

Standards Determination Sub-Committee (Reconvened)

Monday 28th November
2011
6.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
www.redditchbc.gov.uk

**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact
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Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on Walter Stranz Square.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



Standards Determination Sub- Committee (Reconvened)

28th November 2011

6.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs: Mrs D Andrews Cllr Jinny Pearce
Mr M Collins

1. Apologies	To receive the apologies of any Member who is unable to attend this meeting.
2. Declarations of Interest	To invite Members to declare any interests they may have in items on the agenda.
3. Final Determination of Complaint No. 02/2010 (Pages 1 - 14) Monitoring Officer, Monitoring Officer	To make a final determination in relation to an alleged failure by a former Borough Councillor to follow the Code of Conduct. This is a continuation of a hearing which commenced on 11th July 2011. (Report and Investigating Officer's Report attached) (No Direct Ward Relevance);
4. Exclusion of the Public	Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to the above item of business on the grounds that exempt information is likely to be divulged it may be necessary to move the following resolution: “that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraphs (to be specified) of Part 1 of Schedule 12 (A) of the said Act, as amended.”

REDDITCH BOROUGH COUNCIL

HEARING PROCEDURES FOR THE STANDARDS COMMITTEE

ADOPTED 20 October 2003

The Standards Committee needs to have an efficient and effective hearing process. This will help the Committee to deal with all the issues that need to be resolved in a way that is fair to the Member. It will also reduce the prospects of any successful appeal.

These model procedures are intended to give Standards Committees a consistent approach to determining matters locally. The model procedures are not compulsory. However, authorities should make sure that any procedures they use are consistent with the principles in this guidance.

Interpretation

- 1) “Member” means the Member of the authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Member’s nominated representative.
- 2) “Investigator” means the Ethical Standards Officer (ESO) who referred the report to the authority, and includes his or her nominated representative. In the case of matters that have been investigated locally, references to the investigator mean the Monitoring Officer or other investigating Officer, and his or her nominated representative.
- 3) “Committee” also refers to “a Standards Sub-Committee”.
- 4) “Legal advisor” means the Officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified Officer of the authority, or someone appointed for this purpose from outside the authority.

Representation

- 5) The Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the Committee, another person.

Legal advice

- 6) The Committee may take legal advice from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the Member and the investigator if they are present.

Setting the scene

- 7) After all the Members and everyone involved have been formally introduced, the Chair should explain how the Committee is going to run the hearing.

Preliminary procedural issues

- 8) The Committee should then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

Making findings of fact

- 9) After dealing with any preliminary issues, the Committee should then move on to consider whether or not there are any significant disagreements about the facts contained in the investigator's report.
- 10) If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.
- 11) If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The Committee may give the Member an opportunity to challenge any evidence put forward by any witness called by the investigator.
- 12) The Member should then have the opportunity to make representations to support his or her version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.
- 13) At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the Member.
- 14) If the Member disagrees with most of the facts, it may make sense for the investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.
- 15) If the Member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the investigator is not present, the Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:-
 - a) continue with the hearing, relying on the information in the investigator's report;
 - b) allow the Member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary; or

- c) postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if he or she is not already.
- 16) The Committee will usually move to another room to consider the representations and evidence in private.
- 17) On their return, the Chair will announce the Committee's findings of fact.

Did the Member fail to follow the Code?

- 18) The Committee then needs to consider whether or not, based on the facts it has found, the Member has failed to follow the Code of Conduct.
- 19) The Member should be invited to give relevant reasons why the Committee should not decide that he or she has failed to follow the Code.
- 20) The Committee should then consider any verbal or written representations from the investigator.
- 21) The Committee may, at any time, question anyone involved on any point they raise in their representations.
- 22) The Member should be invited to make any final relevant points.
- 23) The Committee will then move to another room to consider the representations.
- 24) On their return, the Chair will announce the Committee's decision as to whether or not the Member has failed to follow the Code of Conduct.

If the Member has not failed to follow the Code of Conduct

- 25) If the Committee decides that the Member has not failed to follow the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the authority.

If the Member has failed to follow the Code

- 26) If the Committee decides that the Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the Member as to:-
 - a) whether or not the Committee should set a penalty; and
 - b) what form any penalty should take.
- 27) The Committee may question the investigator and Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

- 28) The Committee will then move to another room to consider whether or not to impose a penalty on the Member and, if so, what the penalty should be.
- 29) On their return, the Chair will announce the Committee's decision.

Recommendations to the authority

- 30) After considering any verbal or written representations from the investigator, the Committee will consider whether or not it should make any recommendations to the authority, with a view to promoting high standards of conduct among Members.

The written decision

- 31) The Committee will announce its decision on the day and provide a short written decision on that day. It will also need to issue a full written decision shortly after the end of the hearing. It is good practice to prepare the full written decision in draft on the day of the hearing, before people's memories fade.

REDDITCH BOROUGH COUNCIL**STANDARDS DETERMINATION
SUB COMMITTEE**

11th July 2011

**FINAL DETERMINATION OF AN ALLEGED FAILURE TO FOLLOW THE
CODE OF CONDUCT - COMPLAINT REF: 02/10**

Responsible Portfolio Holder	Councillor M Braley
Responsible Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Non-Key Decision	

1. SUMMARY

An allegation was made that a Councillor (“the Subject Member”) had failed to follow the Council’s Code of Conduct. The Standards Assessment Sub-Committee referred the matter for local investigation. The investigation has been completed and the Investigating Officer has made a finding of failure to comply with the Code of Conduct. The Consideration Sub-Committee will be considering the Investigating Officer’s report on the matter on the same evening as the Determination Sub-Committee is taking place in the absolute expectation that the matter would be deemed suitable for determination by the Determination Sub-Committee. The outcome of the Consideration Sub-Committee’s deliberations will be reported at the outset of this meeting. The Determination Sub-Committee is therefore requested to determine the matter.

2. RECOMMENDATION

- 2.1 Members are requested to consider the Investigating Officer’s report at Appendix 1. Members may reach one of the following decisions:
- a) that the Subject Member has not failed to comply with the relevant Code of Conduct; or
 - b) that the Subject Member has failed to comply with the relevant Code of Conduct but that no action needs to be taken; or
 - c) that the Subject member has failed to comply with the relevant Code of Conduct and that a sanction should be imposed; as the Subject Member has now ceased to be a member of the relevant authority, the only sanction available to the Sub-Committee is censure.

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3. BACKGROUND

- 3.1 The Standards Assessment Sub-Committee considered an allegation about the Subject Member and on 13th July 2010 decided to refer the matter to the Monitoring Officer for local investigation having identified that the Subject Member might have failed to comply with the Code of Conduct by failing to treat other Councillors with respect.
- 3.2 The Monitoring Officer appointed an Investigating Officer who has investigated the allegation and his report is at Appendix 1.
- 3.3 The Investigating Officer has made a finding that the Subject Member has failed to comply with the Code. Therefore, in accordance with the Regulations the allegation has been referred to the Standards Committee Consideration and Determination Sub-Committees for final determination.

Pre-Hearing Process

- 3.5 Standards for England (SfE) advises that a pre-hearing process should be followed before a final determination hearing to try to allow matters at the hearing to be dealt with more fairly and economically by alerting the parties to possible areas of difficulty and, if possible, allowing them to be resolved before the hearing itself. A questionnaire has been sent to the Subject Member to identify:
- if the Subject Member disagrees with any of the findings of fact in the investigation report, and if so whether they are likely to be relevant to the issues to be determined;
 - whether evidence about those disagreements will need to be heard during the hearing;
 - any factors the Subject member wishes the Sub-Committee to take into account if it finds that the Subject member has failed to follow the Code of Conduct;
 - whether the Subject Member will be represented at the hearing; and
 - whether the Subject member intends to call any witnesses.
- 3.6 The Subject Member has responded to the questionnaire and has indicated that he will attend the hearing but has not indicated that he wishes to call witnesses.

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Procedure for the Hearing

- 3.7 The procedure to be followed at the hearing is set out in the agenda papers.

Non-attendance of the Subject Member

- 3.8 SfE guidance is that the Sub-Committee may consider the report in the Subject Member's absence if the Subject member does not attend the hearing. If the Sub-Committee is satisfied with the Subject Member's reasons for not being able to attend the hearing, it should arrange for the hearing to be held on another date.

Determining the Complaint

- 3.9 SfE guidance is that the hearing is a formal meeting of the Council and not a court of law. Evidence is not given under oath but the Sub-Committee is required to decide factual evidence on the balance of probabilities. The Sub-Committee should work in a demonstrably fair, independent and politically impartial way.

Sanctions

- 3.10 If the Sub-Committee finds that a Subject Member has failed to comply with the Code of Conduct the sanction which it may apply is set out in paragraph 2.
- 3.11 The Adjudication Panel for England has produced advice for its own case tribunals which the SfE suggests should be considered by Standards Committees. This advises that in deciding what action to take, the tribunal should bear in mind an aim of upholding and improving the standard of conduct expected of members of the various bodies to which the Codes of Conduct apply, as part of the process of fostering public confidence in local democracy. Thus the action taken by the Sub-Committee should be designed both to discourage or prevent the particular Subject Member from any future non-compliance and also to discourage similar action by others. Tribunals should take account of the actual consequences which have followed as a result of the Subject Member's actions while at the same time bearing in mind what the possible consequences might have been even if they did not come about.
- 3.12 SfE guidance provides that when deciding on a sanction the Sub-Committee should ensure that it is reasonable and proportionate to the

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Subject Member's behaviour. Before deciding what sanction to issue, (or in this case, whether to issue the only available sanction, that of censure) the Sub-Committee should consider the following questions, along with any other relevant circumstances:

- What was the Subject Member's intention? Did the Subject Member know that he was failing to follow the Code of Conduct?
- Did the Subject member get advice from officers before the incident? Was that advice acted on or ignored in good faith?
- Has there been a breach of trust?
- Has there been financial impropriety, for example improper expense claims or procedural irregularities?
- What was the result of failing to follow the Code of Conduct?
- What were the potential results of the failure to follow the Code of Conduct?
- How serious was the incident?
- Does the Subject member accept they were at fault?
- Did the Subject member apologise to the relevant people?
- Has the Subject member previously been warned or reprimanded for similar misconduct?
- Has the Subject member failed to follow the Code of Conduct before?
- Is the Subject member likely to do the same thing again?
- How will the sanction be carried out? For example who will provide the training or mediation?
- Are there any resource or funding implications? For example, of a Subject Member has repeatedly or blatantly misused the relevant authority's information technology resources, the Sub-Committee may consider withdrawing those resources from the Subject member.

Aggravating and mitigating factors when deciding sanctions

3.13 The Adjudication Panel for England has published guidance on aggravating and mitigating factors it takes into account when assessing an appropriate sanction and these include:

- An honestly held, although mistaken, view that the action concerned did not constitute a failure to follow the Code of Conduct, particularly when formed after taking appropriate advice;
- A Member's previous record of good service;
- Substantiated evidence that the Member's actions have been affected by ill-health;

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- Recognition that there has been a failure to follow the Code; co-operation in rectifying the effects of that failure; an apology to affected persons where that is appropriate, self-reporting of the breach by the Member;
- Compliance with the Code since the events giving rise to the determination;
- Actions which may have involved a breach of the Code may nevertheless have had some beneficial effect for the public;
- Dishonesty;
- Continuing to deny the facts despite clear contrary evidence;
- Seeking unfairly to blame other people;
- Failing to heed appropriate advice or warnings or previous findings of a failure to follow the provisions of the Code; and
- Persisting with a pattern of behaviour which involves repeatedly failing to abide by the provisions of the Code.

Decision

3.14 The Sub-Committee should announce its decision at the end of the hearing and SfE advises that it is good practice to make a short written decision available on the day of the hearing. The Sub-Committee must give its full written decision to the relevant parties as soon as possible after the hearing, in most cases this should be within 2 weeks of the hearing. The Sub-Committee must arrange for a summary of the decision and reasons for it to be published in at least one newspaper circulating in the area of the authority involved. If the Sub-Committee finds that the Subject member did not fail to follow the Code of Conduct the Subject member is entitled to decide that no summary of the decision should be passed to local newspapers.

4. KEY ISSUES

4.1 Financial Implications

4.2 None

4.3 Legal Implications

4.4 The Local Government Act 2000 ss60-67 as amended provides the statutory framework for the investigation of complaints against Members. The Standards Committee (England) Regulations 2008 as amended govern the conduct of these proceedings. The Sub-Committee should

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also take account of the guidance published by Standards for England on Standards Committee Determinations.

4.5 **Service/Operational Implications**

4.6 It is vital for the reputation and credibility of the Council that complaints against elected Members are seen to be robustly investigated. Adherence to the Code of Conduct is a key element of sound governance

4.7 **Customer / Equalities And Diversity Implications**

4.8 None.

5. **RISK MANAGEMENT**

5.1 The main risk associated with the details included in this report is loss of reputation.

6. **APPENDICES**

Appendix 1 Investigating Officer's Report

7. **BACKGROUND PAPERS**

- Standards Board for England guidance on Standards Committee Determinations
- Standards Board for England guidance on Local Investigations
- Adjudication Panel for England's guidance on decisions to be made by a Case Tribunal where a Respondent has been found to have failed to comply with a Code of Conduct

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REDDITCH BOROUGH COUNCIL



www.redditchbc.gov.uk

FINAL REPORT

Case Reference: 02/2010

Report of an investigation under Section 59 of the Local Government Act 2000 by Andy Teepe, Senior Solicitor, appointed by Monitoring Officer for Redditch Borough Council into an allegation concerning [then] Councillor Graham Vickery.

DATE: 28 April 2011

Contents

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- 2 Cllr. Graham Vickery official details**
- 3 The relevant legislation and protocols**
- 4 The evidence gathered**
- 5 Summary of the material facts**
- 6 Cllr. Graham Vickery's additional submissions**
- 7 Reasoning as to whether there have been failures to comply with the Code of Conduct**
- 8 Finding**

Appendix A Schedule of evidence taken into account and list of unused material

Appendix B Chronology of events

1 Executive summary

- 1.1 The Allegation made is that [then] Councillor Graham Vickery, acting in his capacity as a Councillor at a meeting of the full Council on the 24th May 2010 made a statement likening the political system in Redditch to that in Zimbabwe and suggesting that the Leader could be seen as the Robert Mugabe of Redditch. It is alleged the comments were in breach of paragraphs 3(1) and 5 of the General Obligations of the Redditch Borough Council Code of Conduct
- 1.2 There has been a breach of the Redditch Council Code of Conduct.

2 Cllr. Graham Vickery's official details

- 2.1 Graham Vickery was elected to office on 6 May 2010 and resigned on 14 March 2011
- 2.2 Cllr. Vickery currently serves on the following committees: N/A
- 2.3 Cllr. Vickery gave a written undertaking to observe the Code of Conduct on 13 May 2010
- 2.4 Cllr. Vickery received training on the Code of Conduct on

3 The relevant legislation and protocols

- 3.1 The Council has adopted a Code of Conduct in which the following paragraphs are included:

Paragraph 3(1) You must treat others with respect

Paragraph 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

4 The evidence gathered

- 4.1 I have taken account of oral evidence from Cllr. Vickery and Ivor Westmore the Democratic Services Officer present at the Council meeting on the 24th May 2010. I have taken into account the complaint form lodged by Mr. Brian Warwick dated the 21st June 2010 together with the extracts from local news papers appended thereto.

5 Summary of the material facts

- 5.1 Councillor Vickery was in attendance at a meeting of the full Council which took place on the 24th May 2010. The complainant Brian Warwick was not at the meeting but bases his complaint upon letters published in local news papers reporting events at the meeting.
- 5.2 The complainant alleges that Cllr. Vickery likened the political system in Redditch to that in Zimbabwe and suggested that the leader could be seen as the Robert Mugabe of Redditch. The complainant says this is a breach of the Redditch code of conduct in that it fails to treat others with respect and brings the authority into disrepute.

- 5.3 Councillor Vickery points out that he was not interviewed by the press or given any opportunity to reply.
- 5.4 Councillor Vickery believes that his comments are not accurately reported and are quoted out of context.
- 5.5 The issue under debate at the time the alleged comments were made was the election of the chair person of the Overview and Scrutiny committee. It was Councillor Vickery's position that the constitution demanded that the chair person be appointed from the opposition party not the ruling party. Councillor Vickery says he was voicing concern that the ruling party were simply going to appoint their choice of chairperson not necessarily a person chosen by the opposition group. Councillor Vickery states he made it very clear that he was criticising the system comparing it to that used in Zimbabwe and in fact asked Councillor Gandy if she wished to be thought of as the Robert Mugabe of Redditch.
- 5.6 Article 6.1(d) of the constitution deals with the appointment of the chair of the Overview and Scrutiny committee. It says:
- “The Chair of the Overview and Scrutiny committee will be a member of a political group not forming part of the ruling administration.”
- It does not say that the Chair of the Overview and Scrutiny Committee shall be appointed by the opposition.
- 5.7 Mr. Westmore confirms that Councillor Vickery twice made it clear that he was criticising the system, that it was a political point and was not comparing Carol Gandy the Leader of the Council, to Robert Mugabe personally.

6 Ex-Cllr. Vickery's additional submissions

- 6.1 In a written response to the Draft Report ex-Cllr Vickery disputed the Investigating Officer's finding on the basis that his comments consisted of political argument, distinguishing between personality and constitutional conduct. Mr Vickery compared his comment to one made in the House of Lords and reported in the Guardian newspaper where, in response to a proposal to guillotine the debate the proposer was asked “Is Lord Strathclyde trying to win the Robert Mugabe award for constitutional innovation?”. In Mr Vickery's view, his comment related to the political "tactics" of the Borough Council in constitutional matters; that the comparison was political and not personal, and within the rules of political debate. Mr Vickery also says that the idea of comparing Cllr Gandy to an 84 year old black man is ludicrous.

7 Reasoning as to whether there have been failures to comply with the Code of Conduct

- 7.1 The relevant provision of the Redditch Borough Council Code of Conduct are paragraph 3.1 which states that you “must treat others with respect” and paragraph 5 which states that “you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute”.

- 7.2 It is not within the ambit of this report to consider the merit or otherwise of the political point being made by the then Councillor Vickery regarding the appointment of the Chair of the Overview and Scrutiny Committee. If the constitution needs amending then that would be a matter to be looked into, upon appropriate reports, by the full Council. The issue is whether the manner in which the then Councillor Vickery made his point breached the code.
- 7.3 It is my view that to publicly compare the political system of Redditch Borough Council to that of a country that is internationally perceived as infamous for its political corruption can only be regarded as bringing the Council into disrepute.
- 7.4 Similarly to consider publicly comparing the conduct of the leader of Redditch Borough Council, to that of a leader against whom there is an extensive international lobby to indict for crimes against humanity, can only be a failure to treat that person or office with respect.
- 7.5 I am mindful of paragraph 2.1 of appendix F to the Council's code of conduct "The protocol for relations between Councillors and Officers" which is cited in the code as guidance it says:
- "For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Councillors and Officers. This too plays a very important part in the Council's reputation and how it is seen in Public"
- "It is very important that both Councillors and Officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Councillors, or other Officers, in public places".
- 7.6 I find that the then Councillor Vickery's comments drawing comparisons between the Council and an internationally infamous regime did little to enhance the Council's reputation.

8 Finding

- 8.1 I find that the then Cllr. Vickery conducted himself in a manner that could reasonably be regarded as failing to treat the Leader of the Council with respect and as bringing his office or authority into disrepute . I therefore find that there has been a breach of the Council's Code of Conduct Rule 3.1 and Rule 5.

Appendix A

Complaint form.

Statement Councillor Graham Vickery

Statement Mr. Ivor Westmore

Appendix B

Chronology of events

Council meeting 24th May 2010
Complaint date 22nd June 2010

