



**MINUTES of
JOINT STANDARDS COMMITTEE
30 JANUARY 2020**

PRESENT

Chairman	Councillor
Vice-Chairman	Councillor
Councillors	R G Boyce MBE, S P Nunn, Anderson and Stilts
Parish Councillors	J Anderson and P Stilts
Substitute Councillor(s)	B E Harker, K W Jarvis and Miss S White
In Attendance Councillors	E L Bamford, M G Bassenger, Mrs P A Channer, CC, M R Edwards, J L Fleming, A L Hull, C Mayes, C Morris, W Stamp and C Swain.

1. ELECTION OF CHAIRMAN

The Monitoring Officer opened proceedings by calling for nominations from the Committee for Chairman of the Joint Standards Committee for the remainder of the municipal year.

Councillor R G Boyce, MBE, nominated Councillor Mrs M E Thompson and this was seconded by Councillor Miss S White. For the sake of clarity the Monitoring Officer explained that should Councillor Mrs M E Thompson be voted in as Chairman she would not be partaking in today's proceedings as she had sent apologies and formally nominated a substitute for this meeting, Councillor Miss S White.

The Monitoring Officer then put Councillor Boyce's proposal, duly seconded, to the Committee and it was agreed that Councillor Mrs M E Thompson be appointed Chairman of the Joint Standards Committee for the remainder of the municipal year.

2. ELECTION OF VICE-CHAIRMAN

The Monitoring Officer, noting that a chairman was still required to conduct the business of this meeting then called for nominations from the Committee to the position of Vice-Chairman of the Joint Standards Committee. Councillor Miss S White nominated Councillor R G Boyce, MBE and this was duly seconded by Councillor B E Harker.

The Monitoring Officer put Councillor White's proposal to the Committee and it was agreed that Councillor R G Boyce, MBE be appointed Vice-Chair to the Joint Standards Committee for the remainder of the municipal year.

IN THE CHAIR: COUNCILLOR R G BOYCE, MBE

3. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 11.05am for a fifteen minute period to ensure all committee members had the opportunity to familiarise themselves with the paperwork.

4. RESUMPTION OF BUSINESS

RESOLVED that the meeting of the Joint Standards Committee be resumed at 11:20 am.

5. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

6. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M W Helm, R H Siddall and Mrs M E Thompson

In accordance with Council Procedure Rule 16, paragraph (9), substitutions at the meeting were as follows:-

Substitutions:

Councillor Miss S White on behalf of Councillor Mrs M E Thompson;
Councillor B E Harker on behalf of Councillor M W Helm; and,
Councillor K W Jarvis on behalf of Councillor R Siddall.

7. MINUTES OF THE LAST MEETING

Mr N Hodson, the Independent Person, advised that he had not been informed of the previous Joint Standards Committee meeting therefore was not in attendance on 22 August 2019.

RESOLVED that the Minutes of the meeting of the Committee held on 22 August 2019 be approved and confirmed.

8. DISCLOSURE OF INTEREST

At this point Councillor S Nunn, noting that the Committee as a whole had an interest in Agenda Item 9, requested an explanation as to why, given the matter related to the Leader of the Council, it was not subject to an independent investigation and an independent adjudication.

The Monitoring Officer explained that the Leader of the Council was also a Member like any other Member. Under the Localism Act when a complaint was made the Monitoring Officer had to deal with it under the Localism Act, in accordance with the Council's scheme set up to deal with investigations. That scheme gave discretion to the Monitoring Officer/Deputy Monitoring Officer to determine if they were able to investigate a matter. In this case it was felt that this matter could be dealt with by the Deputy Monitoring Officer.

It was noted that all members of the Committee declared an interest in Agenda Item 9 *Standards Complaint- Councillor Adrian Fluker* as they knew Councillor A S Fluker.

9. STANDARDS COMPLAINT - COUNCILLOR ADRIAN FLUKER

The Committee considered the report and associated appendices from the Monitoring Officer and Deputy Monitoring Officer advising the Committee of an investigation following a complaint against Councillor A S Fluker.

The Chairman, following the procedure for complaints determination, invited the Deputy Monitoring Officer to summarise the conclusion of the report and make any clarifying remarks as appropriate. The Deputy Monitoring Officer took the Committee through the report outlining the two complaints received in relation to two incidents that took place at full Council on Thursday 12 September 2019.

The first complaint related to an allegation that Councillor Fluker had carried out a cut-throat gesture aimed at two Councillors, Councillors Siddall and Fleming, following a vote at the meeting. Complaints were received from Councillor Stamp, Councillor Mayes and Councillor Morris in relation to a breach of the Code of Conduct, Sections B and E. The Deputy Monitoring Officer said that this had been expanded to include not showing respect.

The second complaint was from Councillor Morris relating to a comment made to another Councillor in private session at full Council Thursday 12 September 2019. The Deputy Monitoring Officer confirmed that Councillor Fluker had sent an email of apology to Councillor Siddall in respect of the second complaint and made a general apology to full Council in December for any offence he may have caused regarding gestures and/or comments. Councillor Fluker stated that he intended to cause no offence and gave a full explanation as to what he was thinking and the actions that he took.

She then drew the Committee's attention to the options open to the Joint Standards Committee, outlined below, in respect of the recommendations in the report:-

1. To take no further action;

2. Issue a formal censure in the form of a letter which is published on the Council's website;
3. Require Councillor Fluker to attend a training course to better understand the nature of offensive comments on individuals, protected characteristics and rights under the Equalities Act;
4. Require that Councillor Fluker write a letter of apology to the Councillors who were offended and/or the Council as a whole;
5. Recommend to the Council that Councillor Fluker should be removed from one or more committees for a set time; or,
6. Recommend to the Council that Councillor Fluker is removed as Leader of the Council.

The Chairman, addressing section 4 of the procedure for complaints determination invited questions from the Committee Members and the Independent Person, Norman Hodson. He approached Mr Hodson in the first instance who commented that from the report it was obvious it had been a busy meeting, and, in light of the councillor complaints, clear that the events did take place. This Committee now had to decide if they caused offence, equated to a form of bullying or disrespectful behaviour. He said that given the complaints had come from Councillors led him to accept that Councillor Fluker did in fact bully those Councillors.

Councillor Nunn asked for clarification on two points 1) if the apology in relation to the second complaint had not been accepted and 2) if it was the case that the Committee could impose options 1-3 and only recommend 4 and 5. The Deputy Monitoring Officer advised that the apology had been accepted but subsequently the acceptance was withdrawn and that options 5 and 6 would be recommendations to Council.

Councillor Stilts, noting how long Councillor Fluker had been in office concluded that he was fully aware of the Nolan Principles.

Councillor Jarvis, referring to the bottom of page 15 of the Deputy Monitoring Officer's report, asked for clarification regarding the statement 'His explanation is a plausible one and is backed up by the circumstances in the chamber at the time of the incident'. In response the Deputy Monitoring Officer said that Councillor Fluker had explained he was attempting to quieten down the noise with the gesture and that at the time there was a lot of noise in the Chamber.

Councillor Jarvis acknowledged that the discussion in the chamber was robust, at the time of the gesture the vote had taken place and the two councillors in question had abstained, therefore it was not unreasonable to assume they took offence at the gesture. He asked the Deputy Monitoring Officer if it had been meant in an expression of displeasure would her conclusion have been different. The Deputy Monitoring Officer said yes, it would have been deemed disrespectful.

Councillor Jarvis asked what weighting the Committee should apply to the pieces of evidence supporting the report, in particular the course certificates. The Monitoring Officer advised that the Committee should first determine if the action had resulted in a breach of the code and if so which part or parts. Then, when determining what course of

action to take in terms of the options available, the certificates would become more important.

Councillor Stilts, referring to Councillor Fluker's explanation of the gesture on page 14 of the report and noting the short period of time the new councillors had been in office, suggested that they may not have been aware of the gesture used as an indication to the group to stop talking. The Chairman, in response, said the gesture was universal.

Councillor White noted the content of the report and the attachments, pointing out that Councillor Fluker had apologised to both Councillor Siddall personally and the Council as a whole, whilst also noting that he had voluntarily undertaken diversity training. Given regards to the evidence and the context of events she did not believe that there had been a failure to comply with the code of conduct. In light of the aforementioned she proposed that with regards to section 4.1 (a) of the report in relation to complaints 1 and 2 Councillor Fluker had not failed to comply with the Members' Code of Conduct and therefore no further action was required in respect of the matters considered at the meeting. This was duly seconded by Councillor Harker.

Councillor Jarvis said that the evidence in front of the committee suggested that there had been a breach and he would be putting forward a counter proposal to that effect.

In accordance with procedure the Chairman advised that the first proposal would be put to the Committee for approval. He then put Councillor White's proposal, seconded by Councillor Harker, to the Committee and it was agreed with 3 votes against and 4 votes for the proposal.

RESOLVED that in light of the evidence, the apologies tendered and training undertaken, Councillor Fluker, in respect of section 4.1 (a) of the report in relation to complaints 1 and 2, had not failed to comply with the Members' Code of Conduct and therefore no further action was required.

There being no further items of business the Chairman closed the meeting at 11.45 am.

COUNCILLOR R G BOYCE, MBE
CHAIRMAN