

DECISION NOTICE

RELATING TO ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT FOR MEMBERS OF OAKHAM TOWN COUNCIL BY COUNCILLOR MARTIN BROOKES

9 August 2017

Debbie Mogg

Monitoring Officer for Rutland County Council

DECISION STATEMENT

For the reasons set out within this report, a breach of the Code of Conduct for Oakham Town Council has been found. The report of the independent investigation found that:

- Councillor Brookes' actions were within the scope of the Council's code of conduct (with one exception);
- that on two occasions Councillor Brookes published confidential information on a public blog and therefore breached the Code of Conduct;
- that in a number of incidents, Councillor Brookes failed to treat an employee of the Town Council with respect;

In assessing this complaint I have considered the findings from the investigation as set out in section 3. I have concluded that Councillor Brookes' conduct has fallen short of that expected. I therefore consider that Councillor Brookes failed to comply with the following paragraphs of Oakham Town Council's Code of Conduct:

- Paragraph 4.1.1 - A Member of the Council shall behave in such a way that a reasonable person would regard as respectful
- Paragraph 4.1.5 A Member shall not disclose information which is confidential or where disclosure is prohibited

As such, I have recommended sanctions to the Town Council and these are set out in section 5 of this statement.

I issued a decision notice in respect of a previous investigation into Councillor Brookes' conduct in June 2016. As part of the decision I made a further recommendation that the Town Council takes part in a conciliation process involving Councillor Brookes. At the time of issuing this decision notice, no such process has taken place. I am therefore repeating this recommendation.

1 INTRODUCTION

- 1.1 This decision notice relates to complaints submitted against Oakham Town Councillor Martin Brookes in respect of incidents that occurred during July and August 2016.
- 1.2 This complaint has been dealt with under Rutland County Council's Arrangements for Dealing with Conduct Allegations. The initial assessment of the complaints concluded that a full investigation was required.
- 1.3 As such, Guy Goodman was appointed as an external independent investigator on 16 December 2016.
- 1.4 In accordance with section 10 of these arrangements and with the agreement of the Independent Persons appointed to Rutland County Council's Conduct Committee I have departed from the arrangements in that I have determined that the investigators report will be accepted without referral to the Conduct Committee. The reasons for doing so are:
- (i) Councillor Brookes was given the opportunity to make representations to the Investigating Officer. Aside from a few written comments he declined to do so.
 - (ii) If a hearing were to take place it would be necessary to circulate the report as a confidential document to Members of the Hearing Panel, the complainants and Councillor Brookes. On the basis of some of the issues raised in the complaints and the findings set out in the report it is considered highly likely that the report would be published on social media. I consider this would be detrimental to the effective and fair consideration of the matter at any subsequent hearing.
 - (iii) I believe it is in the best interests of all those involved that this matter is brought to a close.
- 1.5 Councillor Brookes was offered the opportunity for a detailed discussion on the findings of the investigation and draft decision but he declined.
- 1.6 Accordingly, based on the submission to the Council of the investigation report by the external independent investigator I have determined the findings as to breaches and the recommended sanctions in respect of these findings.
- 1.7 This decision notice will be published on Rutland County Council's website.

2 THE COMPLAINTS

- 2.1 Three complaints were assessed as requiring detailed investigation, one of which was received as a collective complaint from other Members of the Town Council and two members of staff.
- 2.2 The complaints can be categorised into four specific areas:
- (i) Showing disrespect for a Town Council employee and behaving in a bullying and intimidatory manner;
 - (ii) Disruption at meetings;

(iii) Publication of confidential information; and

(iv) Damage to a Town Council noticeboard

2.3 Oakham Town Council adopted a Code of Conduct on 8 August 2012 and amended on 12 March 2014 in which the following paragraphs are included:

3. When Does The Code Apply?

3.1 *The Code applies whenever a person is acting in his/her official capacity as a member of the Council or a co-opted member in the conduct of the business or acting as a representative of the Council. The Code does not apply when a person claims to act or gives the impression of acting as a representative of the Council.*

4. Member Obligations

4.1 *A member of the Council has the following obligations. He or she shall –*

4.1.1 *Behave in such a way that a reasonable person would regard as respectful.*

4.1.2 *Not act in a way which a reasonable person would regard as bullying or intimidatory.*

4.1.3 *Not seek to improperly confer an advantage or disadvantage on any person.*

4.1.4 *Use the resources of the Council in accordance with its requirements.*

4.1.5 *Not disclose information which is confidential or where disclosure is prohibited*

3 SUMMARY OF FINDINGS

3.1 The investigation found that during incidents that occurred on 26th July 2016 and 1st, 2nd and 4th August 2016 Councillor Brookes failed to treat the Assistant Clerk with respect therefore breached paragraph 4.1.1 of the Code. However, this was not found to be bullying and intimidation so there was no breach of paragraph 4.1.2.

3.2 It was alleged that Councillor Brookes disrupted the Oakham Town Council meetings of 13 July 2016 and 10 August 2016. The investigation found that these meetings were temporarily adjourned and relocated, but that the threshold for disruption to constitute disrespect was not reached therefore there was no breach of the Code.

3.3 It is found that on two occasions Councillor Brookes published confidential information on his blog, there by breaching paragraph 4.1.5 of the Code.

3.4 In respect of the allegations that Councillor Brookes caused damage to a noticeboard and brought Oakham Town Council into disrepute; this is outside the scope of the Code of Conduct therefore cannot be considered.

4 CONCLUSION

- 4.1 In conclusion, it is evident from the investigation report that Councillor Brookes has breached paragraphs 4.1.1 and 4.1.5 of the Council's code of conduct and that his behaviour has fallen short of that expected of an elected member.
- 4.2 Councillor Brookes was found to have breached the same paragraphs of the code in an investigation that concluded in June 2016. The need for immediate improvement remains.

5 RECOMMENDATIONS IN RESPECT OF SANCTIONS

- 5.1 I consider the following actions to be appropriate to address the breaches that have been found and am recommending these sanctions to the Town Council:
1. A formal letter should be issued to Councillor Brookes;
 2. Councillor Brookes should be formally censured;
- 5.2 In June 2016, the investigation into the conduct of Councillor Brookes highlighted a need for improvement on all sides of the Town Council. Since that time there has been significant change at the Town Council. There has been high turnover of Councillors, with 7 resignations. This has resulted in 4 co-options and three remaining vacancies.
- 5.3 All Councillors have an individual and collective responsibility to act in the best interests of the town and ensure that the council is effectively managed and it is for these reasons that I am repeating my previous recommendation to the Town Council that that it takes part in a conciliation process involving Councillor Brookes.
- 5.4 In making these recommendations I am required to consult the Council's Independent Person, in this case Mr G Grimes. His views are included at Appendix A to this report and fully support the recommendations set out above.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

RUTLAND COUNTY COUNCIL

MEMBER CONDUCT COMPLAINT – REFERENCE: 30/16 (with 28/16), 43/16 and 52/16

VIEWS OF INDEPENDENT PERSON

This case was referred to me by the Monitoring Officer on 23 May 2017 for an opinion following an investigation by Mr Guy Goodman following a number of complaints made against Cllr Martin Brookes.

I have fully reviewed the draft investigation report and responses made by Cllr Brookes and Cllr Haley to the draft report. I have also referred to the Members' Code of Conduct and my opinions and views are shown below.

1. Having reviewed all of the information, I agree with the investigator's conclusion in paragraph 7.1.1 of his report that Cllr Brookes breached the Code of Conduct by failing to treat Ms Greaves with respect on 3 occasions. I also agree that Cllr Brookes did not bully and intimidate Ms Greaves.
2. I agree with the investigator's conclusion in paragraph 7.1.2 of his report that Cllr Brookes did not breach the Code of Conduct when he was excluded from meetings of Oakham Town Council. I also support the investigator's view that the complaint that Cllr Brookes brought Oakham Town Council into disrepute is outside the scope of the Code of Conduct and cannot be considered.
3. I agree with the investigator's conclusion at paragraph 7.1.3 of his report that when Cllr Brookes opened the Oakham Town Council noticeboard with a pair of pliers to remove and photograph a report, his behaviour did not breach the Code of Conduct.
4. I consider that the breach of the Code of Conduct should be dealt with by the Monitoring Officer under delegated powers and that a censure is the appropriate course of action. I see no reason to exclude Cllr Brookes from committees as this course of action would not be productive. I can see no reason why the censure should not be made public.
5. I would also strongly recommend that Oakham Town Council should undertake a process of mediation conducted by recognised experts in order to ensure that governance is strengthened.

Gordon Grimes
Independent Person
2 June 2017