

HAMPSHIRE COUNTY COUNCIL

Decision Report

Panel:	Conduct Advisory Panel – Hearing Panel
Date:	9 December 2020
Title:	Complaint: Members' Code of Conduct: Determination of a Complaint against a Member of the County Council
Report From:	Head of Law & Governance & Monitoring Officer

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Reasons Why this Report is Not for Publication

This report is not for publication as it contains exempt information within Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, being information relating to any individual. Further, it is considered that, in all the circumstances, the public interest in maintaining this exemption outweighs the public interest in disclosing this information. While there may be a public interest in disclosing this information, namely that it would identify a Member about whom a complaint has been made, it is felt that, on balance, this is outweighed by other factors in favour of maintaining the exemption, namely that the Member's details should not be revealed.

Purpose of this Report / Introduction

1. By virtue of Part I, Chapter 9 of the Constitution, the Conduct Advisory Panel has responsibility for determination of arrangements for the assessment, investigation and determination of allegations of complaints that a Member or Co-opted Member of the County Council has failed to comply with the County Council's Code of Conduct for Members ('Arrangements'). A link to the Members' Code of Conduct approved by the County Council on 17 July 2014 is attached below:

[The Constitution - Appendix A – Code of Conduct for Members](#)

A link to the Arrangements last updated by the Conduct Advisory Panel on 24 October 2019 is attached below:

<https://documents.hants.gov.uk/aboutthecouncil/ArrangementsdealingwithMemberComplaints.pdf>

Complaints against Cllr Woodward – Mr Russell Collier and Mr Jason Morris

2. The Hearing Panel is asked to consider and determine under the Arrangements two complaints made against Cllr Woodward by Mr Russell Collier and Mr Jason Morris, alleging breaches by Cllr Woodward of the Members' Code of Conduct. Included as Exhibit SG8 within the evidence bundle attached to the Investigator's report referred to below and contained at Annex 2 are copies of the complaints made by Mr Collier and Mr Morris, together with additional communication received from Mr Collier in which he sets out more detail of his complaint.

Procedure to date under the Arrangements

3. As provided for in the Arrangements, once a complaint has been validated by the Monitoring Officer pursuant to Paragraph 3 of the Arrangements, the complaint is subject to initial assessment by the Monitoring Officer, in consultation with the Chairman of the Conduct Advisory Panel and one of the County Council's Independent Persons, in accordance with Paragraph 4 of the Arrangements. The criteria against which a complaint should be assessed are set out Paragraph 4.4 of the Arrangements. This stage of the process is designed to ascertain if the complaint should be accepted for further consideration at a meeting of an Assessment Panel, which is a panel of Members drawn from the Conduct Advisory Panel. As provided for in the Conduct Arrangements, an Independent Person is invited to attend a meeting of an Assessment Panel, and the views of the Independent Person are to be sought by the Assessment Panel in making any decision.
4. **An Assessment Panel is required to make one of three decisions:**
 - 4.1. to refer the complaint(s) to the Monitoring Officer for investigation; or
 - 4.2. to refer the complaint(s) to the Monitoring Officer for 'other action'; or
 - 4.3. to determine that no further action should be taken in respect of the complaint.

Assessment Panel Meeting 9 January 2020

5. An Assessment Panel comprised of Members of the Conduct Advisory Panel met on 9 January 2020 to consider the complaints made against Cllr Woodward by Mr Collier and Mr Morris. The decision of the Assessment Panel was to refer the complaints to the Monitoring Officer for investigation.

Following the decision of the Assessment Panel on 9 January 2020 an Investigator was accordingly appointed by the Monitoring Officer in consultation with the Chairman of the Conduct Advisory Panel – Mr Simon Goacher, a solicitor and partner with Weightman's LLP, a national firm

specialising in public law. Following completion of his investigation an investigation report was prepared by the Investigator. A copy of the investigation report is contained at Annex 1, Evidence referred to in the investigation report is contained at Annex 2. In accordance with the Conduct Arrangements, both Cllr Woodward and the two complainants have had the opportunity to comment on the draft report prior to it being finalised. Neither Mr Collier nor Mr Morris had any comments on the draft report before it was finalised. A copy of Cllr Woodward's comments on the draft investigation report is included at SG14 of the evidence bundle at Annex 2. A copy of Cllr Woodward's further representations and supporting evidence is contained at Annex 3 and Annex 4(a-o). A copy of an email exchange between the investigator and the professional standards department is included at Annex 5.

The Investigator was of the view that there was a failure by Cllr Woodward to comply with the Members' Code of Conduct, in respect of the grant of £15,000 made on 7 May 2019 by the Executive Member for Countryside and Rural Affairs at the Decision Day of the Executive Member for Recreation and Heritage to the Rockets children's motorcycle display team under the Recreation and Heritage Executive Member Grants scheme.

Members' Code of Conduct

6. It is important when considering a complaint made against a Member of the County Council under the Members' Code of Conduct that consideration of the complaint is restricted to elements of the complaint which relate to a Members' conduct as a Member of Hampshire County Council. As the Hearing Panel will note, a number of elements of the complaints made by Mr Collier and Mr Morris against Cllr Woodward relate to matters in his capacity as a Member of Fareham Borough Council. Any consideration of these are matters would need to be under the Fareham Members' Code of Conduct. Likewise, any part of the complaints which relate to Cllr Woodward in his personal capacity are outside the remit of the Hearing Panel.
7. It is considered that the appropriate elements of Mr Collier's and Mr Morris's complaints so far as Cllr Woodward's conduct as a Member of Hampshire County Council goes are those elements which relates to the County Council's grants process, both under the general Member Grant Scheme, available to all County Council Members and administered within Corporate Services following the recommendation of individual elected Member, and grants made under the Recreation and Heritage Community Fund Grant Scheme administered by the Culture, Community and Business Services Department of the County Council (CCBS), which grants would normally be made by Cllr Woodward as Executive Member for Recreation & Heritage at a Decision Day. A link to the general Member Grants scheme is attached below for ease of reference.

<https://www.hants.gov.uk/community/grants/grants-list/county-councillor>

A copy of the report “Grant Funding to Culture and Community Organisations in Hampshire 2019/20” which contains details of the Recreation and Heritage Community Grant fund scheme and the application by the Rockets is attached at Annex 2a.

8. Grant Applications

Recreation and Heritage Executive Member Community Fund Grant Scheme

- 8.1. An application from the Rockets Children’s Motorcycle Display team for funding of £15,000 under the Recreation and Heritage Executive Member Community Grant Scheme was received on 23 March 2019. A decision to award the funding was made on 7 May 2019 by the Executive Member for Countryside and Rural Affairs at the decision day of the Executive Member for Recreation and Heritage

Member Grants Scheme – Application by the Rockets Children’s Motorcycle Display Team

- 8.2. An application was made by the Rockets Children’s Motorcycle Display Team for funding of £2000 under the General Members Grant Scheme for the purchase of ramps was received by Cllr Woodward on 19 January 2019. This was forwarded on the same day to Cllr Evans, who supported the grant and the grant was accordingly paid on 6 February 2019.

Member Grant Scheme – Application by Solent Stars Children’s Motorcycle Display Team

- 8.3. A further application from Solent Stars for funding of £2000 under the General Members Grant Scheme for ramps and landing pads was received by Cllr Woodward on 27 August 2019. This was forwarded on the same day to Cllr Evans, who supported the grant on 28 August 2019, and the grant was accordingly made.

Investigation Consideration Panel Meeting 28 September 2020

9. An Investigation Consideration Panel met on 28 September 2020 to consider the outcome of the investigation into the complaints. Under the Conduct Arrangements the Investigation Consideration Panel was required to make one of three decisions:
- 9.1. That the complaint(s) should be referred to a hearing of the Conduct Advisory Panel; or
- 9.2. That the complaint(s) should be disposed of by informal resolution; or

9.3. That there was no failure by Cllr Woodward to observe the Members' Code of Conduct.

The decision of the Investigation Consideration Panel was that the complaints should be referred to a hearing of the Conduct Advisory Panel.

10. **Decision of the Hearing Panel**

10.1. The Hearing Panel is required under the Arrangements to reach one of two conclusions:

10.1.1. That Councillor Woodward failed to comply with the Code of Conduct for Members; or

10.1.2. That there was no failure by Councillor Woodward to comply with the Code of Conduct for Members.

Options open to the Hearing Panel if event of finding of breach of the Members' Code of Conduct

11. Options open to the Hearing Panel in the event it reaches a conclusion that Cllr Woodward failed to comply with the Code of Conduct for Members, are set out at Paragraph 12.2 of the Arrangements. The Hearing Panel may decide to:

11.1. Publish a decision notice in such manner as the Hearing Panel considers appropriate

11.2. Report its findings to the County Council for information.

11.3. Recommend to the County Council that Councillor Woodward be censured by resolution of the County Council.

11.4. Recommend to Councillor Woodward's group leader that Councillor Woodward be removed from the Executive and / or Committees of the County Council and / or Outside Bodies (as appropriate).

11.5. Instruct the Monitoring Officer to arrange such training for Councillor Woodward as the Panel considers appropriate.

NB: The above sanctions are not mutually exclusive.

A Hearing Panel has no power to suspend or disqualify a Member or to withdraw a Member's allowances. Removal of a Member from a Committee or Outside Body would require a formal decision of the County Council.

Where the decision of the Hearing Panel is that there has been no breach of the Members' Code of Conduct, then that is the end of the procedure.

No Further Action

12. Should the finding of the Investigation Consideration Panel be that there was no breach of the Members' Code of Conduct, that is the end of the matter.

Conclusion

13. Members of the Hearing Panel are asked to determine the complaints against Cllr Woodward and, should the Hearing Panel find that there has been a breach of the Members' Code of Conduct determine pursuant to the Arrangements how the breach should be disposed of.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because a complaint has been made that a Member of the County Council has breached the Members' Code of Conduct.

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

EQUALITIES IMPACT ASSESSMENT:

Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);

Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;

Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;

Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;

Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

No equalities have been identified.