

## **Appendix to the Report**

### **Report into the Complaints made by Cllr Wileman against Cllr Florence-Jukes; and by Cllr Florence-Jukes against Cllrs Clarke and Fletcher**

- 1. Complaint against Cllr Wileman**
- 2. Complaint against Cllr Clarke**
- 3. Complaint against Cllr Fletcher**
- 4. Statement of Cllr Wileman**
- 5. Standard Complaint Rules**
- 6. Emails provided by Cllr Wileman**
- 7. Link to council meeting –**

[https://www.dropbox.com/s/br12zfv1nyt2pc2/GMT20210426-173023\\_Recording\\_gallery\\_1280x720.mp4?dl=0](https://www.dropbox.com/s/br12zfv1nyt2pc2/GMT20210426-173023_Recording_gallery_1280x720.mp4?dl=0)

## MEMBER CONDUCT COMPLAINT FORM

Please refer to our "Information for Complainants" document for more information before completing this form. This is available on our website or from the Council's Monitoring Officer.

### Your details

1. Please tell us your name and contact details:

<b>Title:</b>	Mr
<b>First name:</b>	Colin
<b>Last name:</b>	Wileman
<b>Address:</b>	2 Carpenter Close Brizlincote Burton upon Trent DE15 9AL
<b>Daytime telephone:</b>	07572685741
<b>Evening telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	Colin.Wileman@eaststaffsbc.gov.uk

We will usually tell the following people that you have made this complaint:

- the Member(s) you are complaining about;
- the Council's Monitoring Officer; and
- the parish or town clerk (if your complaint is about a parish or town council Member).

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate. Your address and/or contact details will not usually be released unless this is necessary to deal with your complaint.

If you have serious concerns about your name or details of your complaint being released, please complete Section 5 of this form. **Anonymous complaints will not be considered.**

2. Please tell us which Complainant type best describes you:

- Member of the public
- Elected or co-opted Member of an authority
- Independent Member of the Standards Committee
- Member of Parliament
- Local authority Monitoring Officer

Other council officer or authority employee

Other (please state: )

### Your complaint

3. Please provide us with the name of the Member(s) you believe have breached their Code of Conduct and the name of their authority (please use a separate sheet for additional Members):

Title	First name	Last name	Council or authority name
Mrs	Deniece	Florence-Jukes	ESBC

4. Please explain in this section (or on separate sheets) what the Member has done that you believe breaches their Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches their Code of Conduct.

It is important that you provide all the information you wish the Council to take into account when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what they said to you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there were any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please give details of your complaint. Please also refer to any documents which you are submitting in support of your complaint. Continue on a separate sheet if there is not enough space on this form.

### **Complaint against Cllr Florence-Jukes**

This complaint is in two parts, the first is about potential breaches of the East Staffordshire Borough Council (ESBC) Code of Conduct (the "**Code**") and the second is in relation to a breach of s106 Representation of the People Act 1983. The decision notices referred to in this complaint are attached for ease of reference.

#### **Potential breaches of the Code**

At Agenda item 10 of ESBC Annual General Meeting of 26 April 2021 (the "**Meeting**"), Cllr Florence-Jukes spoke about my record as Mayor of East Staffordshire. I am deeply hurt by Cllr Florence-Jukes' remarks made in her official capacity as Councillor in a public forum about my conduct. I therefore wish to make a complaint about the entirety of her remarks which start 48 minutes and 50 seconds into the Meeting. It is my view that Cllr Florence-Jukes has breached paragraph 3.1 of ESBC's Code of Conduct (the "**Code**") – "Councillors must treat each other with respect" and that Cllr Florence-Jukes has not upheld the general principles of Honesty and Leadership which are set out in Appendix 1 of the Code. In breaching these paragraphs of the Code, Cllr Florence-Jukes has also breached 3.9 of the Code by bringing the Council into disrepute. I would be grateful if ESBC were to review Cllr Florence-Jukes' remarks, to assess whether a breach of the Code has occurred.

Given the nature of the hurtful remarks made, it has taken me some time to bring myself to review the recording of the meeting, however I have now done so and I would like to draw your attention to the following remarks made by Cllr Florence-Jukes about my conduct:

1. Cllr Florence-Jukes states as fact that I am a bully. Cllr Florence-Jukes' speech as a whole would suggest to the average viewer/listener to the Meeting that I am a bully. She specifically comments that I "bullied opposition members". These allegations of bullying are untrue, defamatory and deeply hurtful. Cllr Florence-Jukes was informed by ESBC's monitoring officer on 19 March 2021, in response to Cllr Florence-Jukes' complaint against me about bullying that I had not breached the Code and that I "conducted the meeting in a firm but courteous manner". Cllr Florence-Jukes was informed of the Council's Monitoring Officer's decision that I had not breached the code and yet Cllr Florence-Jukes has continued to allege in public that I am a bully. Cllr Florence-Jukes has not taken on board the decision of the Monitoring Officer and has made a damaging false statement against me. It is my view that Cllr Florence-Jukes has failed treat me with respect and has not been truthful. This is a breach of 3.1 of the Code and the General/Nolan Principles.
2. Cllr Florence-Jukes stated:

*"He [Cllr Wileman] deliberately mispronounced Cllr Grosvenor's name, a councillor that he has known for however many years at the last couple of*

*meetings, he's decided to call him "Gross Snore" which is a complete insult to him personally and I think is belittling".*

I did not deliberately mispronounce Cllr Grosvenor's name and I did not belittle him. This is another false statement made by Cllr Florence-Jukes about my conduct. Cllr Grosvenor submitted a complaint to the Council's Monitoring Officer about this issue and the Monitoring Officer's decision in consultation with the independent person was that the complaint did not disclose a potential breach of the Code and that there was no evidence to support the grounds of the complaint. The commentary in the decision notice (2021/005) dated 19 March 2021 found that I had pronounced Cllr Grosvenor's surname as "Cllr Grozevenor" and not "Gross Snore" as Cllr Florence-Jukes alleges – I would never seek to deliberately mispronounce someone's name as this is childish behaviour that should have no place in the council chamber. It is my view that Cllr Florence-Jukes has not been truthful and is therefore in breach of the General/Nolan Principle of truthfulness when suggesting that I had deliberately mispronounced Cllr Grosvenor's surname and that I had belittled him.

3. Cllr Florence-Jukes states as fact below that I abused my position of Mayor. This is false.

*"Also he has abused his position as mayor by on his personal Facebook page, displaying a profile picture of him in his mayoral regalia in his robes and his chains and at the same time advertising his private gardening business. That's a major misjudgement of his role as councillor and I think that is a real abuse of his role as councillor."*

Cllr Grosvenor complained to the Council's Monitoring Officer about this conduct outlined above by Cllr Florence-Jukes. The Monitoring Officer in consultation with the independent person concluded that there was no evidence of a breach of the Code. Despite this decision notice being dated 19 March 2021, Cllr Florence-Jukes stated as fact that I had abused my position as Mayor. This is deeply damaging and hurtful – I have always sought to uphold standards as Mayor and it has been an absolute honour to be Mayor of East Staffordshire. It is deeply disrespectful for Cllr Florence-Jukes to state as fact that I abused my position as Mayor when this has been proven not to be the case. I believe that Cllr Florence-Jukes is in breach of 3.1 of the code and the general/nolan principles of Honesty and Leadership.

In respect of these potential breaches of the Code, if the breaches are confirmed, I request that Cllr Florence-Jukes is required to make a full apology to me in Full Council for each breach of the Code which is the same forum used by Cllr Florence-Jukes to make her remarks.

### **Potential breach of s106 Representation of the People Act 1983**

On the date of the Meeting, I was also a County Council candidate for local elections on 6 May 2021. As outlined above, Cllr Florence-Jukes has made false statements of fact about me 10 days before Polling Day. I believe that Cllr Florence-Jukes made these false statements about my conduct to affect my election result and is therefore in breach of s106 of the Representation of the People Act 1983. I do not believe Cllr

Florence-Jukes had any reason to believe that the statements of fact made about me were true. I ask that the Council investigate this potential breach of s106 of the Representation of the People Act 1983 and also report this matter to the Electoral Commission.

**Only complete this next section if you are requesting that your identity is kept confidential**

5. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with details of the complaint. We are unlikely to withhold your identity or the details of your complaint unless there is a very good reason to do so. We will only withhold your identity or the details of your complaint if we think that it is in the public interest to do so.

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However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

N/A

### **Additional Help**

6. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

When you have completed this form, please send it to The Chairman of the Standards Committee c/o Angela Wakefield, Monitoring Officer, East Staffordshire Borough Council, Town Hall, Burton upon Trent, Staffordshire DE14 2EB or fax: 01283 508388 or email: [monitoring.officer@eaststaffsbc.gov.uk](mailto:monitoring.officer@eaststaffsbc.gov.uk).

**Continuation Sheet**

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## MEMBER CONDUCT COMPLAINT FORM

Please refer to our "Information for Complainants" document for more information before completing this form. This is available on our website or from the Council's Monitoring Officer.

### Your details

1. Please tell us your name and contact details:

<b>Title:</b>	Councillor
<b>First name:</b>	Deneice
<b>Last name:</b>	Florence-Jukes
<b>Address:</b>	Chateauneuf-du-Pape 215 Newton Road Burton upon Trent Staffordshire DE15 0TU
<b>Daytime telephone:</b>	07443 045755
<b>Evening telephone:</b>	As above
<b>Mobile telephone:</b>	As above
<b>Email address:</b>	deneice.florence-jukes@eaststaffsbc.gov.uk

We will usually tell the following people that you have made this complaint:

- the Member(s) you are complaining about;
- the Council's Monitoring Officer; and
- the parish or town clerk (if your complaint is about a parish or town council Member).

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- Member of the public
- Elected or co-opted Member of an authority
- Independent Member of the Standards Committee
- Member of Parliament
- Local authority Monitoring Officer
- Other council officer or authority employee

Other (please state:)

### Your complaint

3. Please provide us with the name of the Member(s) you believe have breached their Code of Conduct and the name of their authority (please use a separate sheet for additional Members):

Title	First name	Last name	Council or authority name
Cllr	Adam	Clarke	East Staffordshire Borough Council

4. Please explain in this section (or on separate sheets) what the Member has done that you believe breaches their Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches their Code of Conduct.

It is important that you provide all the information you wish the Council to take into account when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what they said to you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there were any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

This is a formal complaint regarding the conduct of Councillor Adam Clarke.

### **Background to the complaint**

At an Extraordinary Council meeting held on the 19<sup>th</sup> October 2020, Members voted unanimously to hold the next Annual Council Meeting (ACM) on the 14<sup>th</sup> May 2021. However, that decision was overruled when the meeting was brought forward to the 26<sup>th</sup> April 2021. This was during an election period; in fact, the election took place the following week on 6<sup>th</sup> May 2021. I myself was standing as an Independent Candidate in the Police, Fire and Crime Commissioner election for Staffordshire and in the County Council elections for the seat of Horninglow and Stretton. My understanding is that the Leader of the Council, the Opposition Leader, the Chief Executive, the incoming Mayor, Councillor Patricia Ackroyd and the Mayor, Councillor Colin Wileman were all party to the decision to bring the meeting forward.

The agenda for the meeting differed from that of previous ACM's in that it was essentially a one issue meeting and that was to facilitate what is commonly known as the 'Mayor Making' ceremony. Item 10 on the agenda was a motion which proposed a vote of thanks to the outgoing Mayor, Councillor Wileman. By way of pertinent background, I had submitted a Member Conduct Complaint against Councillor Wileman in his capacity as Mayor a matter of weeks prior to the meeting.

### **Circumstances of the complaint**

On the 26<sup>th</sup> April 2021, I participated in the remotely held ACM. Item 10 on the agenda was proposed and seconded and then opened up to debate. I spoke to the motion, as is my constitutional right to do so. I said I would not be supporting the motion and gave my reasons why. I spoke the truth and did not say anything that could not be evidenced from the recordings of previous Council meetings, emails or screen shots of Facebook pages.

Councillor Clarke then spoke to the motion and immediately launched a personal attack on my character. He said he was flabbergasted by my conduct and said I was totally out of order and that comments I made were utterly disgraceful and accused me of going on a despicable rant. He said I was downright disrespectful and that I should be ashamed of my conduct. I interjected at one point and said "This is why I left your group because of bullying people like you"

**(I refer to the voice recording of the meeting which is obtainable from the Council website)**

The incident was witnessed by close to fifty people who were participating in the meeting, this included members of the public. The recording of the meeting is freely available online for anyone, anywhere in the world to listen to. It is firmly in the public domain.

**Part 5A of the Councils Constitution, Code of Conduct for Councillors, states;**

3.1 Councillors must treat others with respect

3.6 Councillors must not bully any person

**Part 3A of the Councils Constitution, Section 19 states;**

19.1 Councillors shall conduct debate politely and with due respect to others.

19.2 Councillors shall not use foul or offensive language.

Councillor Clarke did not treat me with respect and I felt bullied and humiliated by him. I do not accept his comments to be part of the 'rough and tumble' of politics. He was out and out bullying me in a public meeting. He used offensive language including the words, despicable, disgraceful and downright disrespectful. I believe Councillor Clarke's personal attack on me was politically motivated. I was standing in elections at which members of his own political party were contesting the same seats. I believe his intent was to discredit me as a candidate.

It is my constitutional right to speak to a motion. Fellow Members should respect my views, as I respect theirs. Just because they disagree with what I have to say does not give them the right to launch personal attacks against my character.

**Complaints**

1. I complain Councillor Clarke breached the Councils Code of Conduct for Councillors Part 5A of the Constitution Section 3.1 by failing to treat me with respect,
2. I complain Councillor Clarke breached the Councils Code of Conduct for Councillors Part 5A of the Constitution Section 3.6 by bullying me.
3. I complain Councillor Clarke failed to comply with Part 3A of the Councils Constitution Section 19.1 by failing to conduct a debate politely and pay due respect to me.
4. I complain Councillor Clarke failed to comply with Part 3A of the Councils Constitution Section 19.2 in that he used offensive language towards me.
5. I complain Councillor Clarke's conduct has brought East Staffordshire Borough Council into disrepute.
6. I complain Councillor Clarke failed to comply with the Nolan Principles of Public Life in terms of Leadership.

**Only complete this next section if you are requesting that your identity is kept confidential**

5. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right

to be provided with details of the complaint. We are unlikely to withhold your identity or the details of your complaint unless there is a very good reason to do so. We will only withhold your identity or the details of your complaint if we think that it is in the public interest to do so.

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However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

## Additional Help

6. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

When you have completed this form, please send it to The Chairman of the Standards Committee c/o Angela Wakefield, Monitoring Officer, East Staffordshire Borough Council, Town Hall, Burton upon Trent, Staffordshire DE14 2EB or fax: 01283 508388 or email: [monitoring.officer@eaststaffsbc.gov.uk](mailto:monitoring.officer@eaststaffsbc.gov.uk).

**Continuation Sheet**

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## Equal opportunities and Diversity Monitoring Form

We oppose discrimination whether on grounds of sex, marital status, age, ethnic origin or disability. So that we may monitor this with regard to complaints against Members, it would be helpful if you would answer the following questions by ticking the appropriate boxes below. **This form will be detached before your complaint is considered and your complaint will be considered whether or not this form is completed.**

Please note that the purpose of this form is to prevent discrimination. Nobody will be discriminated against by filling in or not filling in this form.

### Complaint Date:

**Sex:** Male Female

**Marital status** Married  Single

**Age:** <18  18-40  40-60  65+

**Disability:** Do you continue yourself to be disabled? Yes  No

### Ethnic origin: How would you describe your ethnic origin?

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> White – British                      | <input type="checkbox"/> White – Irish                      | <input type="checkbox"/> White – Other                      |
| <input type="checkbox"/> Asian or Asian British – Bangladeshi | <input type="checkbox"/> Asian or Asian British – Indian    | <input type="checkbox"/> Asian or Asian British – Pakistani |
| <input type="checkbox"/> Asian or Asian British – Other       |   |   |
| <input type="checkbox"/> Black of Black British – African     | <input type="checkbox"/> Black of Black British – Caribbean | <input type="checkbox"/> Black of Black British – Other     |
| <input type="checkbox"/> Any Chinese background               |   |   |
| <input type="checkbox"/> Mixed – White & Asian                | <input type="checkbox"/> Mixed – White & Black African      | <input type="checkbox"/> Mixed – White & Black Caribbean    |
| <input type="checkbox"/> Mixed – Other                        |   |   |
| <input type="checkbox"/> Any other ethnic background          | Please state:   |   |





## MEMBER CONDUCT COMPLAINT FORM

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### Your details

1. Please tell us your name and contact details:

<b>Title:</b>	Councillor
<b>First name:</b>	Deneice
<b>Last name:</b>	Florence-Jukes
<b>Address:</b>	Chateauneuf-du-Pape 215 Newton Road Burton upon Trent Staffordshire DE15 0TU
<b>Daytime telephone:</b>	07443 045 755
<b>Evening telephone:</b>	As above
<b>Mobile telephone:</b>	As above
<b>Email address:</b>	deneice.florence-jukes@eaststaffsbc.gov.uk

We will usually tell the following people that you have made this complaint:

- the Member(s) you are complaining about;
- the Council's Monitoring Officer; and
- the parish or town clerk (if your complaint is about a parish or town council Member).

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2. Please tell us which Complainant type best describes you:

- Member of the public
- Elected or co-opted Member of an authority**
- Independent Member of the Standards Committee
- Member of Parliament
- Local authority Monitoring Officer
- Other council officer or authority employee

Other (please state:

)

**Your complaint**

3. Please provide us with the name of the Member(s) you believe have breached their Code of Conduct and the name of their authority (please use a separate sheet for additional Members):

Title	First name	Last name	Council or authority name
Cllr	Dennis	Fletcher	East Staffordshire Borough Council

4. Please explain in this section (or on separate sheets) what the Member has done that you believe breaches their Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches their Code of Conduct.

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- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there were any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

This is a formal complaint regarding the conduct of Councillor Dennis Fletcher, the longest serving elected Member to the Council by some 35 years, Deputy Leader of the Opposition and 'Father of the House'.

### **Background to the complaint**

At an Extraordinary Council meeting held on the 19<sup>th</sup> October 2020, Members voted unanimously to hold the next Annual Council Meeting (ACM) on the 14<sup>th</sup> May 2021. However, that decision was overruled when the meeting was brought forward to the 26<sup>th</sup> April 2021. This was during an election period; in fact, the election took place the following week on 6<sup>th</sup> May 2021. I myself was standing as an Independent Candidate in the Police, Fire and Crime Commissioner election for Staffordshire and in the County Council elections for the seat of Horninglow and Stretton. My understanding is that the Leader of the Council, the Opposition Leader, the Chief Executive, the incoming Mayor, Councillor Patricia Ackroyd and the Mayor, Councillor Colin Wileman were all party to the decision to bring the meeting forward.

The agenda for the meeting differed from that of previous ACM's in that it was essentially a one issue meeting and that was to facilitate what is commonly known as the 'Mayor Making' ceremony. Item 10 on the agenda was a motion which proposed a vote of thanks to the outgoing Mayor, Councillor Wileman. By way of pertinent background, I had submitted a Member Conduct Complaint against Councillor Wileman in his capacity as Mayor a matter of weeks prior to the meeting.

### **Circumstances of the complaint**

On the 26<sup>th</sup> April 2021, I participated in the remotely held ACM. Item 10 on the agenda was proposed and seconded and then opened up to debate. I spoke to the motion, as is my constitutional right to do so. I said I would not be supporting the motion and gave my reasons why. I spoke the truth and did not say anything that could not be evidenced from the recordings of previous Council meetings, emails or screen shots of Facebook pages.

Councillor Fletcher then spoke to the motion and immediately launched a personal attack on my character. He said he had no respect for me and called me a laughing hyena. He accused me of having belonged to the right wing political party of UKIP, which is completely untrue and he ridiculed me about previous party memberships. He said I was a disgrace and that I should reconsider my position as a Councillor.

### **(I refer to the voice recording of the meeting which is obtainable from the Council website)**

Immediately prior to Councillor Fletcher speaking, the newly elected Mayor, Councillor Ackroyd, said she was very concerned about the tone of some of the comments being made and appealed to Members to be careful regarding the context and content of what they were saying. Clearly Councillor Fletcher has no respect for the Mayor either as he chose to completely ignore her pleas and do exactly what she had appealed to Members to guard against.

The incident was witnessed by close to fifty people who were participating in the meeting, this included members of the public. The recording of the meeting is freely

available online for anyone, anywhere in the world to listen to. It is firmly in the public domain.

**Part 5A of the Councils Constitution, Code of Conduct for Councillors, states;**

3.1 Councillors must treat others with respect

3.6 Councillors must not bully any person

**Part 3A of the Councils Constitution, Section 19 states;**

19.1 Councillors shall conduct debate politely and with due respect to others.

19.2 Councillors shall not use foul or offensive language.

Councillor Fletcher not only treated me disrespectfully but openly said he had no respect for me. He referred to me as an animal, which is not only dehumanising but highly offensive to me. He openly mocked and humiliated me in a public meeting. Councillor Fletcher did not treat me with respect and I felt bullied and humiliated by him. I do not accept his comments to be part of the 'rough and tumble' of politics. He was out and out bullying me.

This conduct comes from the 'Father of the House' who you might expect with 35 years' experience as a Councillor would lead by example. I believe Councillor Fletcher's personal attack on me to be politically motivated. I was standing in elections at which members of his own political party were contesting the same seats. I believe his intent was to discredit me as a candidate.

It is my constitutional right to speak to a motion. Fellow Members should respect my views, as I respect theirs. Just because they disagree with what I have to say does not give them the right to launch personal attacks against my character.

**Complaints**

1. I complain Councillor Fletcher breached the Councils Code of Conduct for Councillors Part 5A of the Constitution Section 3.1 by failing to treat me with respect,
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5. I complain Councillor Fletcher's conduct has brought East Staffordshire Borough Council into disrepute.

6. I complain Councillor Fletcher failed to comply with the Nolan Principles of Public Life in terms of Leadership.

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We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

When you have completed this form, please send it to The Chairman of the Standards Committee c/o Angela Wakefield, Monitoring Officer, East Staffordshire Borough Council, Town Hall, Burton upon Trent, Staffordshire DE14 2EB or fax: 01283 508388 or email: [monitoring.officer@eaststaffsbc.gov.uk](mailto:monitoring.officer@eaststaffsbc.gov.uk).

**Continuation Sheet**

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## Equal opportunities and Diversity Monitoring Form

We oppose discrimination whether on grounds of sex, marital status, age, ethnic origin or disability. So that we may monitor this with regard to complaints against Members, it would be helpful if you would answer the following questions by ticking the appropriate boxes below. **This form will be detached before your complaint is considered and your complaint will be considered whether or not this form is completed.**

Please note that the purpose of this form is to prevent discrimination. Nobody will be discriminated against by filling in or not filling in this form.

**Complaint Date: 29 January 2018**

**Name:**

**Sex:** Male  Female

**Marital status** Married  Single

**Age:** <18  18-40  40-60  65+

**Disability:** Do you continue yourself to be disabled? Yes  No

**Ethnic origin:** How would you describe your ethnic origin?

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> White – British                      | <input type="checkbox"/> White – Irish                      | <input type="checkbox"/> White – Other                      |
| <input type="checkbox"/> Asian or Asian British – Bangladeshi | <input type="checkbox"/> Asian or Asian British – Indian    | <input type="checkbox"/> Asian or Asian British – Pakistani |
| <input type="checkbox"/> Asian or Asian British – Other       |   |   |
| <input type="checkbox"/> Black of Black British – African     | <input type="checkbox"/> Black of Black British – Caribbean | <input type="checkbox"/> Black of Black British – Other     |
| <input type="checkbox"/> Any Chinese background               |   |   |
| <input type="checkbox"/> Mixed – White & Asian                | <input type="checkbox"/> Mixed – White & Black African      | <input type="checkbox"/> Mixed – White & Black Caribbean    |
| <input type="checkbox"/> Mixed – Other                        |   |   |
| <input type="checkbox"/> Any other ethnic background          | Please state:   |   |



**Statement of Cllr Colin Wileman**

Colin Wileman will say as follows:

1. I am a councillor with East Staffordshire Borough Council. I was first elected to the Council in 2015 and was re-elected in the May elections of 2019. I was elected Deputy Mayor from 2018/2019 and elected Mayor in May 2019/2020. Given the circumstances of the COVID pandemic I was then re-elected by the Council as Mayor for the period 2020/2021. I am a normal back bencher and a member of the Conservative Group at the Council.
2. At the time of the Annual Meeting both myself and Cllr Florence-Jukes were running for election to the Staffordshire County Council; although I ran as a Conservative and she ran as part of the Independent Group and we were not standing for election in the same Ward. I feel that she was using the public forum of the annual meeting to damage my prospects of election. In the end neither of us were elected.
3. I made the complaint against Cllr Denise Florence-Jukes because I was so upset and appalled about what she said about me at the annual meeting. I know that the comments by Cllr Florence-Jukes are untrue. She had made another complaint against me which had already been dismissed by the Monitoring Officer and yet she still mentioned this at a public meeting.
4. Her comments were very hurtful and untrue. I feel that my character was unfairly and wrongly assassinated. The vast majority of the other members simply did not believe what she was saying and did not agree that she should have said it. The Leader of the opposition said that what Cllr Florence-Jukes had said was totally wrong. My Lady Mayoress was in tears as both she and I had put in so much effort into the roles of Mayor and Mayoress during our two years in office
5. I had no inkling that Cllr Florence-Jukes was going to make a such a statement at the meeting. She was the first councillor to be called and there was only one other member, Cllr Grosvenor, who agreed with her. Cllr Grosvenor, the previous Leader of East Staffordshire District Council had put in two complaints against me as well claiming that I called him "Cllr Gross snore".
6. I do not think that I have ever done anything wrong in the way in which I have chaired meetings as Mayor. Everyone who knows me knows that I am not a bully and I do not

recognise what she says. I think that anyone who doesn't agree with her becomes a target for her.

7. As a Mayor, when I am chairing a meeting, I have to make decisions there and then and rule on matters at the meetings. I always take advice from the Monitoring Officer and the Chief Executive Officer but I make the decisions, as I have to as Chair. The constitution provides for this and provides that my decision as to these matters is final. For example, there was one time when Cllr Florence-Jukes wanted to bring a matter to the Council claiming that it was urgent business. I took advice from officers and decided that it was not urgent and that she should not be able to bring it to the Council and ruled that way.
8. So far as the complaint she made about my Facebook personal page, I should point out that I am no longer on Facebook. However, at the time I had a small picture of myself on the Facebook page; I was dressed in a suit and wearing the chain of office. The page was also advertising my business, which is "Colin Wileman Garden Services". It was a very small picture and it was not possible to see the badge without a very close look at the photograph.
9. I deeply respect the office of Mayor of the Council and I am very proud that I was able to do two years as Mayor. A member serving two consecutive terms had never happened before and was due to the difficulties with Covid.
10. Despite the difficulties with Covid which meant that for much of my time as Mayor we were in lockdown and public events did not happen fact to face, I carried out a large number of engagements- 159- during 2019/2020 and 2021, as Cllr Goodfellow referred to at the Annual Meeting.
11. I therefore feel that it is outrageous to make a claim, as Cllr Florence-Jukes did, to say that I did very little during my terms.
12. I have always tried to chair meetings as Mayor in an apolitical way and I go out of my way to ensure that everybody who wants to speak is able to do so. I like to have councillors focus on the matter which is being debated and I generally do not shut people down. I do, however, require them to stick to what they are supposed to be debating and not stray into other areas. I am never ever rude when I am chairing a meeting and I try to show respect to everyone.
13. Cllr Florence-Jukes is always making points of order at meetings and whilst she claimed that I do not know the rules of the Council, I disagree as I have read them thoroughly.

Furthermore, I always have the rules open in front of me when I am chairing a meeting and if I am uncertain about anything, as I say above, I take advice from Officers. Before Council meetings there are pre-meetings with the Monitoring Officer, Chief Executive Officer and other Officers and with the Leader. There is a lot to go through to make sure that the meeting is legally sound and if I had any concern or question about the way in which the rules should be interpreted, I turn to Officers and ask them for clarification.

14. I have provided various emails showing that I took advice from officers and carried out my duties as Mayor diligently, in my view. These include an email for the Chief Executive in December 2020 thanking me for the way in which I conducted the Council meeting that month and referring to bad behaviour from other councillors. I have also provided an email I received from a resident in March 2021 giving strong support for the way I conducted a meeting.

15. I think that most of the councillors at the meeting were horrified by what Cllr Florence-Jukes said, as was shown by their comments at the meeting after she said her piece. Whilst I know that her comments were untrue, I am still shocked by them and it still hurts. It almost made me feel that I could jump off a bridge. I regarded her comments, given the efforts that I have put in, as very, very hurtful. Furthermore, it was at a public meeting which anyone could access.

16. I firmly believe that by making the comments that she did, Cllr Florence-Jukes offended against the Code of Conduct.

I believe the comments of this my statement are true.

Signed .....

Dated .....

## Emails supplied by Cllr Wileman

**From:** Andy O'Brien <andy.o'brien@eaststaffsbc.gov.uk>  
**Sent:** 23 December 2020 16:30  
**To:** Cllr C Wileman <colin.wileman@eaststaffsbc.gov.uk>  
**Cc:** Cllr D Goodfellow <duncan.goodfellow@eaststaffsbc.gov.uk>; Cllr M T Fitzpatrick <michael.fitzpatrick@eaststaffsbc.gov.uk>; Angela Wakefield <angela.wakefield@eaststaffsbc.gov.uk>  
**Subject:** Full Council meeting behaviour

Dear Colin,

Thank you for your chairmanship on Monday which I thought was very good in the trying circumstances.

As you would imagine, Angela and I have been planning how to prepare for avoiding such bad behaviour in the future – at council and other committee meetings. Although we will pick up some issues with certain individual councillors, at this stage we believe the following should be stated in our zoom etiquette procedure which was issued a few months ago. That is to say members should:-

- Not interrupt the Mayor or other members;
- Stay still on screen and do not leer into the video screen;
- Not use their phones during the meeting just like in the council chamber;
- Avoid remonstrating into the video screen or making hand signals, surreptitious or otherwise; and
- Do not drink alcohol during the meeting while on council business.

Added to that it seems sensible to consider auto muting members from the start of a meeting; and trigger a microphone when a member is invited to speak and only during that period. It seems important to emphasise only one contribution from a member during each debate. Noting only the Mover of the original motion has a Right of Reply at the close of the debate.

We are currently re-watching the meeting but please do let me know if you have any observations or ideas for how to take this forward. It's a real shame we are in this situation.

Finally, happy Christmas to you, Jean and Conor!

**From:** Angela Wakefield <angela.wakefield@eaststaffsbc.gov.uk>  
**Sent:** 03 March 2021 09:49  
**To:** Cllr C Wileman <colin.wileman@eaststaffsbc.gov.uk>; Andy O'Brien <andy.o'brien@eaststaffsbc.gov.uk>  
**Subject:** RE: Council Meetings

Hi Colin,

You're very welcome.

I agree with you – and it's good to see recognition of the role you played.

Kind regards

Angela

Angela Wakefield

Solicitor to the Council. Monitoring Officer

East Staffordshire Borough Council

Mob. 07966 342144

**From:** Cllr C Wileman

**Sent:** 02 March 2021 18:06

**To:** Angela Wakefield <[angela.wakefield@eaststaffsbc.gov.uk](mailto:angela.wakefield@eaststaffsbc.gov.uk)>; Andy O'Brien <[andy.o'brien@eaststaffsbc.gov.uk](mailto:andy.o'brien@eaststaffsbc.gov.uk)>

**Subject:** FW: Council Meetings

Hi Angela /Andy,

I hope you have both recovered from last night's meeting. I want to thank you both for your advice and guidance, before and during the meeting. Please pass on my thanks to Andrea, She does a fantastic job.

Please see email below. It speaks volumes.

Kind Regards,

Colin

**From:** Hazel Glover <[gloverhg@yahoo.com](mailto:gloverhg@yahoo.com)>

**Sent:** 02 March 2021 12:09

**To:** Cllr C Wileman <[colin.wileman@eaststaffsbc.gov.uk](mailto:colin.wileman@eaststaffsbc.gov.uk)>

**Subject:** Council Meetings

Good morning Councillor Wileman

I "attended" last evening s ESBC meeting as a resident of the Borough.

It truly was a long meeting with much important business which you conducted with dignity.

I was impressed by your introduction, reminding councillors about online behaviours,

and I would like to request, respectfully, that you might also remind your Councillors that the meetings are not intended as a platform for POINT-SCORING, SARCASM, and PERSONAL "DIGS" ....

It is both frustrating and uncomfortable for "visitors" to observe this behaviour..and also, I believe, for Councillors and Officers, distracts from the business in hand .

Thank you

Hazel Glover

**From:** Angela Wakefield <[angela.wakefield@eaststaffsbc.gov.uk](mailto:angela.wakefield@eaststaffsbc.gov.uk)>

**Sent:** 30 September 2020 16:30

**To:** Cllr C Wileman <[colin.wileman@eaststaffsbc.gov.uk](mailto:colin.wileman@eaststaffsbc.gov.uk)>

**Cc:** Chloe Gaskell <[chloe.gaskell@eaststaffsbc.gov.uk](mailto:chloe.gaskell@eaststaffsbc.gov.uk)>

**Subject:** RE: Monday 5th October

Thank you very much Colin and yes, you're absolutely right, it's a really good symbol to preserve the tradition.

Chloe has already emailed the chauffeur team so I would hope that one of them will be available.

Regards

Angela

**From:** Cllr C Wileman

**Sent:** 30 September 2020 16:14

**To:** Angela Wakefield <[angela.wakefield@eaststaffsbc.gov.uk](mailto:angela.wakefield@eaststaffsbc.gov.uk)>

**Cc:** Chloe Gaskell <[chloe.gaskell@eaststaffsbc.gov.uk](mailto:chloe.gaskell@eaststaffsbc.gov.uk)>

**Subject:** RE: Monday 5th October

Dear Angela

Yes we would love to do that. Hopefully it can be arranged and it will be lovely to meet them again.

Also what a great symbolic gesture so it keeps the tradition going

Kind Regards

Colin

**From:** Angela Wakefield

**Sent:** 30 September 2020 14:21

**To:** Cllr C Wileman <[colin.wileman@eaststaffsbc.gov.uk](mailto:colin.wileman@eaststaffsbc.gov.uk)>

9985285-1

Cc: Chloe Gaskell <[chloe.gaskell@eaststaffsbc.gov.uk](mailto:chloe.gaskell@eaststaffsbc.gov.uk)>

Subject: Monday 5th October

Dear Colin

As you know, the Statutes Fair isn't able to proceed this year because there was no way in which the organisers could make it Covid-secure. As a symbolic gesture Pat Collins Funfairs will be operating one children's ride in the Market Square between 2pm and 5pm on both Monday and Tuesday and they have suggested that it might be a nice gesture to have a very low key opening ceremony of sorts. I wondered if, in theory, this is something you and Jean would like to attend, assuming we can also arrange a chauffeur?

I've copied in Chloe as she is covering for Julie at the moment.

Regards

Angela

14:41 ↗



Helen Kreft - Burton Mail's post



**Councillor Richard Grosvenor**

Incredibly disappointing that the civic society appears to have given up from their original campaign and gone back on what they wanted. I wonder why. The issue is phase one is the easier part of the development and more profitable for the developer. The other phases are just outline which means they aren't guaranteed and the developer could build housing and just walk away, what would that leave? Houses built, setting the precedent, and nothing else. I can't believe that people want that. I also can't believe the mayor is in favour given what he said he wanted in a working group to discuss bargates a few years ago. He had very strong views on what he would accept

5 h Like



**Derek Wainwright**

Councillor Richard Grosvenor it is disappointing. Personally I love their design & it is what we need in our town. Maybe they have just ran out of energy, we can pick up the baton



14:41 ↗



Andy's post



**Brigitte Lock**

No,  
What a depressing sight that would be, where is the showcasing of our towns best asset- the river, surely this could be managed even with the housing as I'm sure it will still get built despite our best efforts unfortunately.

6 h Like



**Councillor Richard Grosvenor**

I'm amazed that the current Mayor Colin Wileman would actually be in favour of these plans they are totally opposite to what he said he wanted when he was on a working group we set up to discuss bargates

6 h Like



**Rose Watson**

Awful

3 h Like



**Andy Price**

OK Rose Watson : I will take your vote as being a NO then.

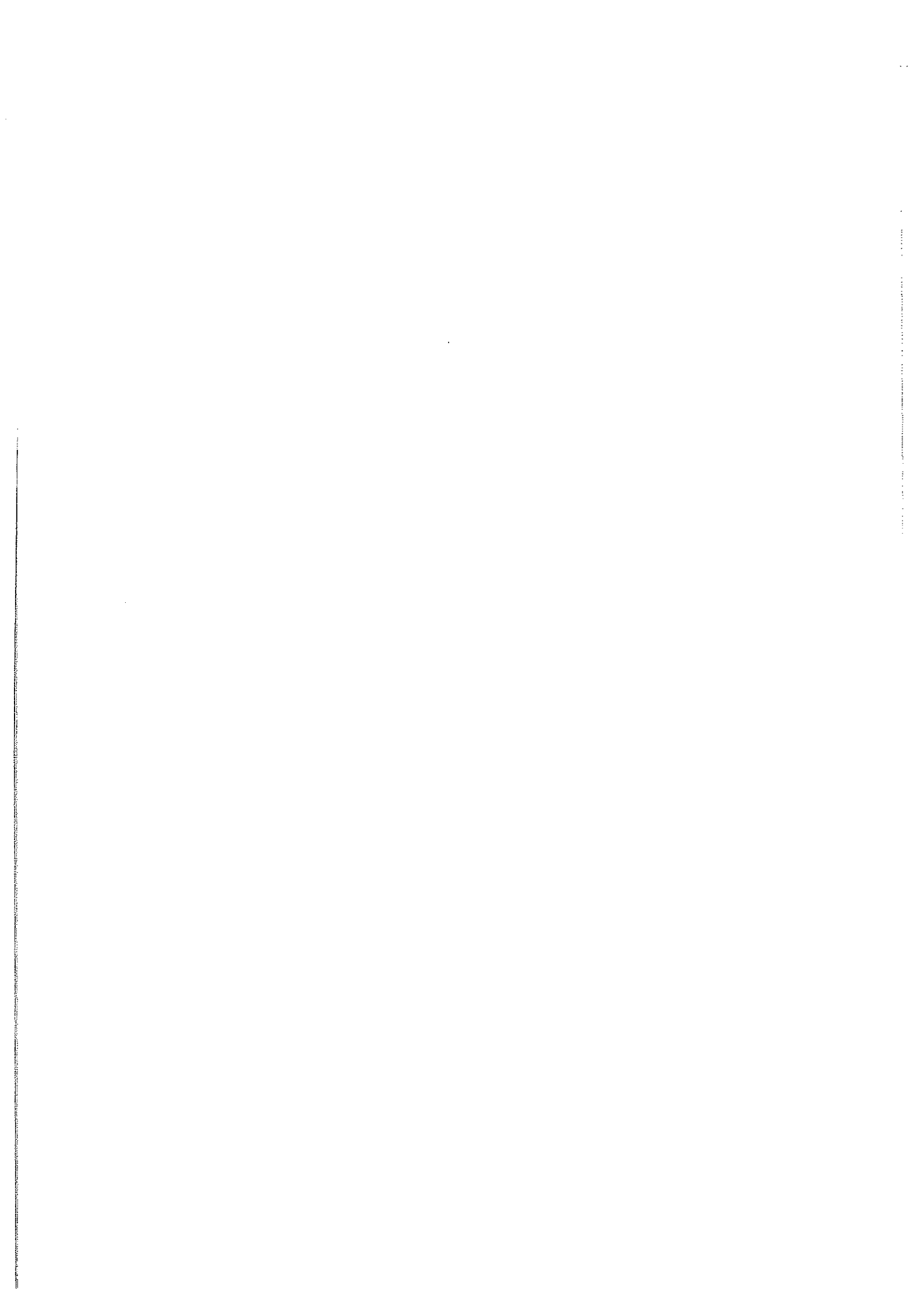
3 h Like

9985285-1



<b>Title:</b>	<b>Constitution of the Council (Part 4L: Standards Committee Complaints Procedures)</b>
<b>Owner:</b>	<b>Angela Wakefield</b>
<b>Date of version:</b>	<b>21<sup>st</sup> December 2020</b>
<b>Review due:</b>	<b>May 2021</b>
<b>Approved by Monitoring Officer:</b>	<b>Angela Wakefield</b>
<b>Date of Equality Impact Assessment:</b>	<b>29<sup>th</sup> October 2013</b>

**Adopted by Full Council on 21<sup>st</sup> December 2020**



# STANDARDS COMMITTEE COMPLAINTS PROCEDURES

## 1 INTRODUCTION

- 1.1 These procedures set out how a complainant ("Complainant") may make a complaint ("Complaint") that an elected Councillor or co-opted member of this Council, or of a parish or town council within its area, ("Councillor") has failed to comply with their council's Code of Conduct for Councillors ("Code").
- 1.2 The procedures also set out how the Council will deal with a Complaint.

## 2 THE CODES OF CONDUCT

- 2.1 The Council has adopted a Code of Conduct for Councillors, which is available on the Council's website and on request from Democratic Services (see contact details below).
- 2.2 Each parish or town council is also required to adopt a Code of Conduct for Councillors. The parish or town councils' Codes are available:
  - 2.2.1 on any website operated by the respective parish or town council;
  - 2.2.2 on the Borough Council's website (if we have been given a copy); or
  - 2.2.3 on request from the respective parish or town clerk ("Clerk").

## 3 MAKING A COMPLAINT

- 3.1 In order to ensure that we have all the information which we need to be able to process a complaint, Complaints must be submitted on the Standard Complaint Form, which can be downloaded from the Council's website and is available on request from Democratic Services (see contact details below).
- 3.2 Complaints must be sent to the Monitoring Officer (see contact details below).
- 3.3 If a Complaint is received other than on the Standard Complaint Form, we will not consider it but we will send the Complainant a copy of the form for completion. If

anyone needs assistance completing the form, they can contact Democratic Services (see contact details below).

- 3.4 Complainants should give us their name and a contact address or email address, so that we can acknowledge receipt of the Complaint and keep them informed of its progress. If a Complainant wants to keep their name and address confidential, they should indicate this on the Standard Complaint Form. In this case we would not disclose their name and address to the Councillor without the Complainant's prior consent. However, the Council does not normally investigate anonymous Complaints or complaints where the Complainant wishes to remain confidential, unless there is a clear public interest in doing so.
- 3.5 Within 5 working days of receiving a Complaint, the Monitoring Officer will usually:
- 3.5.1 acknowledge receipt to the Complainant;
  - 3.5.2 send a copy of the Complaint to the Councillor, unless the Monitoring Officer considers that this may prejudice any investigation;
  - 3.5.3 send a copy of the Complaint to the Clerk (if appropriate).
- 3.6 The Monitoring Officer will also notify the Complainant and the Councillor that they have the right to seek the views of the Independent Person (see paragraph 11 below). The Independent Person's contact details can be obtained from Democratic Services (see contact details below).
- 3.7 The Monitoring Officer will keep the Complainant, the Councillor and the Clerk (if appropriate) informed of the progress of the Complaint, unless the Monitoring Officer considers that this may prejudice any investigation.

## **4 WILL THE COMPLAINT BE INVESTIGATED?**

- 4.1 Where possible and appropriate, the Monitoring Officer will seek to resolve the Complaint informally, without the need for a formal investigation. Such informal resolution may involve the Councillor accepting that their conduct was unacceptable and offering an apology, or other remedial action by the Council or the respective parish or town council.
- 4.2 The Monitoring Officer will review every Complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. They will have regard to, but are not bound to follow, the guidelines set out in Appendix 1. This decision will normally be taken within 15 working days of receipt of the Complaint. When the Monitoring Officer has taken a decision, they

will inform the Complainant, the Councillor and the Clerk (if appropriate) of their decision and the reasons for that decision.

- 4.3 Where the Monitoring Officer requires additional information in order to come to a decision, they may ask the Complainant, the Councillor or the Clerk (if appropriate) for such information. Where a Complaint relates to a parish or town councillor, the Monitoring Officer may also seek the views of the respective parish or town council before deciding whether the Complaint merits formal investigation.
- 4.4 If the Complaint alleges criminal conduct or breach of a regulation by any person, the Monitoring Officer has the power to call in the Police and/or other regulatory agencies. In such cases it may be necessary to postpone consideration of the Complaint until the Police or other action has been concluded.
- 4.5 If the Monitoring Officer decides not to investigate a Complaint, they will nevertheless report this to the next ordinary meeting of the Standards Committee and the relevant parish or town council (if appropriate) for information.

## **5 HOW IS AN INVESTIGATION CONDUCTED?**

- 5.1 If the Monitoring Officer decides that a Complaint merits formal investigation, they will, where appropriate after consultation with the Independent Person, appoint an Investigating Officer who may be another senior officer of the Council, an officer of another Council or an appropriately experienced external investigator.
- 5.2 The Investigating Officer will decide whether they need to meet or speak to the Complainant to understand the nature of the Complaint and so that the Complainant can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who they need to interview.
- 5.3 The Investigating Officer would normally write to the Councillor and ask them to provide their explanation of events, and to identify what documents the Investigating Officer needs to see and who they need to interview. In exceptional cases, the Investigating Officer may delay notifying the Councillor until the investigation has progressed sufficiently.
- 5.4 At the end of the investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the Complainant and to the Councillor, to give them both an opportunity to identify any matter in that draft report which they disagree with or which they believe requires more consideration.
- 5.5 Having received and taken account of any comments on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

## **6 WHAT HAPPENS IF THE INVESTIGATING OFFICER CONCLUDES THAT THERE IS NO EVIDENCE OF A FAILURE TO COMPLY WITH THE CODE OF CONDUCT?**

- 6.1 The Monitoring Officer will review the Investigating Officer's report. If they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will send a copy of the Investigating Officer's final report to the Complainant, the Councillor, the Independent Person and the clerk of the parish or town council (if appropriate) and notify them that they are satisfied that no further action is required. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider their report.
- 6.2 The outcome of such investigations will be reported to the next ordinary meeting of the Standards Committee and the relevant parish or town council (if appropriate) for information.

## **7 WHAT HAPPENS IF THE INVESTIGATING OFFICER CONCLUDES THAT THERE IS EVIDENCE OF A FAILURE TO COMPLY WITH THE CODE OF CONDUCT?**

- 7.1 The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing by the Standards Committee or, after consulting the Independent Person, seek Summary Resolution (see below).

### **SUMMARY RESOLUTION**

- 7.2 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with the Complainant and seek to agree what they consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such a resolution may include the Councillor accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Council or the relevant parish or town council (if appropriate).
- 7.3 If the Councillor complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee and the relevant parish or town council (if appropriate) for information, but will take no further action.



## REFERRAL FOR HEARING

- 7.4 If the Monitoring Officer considers that Summary Resolution is not appropriate, or the Councillor does not comply with any suggested resolution, then the Monitoring Officer will refer the Investigating Officer's report to the Standards Committee for a hearing to decide whether or not the Councillor has failed to comply with the respective Code of Conduct and, if so, whether to take any action in respect of the Councillor.

## HEARING PROCEDURE

- 7.5 The Monitoring Officer will conduct a "pre-hearing process", requiring the Councillor to give their written response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing.
- 7.6 The Chairman of the Standards Committee may issue directions as to the manner in which the hearing will be conducted.
- 7.7 The procedure for hearings is set out in Appendix 2: Hearing Procedure.
- 7.8 The Investigating Officer may ask the Complainant to attend the hearing to give evidence. The Complainant does not otherwise have the right to speak at the hearing but they may usually attend as a member of the public.

## 8 WHAT ACTION CAN THE STANDARDS COMMITTEE TAKE WHERE A COUNCILLOR HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT?

- 8.1 The Council has delegated to the Standards Committee such of its powers to take action in respect of individual councillors as may be necessary to promote and maintain high standards of conduct.
- 8.2 The sanctions available to the Standards Committee are set out in Appendix 2: Hearing Procedure.

## 9 WHAT HAPPENS AFTER A HEARING?

- 9.1 As soon as reasonably practicable, the Monitoring Officer will prepare a formal decision notice, in consultation with the Chairman, and send a copy to the

Complainant, the Councillor and the clerk of the parish or town council (if appropriate). They will also make that decision notice available for public inspection on the Council's website for at least 12 months after the hearing.

## **10 WHO ARE THE STANDARDS COMMITTEE?**

- 10.1 The Standards Committee is a committee of the Borough Council. It is appointed by the Council and comprises:
- 10.1.1 5 Councillors of whom no more than 1 may be a member of the Cabinet and which must not include the Leader of the Council and which shall reflect the political make-up of the council;
  - 10.1.2 2 Independent Members (non-voting) who are not Councillors or officers of the Council or of any parish or town council within East Staffordshire;
  - 10.1.3 2 Parish Council Representatives (non-voting) who shall be serving members of a parish or town council within East Staffordshire.

## **11 WHO IS THE INDEPENDENT PERSON?**

- 11.1 The Independent Person is a person who has been appointed by a majority of all the Councillors on the Borough Council.
- 11.2 A person cannot be the Independent Person if they:
- 11.2.1 are, or have been within the past 5 years, a Councillor, co-opted member or officer of the Borough Council;
  - 11.2.2 are or have been within the past 5 years, a Councillor, co-opted member or officer of a parish or town council within the Council's area, or
  - 11.2.3 are a relative, or close friend, of a person within paragraph 11.2.1 or 11.2.2 above. For this purpose, "relative" means:
    - 11.2.3.1 a spouse or civil partner;
    - 11.2.3.2 someone living with the other person as husband and wife or as if they were civil partners;
    - 11.2.3.3 a grandparent of the other person;
    - 11.2.3.4 a lineal descendent of a grandparent of the other person;

- 11.2.3.5 a parent, sibling or child of a person within paragraphs 11.2.3.1 or 11.2.3.2;
  - 11.2.3.6 A spouse or civil partner of a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5; or
  - 11.2.3.7 Someone living with a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5 as husband and wife or as if they were civil partners.
- 11.3 The Independent Person is invited to attend all meetings of the Standards Committee. Their views are sought and taken into consideration:
- 11.3.1 before the Monitoring Officer decides whether to investigate a Complaint;
  - 11.3.2 before the Monitoring Officer decides whether to refer an investigated Complaint for hearing or for Summary Resolution;
  - 11.3.3 before the Committee takes any decision on whether the Councillor's conduct constitutes a failure to comply with the respective Code of Conduct; and
  - 11.3.4 as to any action to be taken following a finding of failure to comply with the respective Code of Conduct.
- 11.4 The Independent Person can also be consulted by either the Complainant or the Subject Member.

## 12 APPEALS

- 12.1 There is no right of appeal for the Complainant or for the Councillor against a decision of the Monitoring Officer or of the Standards Committee.
- 12.2 If someone feels that the Council has failed to deal with a Complaint properly, they may make a complaint through the Council's ordinary complaints process. This process would not re-consider the original complaint but would consider the way in which that complaint had been handled.

## 13 REVISION OF THESE ARRANGEMENTS

- 13.1 The Standards Committee may amend these arrangements, and has delegated to the Chairman of the Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## 14 CONTACT DETAILS

14.1 The Council's Monitoring Officer is:

Angela Wakefield  
East Staffordshire Borough Council  
The Maltsters  
Wetmore Road  
Burton upon Trent  
Staffordshire  
DE14 1LS  
Tel: (01283) 508512  
Email: [monitoring.officer@eaststaffsbc.gov.uk](mailto:monitoring.officer@eaststaffsbc.gov.uk)

14.2 The Democratic Services Team can be contacted at:

Democratic Services  
East Staffordshire Borough Council  
The Maltsters  
Wetmore Road  
Burton upon Trent  
Staffordshire  
DE14 1LS  
Tel: (01283) 508306  
Email: [andrea.davies@eaststaffsbc.gov.uk](mailto:andrea.davies@eaststaffsbc.gov.uk)

# ASSESSMENT GUIDELINES

THE MONITORING OFFICER WILL HAVE REGARD TO THESE GUIDELINES WHEN DECIDING WHETHER OR NOT A COMPLAINT SHOULD BE INVESTIGATED BUT THEY ARE NOT BOUND TO FOLLOW THEM.

## 1 CIRCUMSTANCES WHERE THE MONITORING OFFICER MAY DECIDE TO ARRANGE A FORMAL INVESTIGATION

- 1.1 Where the allegation discloses a potential breach of the Code that the Monitoring Officer considers sufficiently serious to justify the time and cost of an investigation.

## 2 CIRCUMSTANCES WHERE THE MONITORING OFFICER MAY DECIDE THAT A COMPLAINT SHOULD NOT BE FORMALLY INVESTIGATED

- 2.1 Where it is possible and appropriate to resolve the Complaint informally, without the need for a formal investigation.
- 2.2 Where the Complaint is about someone who is no longer a Councillor.
- 2.3 Where the Complaint does not disclose a potential breach of the Code.
- 2.4 Where the information provided by the Complainant is insufficient to enable the Monitoring Officer to make a decision as to whether the Complaint should be referred for investigation or other action. In this case, the Complainant will be advised that it is possible to resubmit the Complaint with further information.
- 2.5 Where a substantially similar allegation has previously been made by the Complainant, or the Complaint has been the subject of an investigation by another regulatory organisation. In this case, the Monitoring Officer will only refer the Complaint for investigation or other action if they consider that there is a compelling reason to do so.
- 2.6 Where the Complaint is about something that happened more than 6 months ago, or where the lapse of time means there would be little benefit or point in taking action now. It is acknowledged, however, that where a delay has arisen as a result of criminal or other legal proceedings, or there are other good reasons for the

delay, it may still be appropriate to refer the Complaint for investigation or other action.

- 2.7 Where the Complaint is anonymous or where the Complainant wishes to remain confidential unless the Monitoring Officer considers that there is a compelling reason to do so.
- 2.8 Where the Complaint discloses a potential breach of the Code of Conduct, but the Monitoring Officer considers that the Complaint is not serious enough to warrant further action.
- 2.9 Where the Complaint appears to be malicious, politically motivated or tit-for-tat, unless a serious matter is raised in the Complaint.

# HEARING PROCEDURE

## 1 BACKGROUND

- 1.1 This document sets out the procedure which the Standards Committee will follow in hearing and determining allegations that a Councillor or co-opted member of the Council, or of a parish or town council within East Staffordshire, has breached the respective council's Code of Conduct for Councillors.
- 1.2 The purpose of the hearing is to decide whether or not a Councillor has failed to follow the respective Code and, if so, to decide whether or not any sanction should be imposed and what form any sanction should take.
- 1.3 The purpose of this document is to provide an efficient and effective hearing process that will help the Committee to deal with all the issues that need to be resolved in a way that is appropriate and fair to the Complainant and the Councillor. It will thereby promote public confidence in the Council's ability to deal fairly and properly with alleged breaches of the Codes of Conduct.
- 1.4 The procedure has been prepared with regard to relevant legislation, including the Localism Act 2011.
- 1.5 If there is any inconsistency between this procedure and the requirements of legislation the latter will prevail. Any matter not covered in this procedure will be determined by the Committee with regard to the relevant legislation.

## 2 INTERPRETATION

- 2.1 "Code" means the Code of Conduct for Councillors/Members of the respective Council.
- 2.2 "Councillor" means the councillor who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Councillor's nominated representative (if any).
- 2.3 "Independent Person" means the Independent Person appointed by the Council for this purpose (see paragraph 11 of the Complaint Procedures).

- 2.4 "Investigating Officer" means the person appointed by the Monitoring Officer to carry out the investigation. It also includes the Investigating Officer's nominated representative (if any).
- 2.5 "Legal Adviser" means the officer responsible for providing legal advice to the Committee. This may be the Monitoring Officer, another legally qualified officer of the Council, or someone appointed for this purpose from outside the Council.

### **3 REPRESENTATION**

- 3.1 The Councillor and/or the Investigating Officer may be represented or accompanied during the meeting by a solicitor, a barrister or, with the permission of the Committee, another person.

### **4 LEGAL ADVICE**

- 4.1 The Committee may take legal advice, in private if necessary, from its Legal Adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the Councillor and the Investigating Officer if they are present.

### **5 INTRODUCTIONS**

- 5.1 The Chairman will formally introduce all the members of the Standards Committee and everyone else involved in the hearing.

### **6 PRELIMINARY MATTERS**

- 6.1 The Legal Adviser will explain how the Committee is going to run the hearing and how witnesses will be dealt with (if any).
- 6.2 The Legal Adviser will also seek to resolve any preliminary issues before the hearing starts. If these cannot be agreed, the Committee shall decide them.



## 7 THE INVESTIGATING OFFICER'S CASE

- 7.1 The Investigating Officer will briefly describe the essence of the Complaint by reference to their report (including exactly what was alleged to have been said or done) and point out any significant disagreement as to the facts. The Investigating Officer may only introduce new matters with the agreement of the Committee.
- 7.2 With the Committee's permission, the Investigating Officer may then call such witnesses as are necessary to substantiate their conclusion that the Councillor has failed to comply with the respective Code.
- 7.3 The procedure for each witness shall be:
- 7.3.1 The Investigating Officer shall ask them questions;
  - 7.3.2 The Councillor may ask them questions;
  - 7.3.3 The Committee may ask them questions;
  - 7.3.4 The Investigating Officer may ask them further questions to clarify matters raised by the Councillor and/or the Committee during their questioning.
- 7.4 The Committee may ask the Investigating Officer questions.

## 8 THE COUNCILLOR'S CASE

- 8.1 The Councillor will then have the opportunity to state their case by reference to their written response to the Investigating Officer's report. The Councillor may only introduce new matters with the agreement of the Committee.
- 8.2 With the Committee's permission, the Councillor may then call such witnesses as are necessary to substantiate their case.
- 8.3 The procedure for each witness shall be:
- 8.3.1 The Councillor shall ask them questions;
  - 8.3.2 The Investigating Officer may ask them questions;
  - 8.3.3 The Committee may ask them questions;
  - 8.3.4 The Councillor may ask them further questions to clarify matters raised by the Investigating Officer and/or the Committee during their questioning.
- 8.4 The Committee may ask the Councillor questions.

## 9 SUMMING UP THE CASES

- 9.1 The Investigating Officer will then sum up their case.
- 9.2 The Councillor will then sum up their case.

## 10 THE INDEPENDENT PERSON'S VIEW ABOUT BREACH OF THE CODE

- 10.1 The Committee must take advice (orally or in writing) from the Independent Person before making a decision about whether or not the Councillor has breached the respective Code.

## 11 DECISION?

- 11.1 The Committee will then decide whether or not they believe that the Councillor has failed to follow the respective Code.
- 11.2 The decision of the Committee will be announced in public and short reasons for the decision given.

## 12 IF THE COUNCILLOR HAS NOT FAILED TO FOLLOW THE CODE

- 12.1 If the Committee decides that the Councillor has not failed to follow the Code, the Committee may then consider whether to make any recommendations to the respective Council with a view to promoting high standards of conduct among councillors.

## 13 IF THE COUNCILLOR HAS FAILED TO FOLLOW THE CODE

- 13.1 If the Committee decides that the Councillor has failed to follow the Code, the Investigating Officer will be asked to make any representations about:
  - 13.1.1 whether the Committee should apply a sanction; and, if so,
  - 13.1.2 what form any sanction should take.

- 13.2 The Councillor will then be asked to make any representations about these matters.
- 13.3 The Committee may question the Investigating Officer and the Councillor to make sure that they have the information they need in order to make an informed decision.
- 13.4 The Committee must take advice (orally or in writing) from the Independent Person before making a decision about any sanction.
- 13.5 The Committee may impose one or more of the following sanctions:
- 13.5.1 Publish its findings in respect of the Councillor's conduct;
  - 13.5.2 Report its findings to the Council or to the respective parish or town council (if appropriate) for information;
  - 13.5.3 Recommend to the Councillor's political group leader (or in the case of councillors who are not part of a political group, recommend to the respective Council or Committees) that they be removed from any or all Committees or Sub-Committees of the respective Council;
  - 13.5.4 Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular portfolio responsibilities;
  - 13.5.5 Recommend to the Council that the Leader of the Council should be removed as Leader;
  - 13.5.6 Instruct the Monitoring Officer, or recommend the respective parish or town council (if appropriate), to arrange training for the Councillor &/or other councillors;
  - 13.5.7 Remove, or recommend to the respective parish or town council that the Councillor be removed, from all outside appointments to which they have been appointed or nominated by the Council or by the respective parish or town council;
  - 13.5.8 Withdraw, or recommend to the respective parish or town council that it withdraws, facilities provided to the Councillor by the relevant Council, such as a computer, website and/or email and internet access; or
  - 13.5.9 Exclude, or recommend to the respective parish or town council that it excludes, the Councillor from the relevant Council's offices or other premises, with the exception of meeting rooms which are necessary for attending Council, Committee and Sub-Committee meetings.
- 13.6 The Council has no power to suspend or disqualify the Councillor nor to withdraw councillors' ordinary or special responsibility allowances.

- 13.7 The Sub-Committee may impose a sanction to begin immediately or within a period of six months after the imposition of the sanction.

# THE ROLE OF THE INDEPENDENT PERSON

Under the provisions of the Localism Act 2011 the Council has appointed both an Independent Person (IP) and a Reserve Independent Person to assist the Council in promoting and maintaining high standards of conduct amongst its Councillors and Town/Parish Councillors.

In practical terms this means that the IP must make themselves available for consultation by people who may wish to complain that there has been a breach of the Code of Conduct. Likewise they are available for consultation by any person or Council that is the subject of a standards complaint.

When a complaint against a Councillor or Parish Council is raised the Monitoring Officer will consult with the IP as to whether this is a matter that warrants a full investigation or can perhaps be dealt with by local resolution. In the event that the complaint is capable of early resolution the IP, together with the Monitoring Officer, may be able to assist in resolving the issue without the expense of an investigation. At all times however the IP has to maintain an independent role and cannot act in a manner that suggests they are representing or advocating the views of any particular party.

If the complaint is complex or sufficiently serious then the Monitoring Officer will appoint an investigator. The person appointed may be another senior officer of the Council, an officer of another Council, or an appropriately experienced external investigator. As part of their investigation they will interview all parties and everyone would be given a full opportunity to explain their position. Whilst this is taking place it would not be appropriate for the IP to discuss the details of the complaint with either party although procedural advice could still be given if required.

Following the investigation, and depending on the outcome, it may be necessary to hold a Hearing before the Standards Committee. The IP would attend and be consulted by the Council, through the Monitoring Officer, and the Standards

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Committee before it makes a decision on the allegation and/or if it seeks to impose any sort of sanction.