

Minutes of the Standards Sub-Committee

Tuesday 27th February, 2018 at 10.30am
in Committee Room 3, The Council House, Dudley

Present:

Councillor M Evans (Chair)
Councillors A Aston and H Rogers

Officers:

M Farooq (Monitoring Officer), J Austin (Investigating Officer), Rt. Revd G Usher, Bishop of Dudley (Independent Person), S Griffiths (Democratic Services Manager) and L Jury (Democratic Services Officer)

Also in Attendance:

Councillor P Lowe (Complainant)

1. **Declarations of Interest**

No member made a declaration of interest in accordance with the Member's Code of Conduct.

2. **Standards Investigation**

Following introductions, the Chair referred to the procedure to be followed at the meeting, copies of which were circulated.

The Sub-Committee considered whether the meeting should be held in public or private session under the provisions of the Local Government Act 1972. The Sub-Committee agreed that the meeting should be conducted in public.

The Sub-Committee considered the outcome of a Standards Investigation undertaken in respect of Councillor B Etheridge in accordance with the Members' Code of Conduct and the local standards arrangements set out in the Council's Constitution.

Councillor B Etheridge had been invited to attend or be represented at the meeting, however, he had indicated that he wished to take no part in the proceedings.

The Sub-Committee considered the Standards Investigation in accordance with the procedure as follows:

The Monitoring Officer presented his report to the Sub-Committee and referred to the information set out in the Appendices. The Monitoring Officer also distributed a copy of Councillor B Etheridge's signed declaration of acceptance of Office as a Councillor and a letter sent to him by the former Chief Executive, which enclosed a copy of the Member's Code of Conduct.

The Sub-Committee noted that following consultation with the Independent Person, informal resolution of the complaint had been offered by way of an apology. Councillor B Etheridge had refused the offer. An independent Investigator had then been instructed to investigate the complaint formally.

The Monitoring Officer referred to the Investigating Officer's report. A copy of the report had been sent to Councillor P Lowe and Councillor B Etheridge and a further offer of informal resolution had been made at that stage. The offer was again refused by Councillor B Etheridge and the matter was subsequently referred to the Standards Sub-Committee. During the Monitoring Officer's presentation, the Sub-Committee viewed two Facebook videos posted by Councillor B Etheridge on 9th and 10th October, 2017.

In conclusion, the Monitoring Officer outlined the action that the Sub-Committee could take should they find that the Member had breached the Code of Conduct.

The Independent Person confirmed that in his opinion, and to the best of his knowledge, the standards procedures had been followed in relation to this complaint.

The Investigating Officer presented his report and referred to interviews that had taken place with Councillor P Lowe, M Farooq and Councillor B Etheridge. During the presentation, the Investigating Officer invited Councillor P Lowe to address the Sub-Committee.

In conclusion, the Investigating Officer found that there had been evidence that Councillor B Etheridge had breached specific provisions of paragraph 3 of the Member's Code of Conduct.

The Chair invited questions from Members of the Sub-Committee. The Independent Person was also invited to address the Sub-Committee.

The Investigating Officer was asked to make any representations to support the findings of fact in the report.

The Sub-Committee adjourned to consider findings of fact.

The meeting re-adjourned and the Chair reported that having considered the evidence presented, the Sub-Committee had made the following findings:

- Councillor B Etheridge had posted the videos on-line.
- Councillor B Etheridge had used the various words, as set out in paragraph 7.6 of the Investigation report.
- Councillor B Etheridge had admitted that his comments were deliberately disrespectful and scornful.
- The Constitution stated that the ruling of the Mayor was final.
- The Mayor complied with the Constitution as to how the Council meeting was conducted.
- Councillor B Etheridge's comments, with regard to the Council procession, included reference to officers.
- The Mayor was the first citizen of the Borough and Councillor B Etheridge's attitude towards the Mayor was both disrespectful and a personal attack.

The Chair stated that the meeting would now adjourn and when the meeting reconvened the Sub-Committee considered whether Councillor B Etheridge had failed to follow the Members' Code of Conduct.

The meeting reconvened and the Chair invited representations from the Investigating Officer. The Sub-Committee also viewed a further Facebook video post made by Councillor B Etheridge.

The Sub-Committee adjourned to consider the representations and evidence as to whether Councillor B Etheridge had failed to comply with the Code of Conduct.

The meeting reconvened and the Chair announced that having taken account of all the evidence, information, written and verbal submissions that were presented to the meeting, the Standards Sub-Committee decided:

- That Councillor B Etheridge was acting in his capacity as a Member of the Council when he posted the two videos on social media on 9th and 10th October, 2017;
- That Councillor B Etheridge had breached the following standards provisions of the Members' Code of Conduct:
 - Valuing colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government.
 - Always treating people with respect, including the organisations and public you engage with and those you work alongside, and not bullying any person.
 - Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

- That the actions and words of Councillor B Etheridge, as evidenced in the two video posts and the report of the Investigating Officer, were in breach of the above standards of conduct and this was reinforced by the more recent video posted on Social Media.

The Chair reported that as the Sub-Committee had decided that Councillor B Etheridge had failed to follow the Code, it would now consider any verbal or written representations from the Investigating Officer as to whether the Sub-Committee should take any action and what form that action should take.

Following comments from the Investigating Officer, the Chair announced that the Sub-Committee would adjourn to consider whether to take any action in respect of Councillor B Etheridge.

The meeting reconvened and the Chair announced that the Sub-Committee had considered:

- The seriousness of Councillor B Etheridge's failure to comply with the Members' Code of Conduct
- The public interest in maintaining the standards required by the Members' Code of Conduct
- The impact on various individuals relating to Councillor B Etheridge's failure to comply with the Members' Code of Conduct
- The complete lack of mitigation, regret and apology by Councillor B Etheridge.

Consequently, and recognising that the powers of the Standards Sub-Committee were limited, it was:

Resolved

- (1) That the findings of the Sub-Committee be reported to the Council meeting on 9th April, 2018.
- (2) That, a Motion of Formal Censure be put forward to the next Council meeting in words to be agreed by the Monitoring Officer in consultation with the Standards Sub-Committee.
- (3) That the Council be recommended that all Councillors are required upon election to sign an undertaking that they will comply with the Members' Code of Conduct.

The meeting ended at 3.10 p.m.

CHAIR

SSC/4