

REPORT OF THE CORPORATE GOVERNANCE COMMITTEE

A. OUTCOME OF INVESTIGATION OF A COMPLAINT AGAINST MR CHARLESWORTH BY THE MEMBER CONDUCT PANEL

Introduction

1. This report concerns the outcome of the investigation of complaints made against Mr Charlesworth arising from comments he made at the County Council meeting on 27th September 2017 and the decision of the Corporate Governance Committee on this matter.

Background

2. Complaints were made against Mr Charlesworth regarding comments he made at the County Council meeting on 27 September when the report of the Independent Remuneration Panel on Member Allowances was considered. The complaints alleged that Mr Charlesworth failed to show respect and courtesy towards the three independent members of the Panel.
3. The complaints were first referred to the Member Conduct Panel in December 2017 following an initial assessment and early assessment 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 Panel agreed that the complaints should be referred for investigation.
4. An independent investigator was subsequently appointed to conduct the investigation (Mr Jonathan Goolden of Wilkin Chapman LLP). His report and findings were received in May 2018 and thereafter referred to the Panel for consideration.
5. The Panel met on 26th June 2018. Mr Charlesworth did not attend, but taking account of his request for the Panel to carry on regardless of whether or not he attended, the Panel resolved to proceed in his absence. The Panel also agreed for the hearing to proceed in public, having taken account of Mr Charlesworth submission prior to the meeting that this should be the case.
6. The investigator attended to present his report and the independent person appointed in this case also attended to give her views.

Decision of the Member Conduct Panel

7. The Panel unanimously agreed that it had been proven that Mr Charlesworth had breached paragraph 3.1 (you must treat others with respect) and 3.5 (you must not conduct yourself in a matter which could reasonably be regarded as bringing your office or the Authority into disrepute) of the Members' Code of Conduct when, at the meeting of the full County Council held on 27th September 2017, he made comments which called in to question the independence of the three members of the Independent Remuneration Panel who were not present at the meeting. These comments were unwarranted, unjustified and personalised, did not treat the Panel members with respect and thereby brought the office and the Authority into disrepute.
8. Having made the above decision, the Panel then decided unanimously to impose the following sanctions:
 - a) That the Monitoring Officer write a formal letter to Mr Charlesworth setting out the decision of the Panel, the sanctions it has imposed, and its disappointment at having to make the decision that the Code of Conduct has been breached. A copy of this letter will be published on the Council's website and displayed on Mr Charlesworth's webpage for a year.
 - b) That Mr Charlesworth send a letter of apology to each of the three members of the Independent Remuneration Panel within 14 days of receipt.
 - c) That Mr Charlesworth make a public apology to the members of the Independent Remuneration Panel and the Council at the Council meeting to be held on 26th September 2018.
 - d) That Mr Charlesworth undertake training to be organised by the Monitoring Officer on the Code of Conduct and in particular, the standards expected of members during meetings.
9. The formal letter referred to in (i) above was sent to Mr Charlesworth on Tuesday 3rd July and has been published on the Council's website and displayed on Mr Charlesworth's webpage. Attached to this were the three letters of apology to be sent to the members of the Independent Remuneration Panel as referred to in (ii) above.

Deliberations at the Corporate Governance Committee

10. The Corporate Governance Committee was advised that on 8th July, Mr Charlesworth sent an email acknowledging receipt of the formal letter and indicating that he would not make the apology or undertake training as

ordered by the Member Conduct Panel. No further communication was received on the matter.

11. The Corporate Governance Committee noted the position taken by Mr Charlesworth and decided as follows:-
 - (a) That the unanimous decision of the Member Conduct Panel that Mr. M. H. Charlesworth CC had breached the Council's Members' Code of Conduct in that his comments made at the County Council meeting held on 27th September 2017 which questioned the independence of three members of the Independent Remuneration Panel (IRP) were 'unwarranted, unjustified and personalised', did not treat members of the IRP with respect, and thereby brought the Authority into disrepute, be noted;
 - (b) That the response received by the Monitoring Officer from Mr. Charlesworth to the findings of the Member Conduct Panel and his decision to refuse to apologise to the members of the IRP as ordered by the Panel be noted with disappointment and regret;
 - (c) That the County Council be advised of the outcome of the meeting of the Member Conduct Panel held on 26th June 2018 following the investigation into the conduct of Mr. Charlesworth, and of his refusal to accept the Panel's findings and decision not to apologise for his conduct;
 - (d) That in view of the fact that Mr. Charlesworth's conduct had brought the Authority into disrepute, the full Council be asked to agree an apology to the members of the IRP.
12. Mr Charlesworth was advised of the decision of the Corporate Governance Committee on 26th July 2018.

Update from the Monitoring Officer

13. *On 5th September, 2018 Mr Simon Galton, Leader of the Liberal Democrat Group emailed the Monitoring Officer on the matter. In order that members of the Council are aware of all relevant issues on this matter an extract from that email is appended to this report as Appendix A.*

(Motion to be moved)

- (a) That the unanimous decision of the Member Conduct Panel that Mr. M. H. Charlesworth CC had breached the Council's Members' Code of Conduct in that his comments made at the County Council meeting held on 27th September 2017 which questioned the independence of three members of the Independent Remuneration Panel (IRP) were 'unwarranted, unjustified and personalised', did not treat members of the IRP with respect, and thereby brought the Authority into disrepute, be noted;**
- (b) That the response received by the Monitoring Officer from Mr. Charlesworth to the findings of the Member Conduct Panel and his decision to refuse to apologise to the members of the IRP as ordered by the Panel be noted with disappointment and regret;**
- (c) That in view of the fact that Mr. Charlesworth's conduct had brought the Authority into disrepute and his failure to accept the finding of the Member Conduct Panel and apologise the full Council be asked to agree an apology to the members of the IRP).**

**Mr P. Bedford
Chairman**

25th July 2018

Background Papers

Report of the Director of Law and Governance to the Corporate Governance Committee on the operation of the Members' Code of Conduct in 2017/18.

APPENDIX A

Dear Lauren,

I write further to our discussion regarding the above member conduct complaint and our subsequent emails.

A meeting of the Liberal Democrat group took place yesterday at which the matter was discussed in accordance with our standing orders. The outcome of the meeting was that Michael would be suspended from the Liberal Democrat Group for a period of 28 days. This takes effect immediately and I have informed Graeme Wardle of the decision and asked him to make arrangements to stop Michael's allowances as Group Whip and Member of the CFA this month.

Regards

Simon Galton

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