

Bury Council – Decisions taken by the Standards Assessment Sub Committee on Thursday, 18 March 2021

| Agenda Item No | Topic | Decision |
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Part A – Items considered in public

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| 4 | DETERMINATION OF ALLEGATION OF BREACH OF THE MEMBER CODE OF CONDUCT PART A | <div data-bbox="1832 480 2056 576" data-label="Image"> </div> <p align="center">STANDARDS SUB-COMMITTEE</p> <p align="center">DECISION NOTICE</p> <p align="center">REFERENCE: SC 02/21</p> <p>Parties receiving this Decision Notice should take care when acting on this information, as some of it may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.</p> <p>Outline of Complaint:</p> <p>On 14 July 2020 the Monitoring Officer received a complaint from Councillor Alan Quinn concerning discriminatory questions and remarks made by Councillor Caserta during the interview process to recruit a senior officer within the Council, on 14 July 2020. This complaint was considered in the first instance by the Council’s Monitoring Officer and the Independent Person and following an investigation undertaken by an Independent Investigating Officer and the failure of local resolution, a standards sub-committee (Hearings Panel) was convened. The Standards Sub Committee met to consider the complaint and took representations from interested parties on the 18th March 2021.</p> |
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| | | <p>Decision:</p> <p>The sub-committee found four breaches of the Code of Conduct for Councillors and Other Voting Representatives (the Code). In determining which sanction to impose, Members of the sub-committee considered that the action must be proportionate to the breach.</p> <p>The sub-committee therefore resolved unanimously to:</p> <p>Instruct the Monitoring Officer to arrange training on Equality, Diversity and Inclusion, that training to be undertaken by 30th June 2021.</p> <p>Recommend to the Subject Member’s group leader that the Councillor not be put forward for recruitment panels until training has been undertaken.</p> <p>An unequivocal written apology be offered to the Officer concerned.</p> <p>The findings of the panel are published.</p> <p>Reasons for the Decision:-</p> <p>The Sub-Committee considered the Code as well as the relevant legislation</p> <ul style="list-style-type: none"> • Section 27 (2) of the Localism Act 2011 places a duty on relevant authorities to ensure their members and co-opted members maintain high standards of conduct and requires |
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| | | <p>such authorities to adopt a code of conduct for their members.</p> <ul style="list-style-type: none"> Section 28 (2) requires a relevant authority to adopt a code whose contents must be consistent with the seven “Nolan” principles of standards in public life (Selflessness, integrity, objectivity, accountability, openness, honest and leadership). <p>Breaches of the Code identified:</p> <p>The Code of Conduct</p> <p><i>Preamble paragraph 2.8. - Respect for Others:</i> <i>“Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s Statutory Officers, and its other employees.”</i></p> <p>Reason – The Subject Member used inappropriate language that was disrespectful and wholly inappropriate.</p> <p><i>Preamble paragraph 2.11 - Leadership:</i> <i>“Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence”</i></p> <p>Reason – The panel was of the view that the words spoken by the subject member, acting in his role as Councillor and at a Council meeting, did not support the principles of Leadership and may affect the Local Authorities ability to recruit high calibre candidates in the future.</p> |

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| | | <p>General provisions paragraph 3.1. (e) You must not... <i>“Behave in a way that a reasonable person would regard as disrespectful”</i></p> <p>Reason – The subject member was disrespectful to the Officer concerned. The Code of Conduct must be interpreted purposively. To allow an Officer to be treated in that way, would undermine the aims of the Code.</p> <p>General provisions paragraph 5. <i>“You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute”</i></p> <p>Reason – The panel was of the view that the words spoken by the subject member, acting in his role as Councillor and at a Council meeting, would bring the council into disrepute. The Panel concluded that his conduct showed a disregard for the Code.</p> |

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| | | <p>Councillor T Pickstone Chair of the Standards Sub-Committee Date: 18 February 2021</p> |
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| A2 | | |