



MEMBER CONDUCT PANEL - 26th JUNE 2018

REPORT OF THE MONITORING OFFICER

Introduction

- Name of member: Mr. M. H. Charlesworth CC
- Name of complainants: Mr. N. J. Rushton CC, Leader of the County Council, and Dr. T. Eynon CC, Leader of the Labour Group
- Name of investigator: Jonathan Goolden of Wilkin Chapman LLP
- Date of investigator's report: 14 May 2018
- Name of Independent Person: Natalie Ainscough of Hoey Ainscough Associates Ltd
- Name of legal adviser to the Panel: Mr Anthony Cross, Head of Law and Deputy Monitoring Officer
- Name of clerk of the hearing: Mrs Joanne Twomey, Democratic Services Team Leader (Governance)

Background

1. Complaints were received from Mr Rushton and Dr Eynon on 28th September 2017 regarding the conduct of Mr. Charlesworth CC at a meeting of the full County Council held in September 2017.
2. Following receipt of the complaints, an initial assessment and early assessment was undertaken by the Monitoring Officer in accordance with the Council's approved Procedure for dealing with allegations of a breach of the Members' Code of Conduct (the Procedure).
3. The Monitoring Officer prepared a report for the Panel which it considered at its meeting on 6th December 2017. The Panel at that meeting agreed that the complaints should be referred for investigation.
4. The Monitoring Officer asked Jonathan Goolden of Wilkin Chapman LLP to conduct the investigation. He duly carried out an investigation and prepared a report of his findings which was received by the

Monitoring Officer on 14 May 2018. This report is now enclosed with the agenda for the Member Conduct Panel to consider.

Summary of complaint

5. Both complaints arise out of the same events and relate to comments made by Mr. Charlesworth during the Council debate which took place on Wednesday, 27th September on the report of the Independent Remuneration Panel on Members' Allowances.
6. Mr. Rushton complains that the comments made by Mr. Charlesworth amount to a breach of the provisions of the Code of Conduct about treating members with respect and bringing disrepute to the office of an elected member and to the reputation of the County Council.
7. Dr. Eynon complains that Mr. Charlesworth's comments called into question the integrity of the members of the Independent Remuneration Panel which she believes to be insulting to the individual members concerned and which brings the Council, its processes and all elected members into disrepute.

Relevant sections of the Code of Conduct

8. The relevant sections of the Council's Members' Code of Conduct are –

Paragraph 3.1	-	Respect - <i>You must treat others with respect.</i>
Paragraph 3.5	-	Reputation of the Authority - <i>You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.</i>

Pre - Hearing Process

9. On 25th May 2018, in accordance with paragraph 47 of the Procedure, the Monitoring Officer wrote to Mr. Charlesworth enclosing a copy of the investigation report and seeking his response on the following -
 - The findings contained in the investigation report along with any evidence in support of his position that he would wish to rely on at a hearing.
 - Whether he disagreed with any of the facts contained in the investigation report and if so, to provide an outline of these and the reasons for his disagreement.
 - Whether any part of the investigation report or other relevant documents should be withheld from the public, and whether any part of the hearing should not be held in public.
 - Whether he disagreed with any of the facts contained in the investigation report and to outline what these were and the reasons why he disagreed.

- Whether he intended to call any witnesses and if so, to provide their details.
 - Whether they had sought the views of the independent person and to provide details of those.
10. In response to the above, Mr. Charlesworth confirmed as follows by email on 1st June 2018 –

“Having taken advice I wish to remain silent and neutral and have nothing further to add, with the following exception;

I do not believe that any part of this investigation should be withheld from the public and that all of the hearing should be in public.

Thank you for providing clarity with the information.”

Findings of fact in the Investigator’s report that are agreed and key issues of dispute

11. The facts as contained in the investigator’s report are neither agreed, nor in dispute. As detailed above, Mr. Charlesworth has confirmed his wish to remain silent and neutral on the matter.
12. A copy of the Investigation Report is attached as Appendix C.

Views of the Independent Person

13. Following completion of the investigation the Monitoring Officer sought the views of the Independent Person whose views are attached marked Appendix B.

Witnesses

14. In light of Mr. Charlesworth’s response above it is understood that he does not wish to call any witnesses. On this basis, the Monitoring Officer and the Investigator do not propose to call any witnesses.

Public or Private Hearing

15. The Monitoring Officer does not consider that any of the information contained in the investigation report should be treated as ‘exempt’ in accordance with Schedule 12A of the Local Government above.
16. As detailed above (para 10) and below (para 17), Mr. Charlesworth has confirmed his view that the investigation report should be made public, and that the hearing should be held in public.

Attendance

17. Mr. Charlesworth has been notified of the date and time of the hearing. By email on 17th June 2018, Mr. Charlesworth responded as follows –

“I have received your letter concerning the meeting on the 26th June. I am unable to confirm my attendance at this moment in time, however, I would urge the Panel to carry on regardless of whether I am there or not.

I also re-iterate my request that the meeting and its reports are all done in public.”

Procedure for the Hearing

18. A copy of the procedure that will be followed at the hearing is attached marked Appendix A.

Documents

19. The following documents are attached and provided to the Panel:
- Member Conduct Panel - Hearing Process (Appendix A)
 - The Views of the Independent Person (Appendix B)
 - The Investigating Officers Report and Appendices (Appendix C)

Officer to contact

Mrs Lauren Haslam,
Director of Law and Governance and Monitoring Officer
Tel: 0116 3056240
E-mail: lauren.haslam@leics.gov.uk