification for pursuing the allegation or escalating it to a standards hearing. The Panel noted that there was evidence of physical contact between the two Councillors but whether this was intended or simply a reaction was not evidenced.

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

The Panel then considered the second case which was an allegation concerning the actions on social media platforms and in a newspaper of Councillor Y following a formal Code of Conduct complaint made by Councillor X. Councillor X alleged that the actions by Councillor Y such as the public Twitter message posted on Councillor Y's account on 26 September 2019, an article containing commentary from Councillor Y in the Havering Daily newspaper as well as an entry on their public Facebook page on 26 September 2019 provided details of the alleged assault which Councillor X felt was an attempt to discredit them and their character.

The Panel accepted the report of the monitoring officer which stated that Councillor Y had a legal right to voice their opinions and the Panel accepted the right to freedom of expression under Article 10 of the Human Rights Act 2018 and the Panel therefore did not feel that the complaint by Councillor X merited further investigation or escalation to a standards hearing.

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

Chairman