

**Minutes of the Standards Sub-Committee
Friday 28th January, 2022 at 10.30am
in Committee Room 3, the Council House, Dudley**

Present:

Councillors D Borley, J Cowell and M Evans

Officers:

M Farooq (Monitoring Officer), S Griffiths (Democratic Services Manager)

Also in Attendance:

Revd. A Hadley (Independent Person)
Councillor R Body
Councillor L Taylor-Childs (Complainant)
Councillor S Clark (Observer)

Also in attendance on MS Teams

P Oldham QC (Investigator)
L Jury (Democratic Services Officer)

1. **Election of Chair**

Pursuant to Council Procedure Rule 2.2 it was

Resolved

That Councillor D Borley be elected Chair for this meeting only.

2. **Apologies for Absence**

Apologies for absence were received on behalf of Councillor J Roberts and A Taylor.

3. **Appointment of Substitute Members**

It was noted that Councillor M Evans had been appointed as a substitute Member for Councillor J Roberts and Councillor D Borley had been appointed as a substitute Member for Councillor A Taylor for this meeting of the Committee only.

4. **Declarations of Interest**

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

5. **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 12th November, 2020 be approved as a correct record and signed.

6 **Exclusion of the Public**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information which is likely to reveal the identity of an individual under paragraph 2 of Part I of Schedule 12A to the Local Government Act 1972.

7 **Standards Investigation**

Following introductions, the Chair confirmed that Councillor R Body had been given the opportunity to be represented or accompanied during the meeting by a person of his choice. It was confirmed that Councillor R Body had decided not to be represented or accompanied at the meeting.

The Chair referred to the procedure to be followed at the meeting, copies of which had been circulated prior to the meeting.

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



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

The Monitoring Officer presented his report to the Sub-Committee, referred to the information set out in the Appendices and confirmed that the complainant (Councillor L Taylor-Childs) was in attendance.

The Monitoring Officer confirmed that having considered the complaint, a discussion had been held with the Independent Person appointed under the Localism Act 2011. Following the consultation, it had been agreed that the complaint merited formal independent investigation. An Independent Investigator had been instructed to investigate the complaint and Councillor R Body had been informed that an investigation would be undertaken.

As a result of consultation that had been held independently with all parties and the Investigator, a final draft report was produced and presented to the Monitoring Officer by the Investigator.

In referring to the Investigator's report, the Monitoring Officer confirmed that the Investigator had concluded that there was evidence to show that there had been a potential or properly arguable case that, as alleged in the complaint, Councillor R Body had breached provisions of the Members' Code of Conduct. As a requirement of the procedure, a copy of the final report had been sent to Councillor R Body and the complainant by the Monitoring Officer.

Further consultation had been undertaken with the Independent Person and it was considered that, as the report found a potential breach of the Members' Code of Conduct, this would merit a referral for a hearing by the Standards Sub-Committee.

In concluding, the Monitoring Officer outlined the action that the Sub-Committee might take if they determined that there had been a breach of the Code of Conduct. The Sub-Committee was advised that any action must be proportionate taking account of the facts and circumstances of the case.

The Investigator presented his report in detail. In conclusion, the Investigator had found that there was evidence to show that there had been a potential, or properly arguable case, that Councillor R Body had breached the principles of the Members' Code of Conduct.

The Chair invited questions to the Monitoring Officer and Investigator from Councillor R Body, the Independent Person and Members of the Sub-Committee.

The Chair then invited Councillor R Body to give his evidence and to make representations to the Sub-Committee.

The Chair invited questions to Councillor R Body from the Monitoring Officer, the Investigator, the Independent Person and Members of the Sub-Committee.



The Chair invited Councillor R Body to state if he disagreed with any relevant facts in the Investigator's Report. Councillor R Body clarified that he had not read out the entire contents of the briefing note to the press reporter but had just referred to those elements that he felt highlighted the situation.

The Sub-Committee adjourned to consider the findings of fact in private.

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

- That Richard Body is an elected Member of Dudley Metropolitan Borough Council.
- That Councillor R Body had signed his declaration of acceptance of office as a Councillor in May 2019. This included an undertaking to comply with the Members' Code of Conduct in the performance of his functions as a Councillor.
- That the Members' Code of Conduct applied to Councillor R Body as he was acting in his capacity as a Councillor.
- That Councillor R Body had disclosed to the press, elements of a briefing note provided by the Council in confidence, as referred to in the email from the Director of Housing and Community Services dated 1st June 2021, elements of which contained personal and sensitive information.
- That there was not a clear and overriding public interest in disclosing the information as the briefing note had made it clear that the Local Authority, along with its partners, were addressing the situation.

The Chair stated that the Sub-Committee would consider whether, based on the facts it had found, that Councillor R Body had failed to follow the Members' Code of Conduct and invited Councillor R Body to give relevant reasons why the Sub-Committee should decide that he had not failed to follow the Code.

Councillor R Body indicated that he had disclosed the information out of concern for the wellbeing of the residents he had been elected to represent. He believed that the public had a right to know the situation since he had raised concerns on this matter many times and he wished for the matter to be resolved.

Following Councillor R Body's comments, the Chair invited representations from Members of the Sub-Committee, the Investigator and the Independent Person.

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



The Chair invited Councillor R Body to make any final relevant points to which Councillor R Body confirmed he had nothing further to add.

The Sub-Committee adjourned to consider, in private, the representations and evidence presented as to whether Councillor R Body had failed to comply with the Member's Code of Conduct.

The meeting reconvened and the Chair announced that having taken account of all the evidence, information, written and verbal submissions that had been presented to the meeting, the Standards Sub-Committee had decided that Councillor R Body had breached the principles of the Members' Code of Conduct, namely: -

- Respecting the confidentiality of information received as a Member by:
 - not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so...

The Chair reported that, as the Sub-Committee had decided that Councillor R Body had failed to follow the Members' Code of Conduct, it would now consider any verbal or written representations from the Investigator as to whether the Sub-Committee should take any action and what form that action should take.

Following comments from the Investigator, the Chair announced that the Sub-Committee would adjourn to consider whether to take any action in respect of Councillor R Body.

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

Resolved

- (1) That a formal letter be sent to Councillor R Body from the Chair of the Audit and Standards Committee.
- (2) That arrangements be made for Councillor R Body to undertake training on General Data Protection Regulation (GDPR) and Information Governance requirements.
- (3) That the Chief Executive be requested to review the confidentiality marking of documents and electronic communications and to review the provision of training for all Members of the Council on this subject.

The meeting ended at 1.25pm.

CHAIR



SSC/5