

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**MONITORING OFFICER'S
REPORT TO**

AUDIT AND STANDARDS HEARING PANEL
30 April 2024

Report Title: Member Code of Conduct Complaint – Cllr Drakakis-Smith of Betley, Balterley and Wrinehill Parish Council

Submitted by: Monitoring Officer

Portfolios: N/A

Ward(s) affected: N/A

Purpose of the Report

To determine whether or not the panel accept the findings of the investigation report regarding the complaints received against the subject member and what sanction (if any) it determines should be imposed upon the Subject Member.

Recommendation

That the Panel determine whether:-

1. The Subject Member was subject to the Code at the time of the behaviour complained of;
2. If so, whether the panel concur with the findings in the investigation report which has been submitted that the behaviour complained amounts to a breach of the Code;
3. If so, what in the view of the panel should be an appropriate sanction of the subject member;
4. Recommendations should be made to Betley, Balterley and Wrinehill Parish Council regarding any sanctions that may be deemed to be appropriate.

Reasons

If a complaint is ultimately upheld, after formal investigation, remedies range from recommending training, through to public censure/reprimand. The Panel will need to take a view on the seriousness of the complaint, whether the panel concur with the findings of the investigation, the likely proportionate outcome and what resolution would be most appropriate in all the circumstances.

1. **Background**

1.1 Several complaints have been made by members of Betley, Balterley and Wrinehill Parish Council, namely: Parish Councillors' Amanda Berrisford, Neil Bullock and Sebastian Daly; Gwyn Griffiths (retired Parish Council Clerk) and Steven Ball (member of the public) that Councillor Angela Drakakis-Smith has breached the Parish Council's Code of Conduct.

2. **Issues**

2.1 Panel members have been supplied with the full Members Code of Conduct

Investigation Report by Emma Patterson dated 15.02.24 including appendices and all supporting documents as referenced by Emma Patterson in her report which they will have read and considered as part of their deliberations in this matter.

2.2 Section 2 of the includes a “Summary of Investigation Outcome” which states;

- *Having carried out my investigation, and taking in to account all of the Complainants’ comments on my draft report as well as ADS’ comments I make the final finding that there is evidence that Cllr Drakakis-Smith infringed the Code by failing to show respect for others, by bullying and harassing GG and bringing the Parish Council into disrepute. (2.1);*
- *I have set out a detailed explanation below. This is my final report. (2.2)*

2.3 Section 10 of the Members Code of Conduct Investigation Report includes the “Findings” of the report as follows;

- *For the reasons set out above, I have found overwhelming evidence that Cllr Drakakis-Smith by her statements and actions did infringe Paragraph 1.2, 2.1-2.3 and 5.1 of the Code. (10.1)*
- *Cllr Drakakis-Smith made it clear to me that she equally feels she could have raised the same or similar allegations of lack of respect or offensive behaviour or bullying and harassment towards her on the part of the Complainants. I asked ADS why she has never raised a complaint. She advised me that she spoke to DD (ex-Monitoring Officer of NBC) soon after she joined the Parish Council. ADS said that they discussed the problems at the Parish Council between them and it was recognised by both ADS and DD that if ADS had raised a complaint this could be counter-productive and therefore she never did. (10.2)*
- *However, the fact remains that ADS was at liberty to raise a complaint at that time or prior to the complaints being made against her (had she wished) but decided not to do so. (10.3)*

2.4 Appendix 1 to the Investigation Report includes Significant Comments Received from Complainants (1.1 – 1.5.3; pp.40-49).

2.5 Appendix 2 to the Investigation Report includes “Rebuttal” from Cllr. Angela Drakakis-Smith on Draft Investigation Report (pp.49 – 80).

3. **Proposed Solution**

That the Panel determine whether:-

- 3.1 The Subject Member was subject to the Code at the time of the behaviour complained of;
- 3.2 If so, whether the panel concur with the findings in the investigation report which has been submitted that the behaviour complained amounts to a breach of the Code;

3.3 If so, what in the view of the panel should be an appropriate sanction of the subject member (see list below);

- Censure or reprimand the Member;
- Publish its findings in respect of the Member's conduct;
- Report its findings to the Council *[or to the Parish Council]* for information;
- Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities (if applicable);
- Instruct the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the Member;
- Remove *[or recommend to the Parish Council that the Member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
- Withdraw *[or recommend to the Parish Council that it withdraws]* facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- Exclude *[or recommend that the Parish Council exclude]* the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

[The Committee/PC has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances].

3.4 Recommendations should be made to Betley, Balterley and Wrinehill Parish Council regarding any sanctions that may be deemed to be appropriate;

4. **Reasons for Proposed Solution**

4.1 The proposed solution presents the Panel with the full range of options available to them for the Panel to choose from in the event that it upholds the findings of the investigation report dependant on the Panel's view of the severity of the matters complained of.

5. **Options Considered**

5.1 All the available options are set out in this report.

6. **Legal and Statutory Implications**

6.1 This report and the Code and Process to which it relates are brought further to and in compliance with the statutory requirements for councils to adopt a Member Code of Conduct, and for this Council to have in place a process for dealing with complaints about breaches of the Code.

6.2 Statutory duties in respect of equality are discussed below.

7. **Equality Impact Assessment**

7.1 No formal Equality Impact Assessment is required in this matter.

8. **Financial and Resource Implications**

8.1 There is no specific resource allocation to support the Member Code of Conduct complaints function. Costs are usually met from existing service budget and the process is resource intensive.

8.2 Remedies advised in terms of training or policy development will have financial implications that will need to be met by the Parish Council concerned.

9. **Major Risks**

9.1 There are significant risks to the council's reputation in terms of compliance with its legal duties and community leadership if any inappropriate behaviours within its sphere of influence are not robustly addressed.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 Not Applicable

11. **Key Decision Information**

11.1 Not Applicable.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Not Applicable.

13. **List of Appendices**

13.1 Members Code of Conduct Investigation report by Ms Emma Patterson dated 15.02.24 (82 pages)

13.2 [Supporting Documents](#)

14. **Background Papers**

14.1 There are numerous appended documents which were submitted with the Investigation report which were so voluminous that they have been shared with the panel electronically via "Dropbox".