



Leicester
City Council

Minutes of the Meeting of the
STANDARDS HEARING SUB-COMMITTEE

Held: TUESDAY, 13 NOVEMBER 2018 at 5.00pm

P R E S E N T :

Ms Alison Lockley (Independent Member) – Chair
Ms Fiona Barber (Independent Member)
Councillor Dr Susan Barton

In Attendance:

Mr Michael Edwards – Independent Person
Mr David Lindley – Independent Person
Mr Kamal Adatia – Monitoring Officer
Mrs Anita James – Senior Democratic Support Officer

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1. ELECTION OF CHAIR

Alison Lockley was confirmed as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have in the business on the agenda.

There were no declarations of interest.

4. ANY OTHER ITEMS OF URGENT BUSINESS

There were no items of urgent business.

5. PRIVATE SESSION

The meeting moved into Private Session to consider firstly, whether the rest of the hearing should be in private or not and secondly whether the papers should

retain confidentiality for the duration of the hearing.

The Monitoring Officer recommended that the meeting be conducted in public as there was no overwhelming reason why proceedings should be held in private. In relation to the papers which comprised the complaint it was advised those should retain their status of being private as they contained matters for which there would be a reasonable expectation of confidentiality, however the investigators report suitably anonymised could be made public following the meeting if findings were made on a breach of code of conduct and upheld by the Standards Committee due to convene after the hearing.

The Sub-Committee were agreed that the meeting should reconvene in public session for the purpose of openness and transparency and that the confidentiality of the papers should be retained until the outcome of the hearing. The Sub-Committee also agreed that during the public session individuals would be referred to using the anonymisation in the report.

RESOLVED:

1. That the press and public be permitted to remain in the meeting for consideration of the complaint against a Councillor,
2. That the papers for the meeting remain private as they are deemed to contain "exempt" information, in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended and as defined in the Paragraph detailed below of Part 1 of Schedule 12A of the Act, and taking all circumstances into account, it was considered that the public interest in maintaining the information as exempt outweighed the public interest in disclosing the information.

Paragraph 1

Information relating to any individual

Paragraph 2

Information which is likely to reveal the identity of an individual

Paragraph 7a

Information which is subject to any obligation of confidentiality

Paragraph 7c

The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 70(4) or (5).

6. HEARING PROCEDURE

RESUMED IN PUBLIC SESSION

The Monitoring Officer outlined the hearing procedure and explained that the Skype link would be used to facilitate the Investigators presence in the meeting to introduce his report and respond to the panel's questions.

The Sub-Committee noted that Councillor Corrall had communicated in writing with the Monitoring Officer and advised that he was not attending the hearing. The Sub-Committee agreed to proceed in the absence of Councillor Corrall and invited the Monitoring Officer to submit the letter by Councillor Corrall to be read at the appropriate stage in the proceedings.

7. CONSIDERATION OF INVESTIGATOR'S REPORT INTO A COMPLAINT AGAINST A COUNCILLOR - COMPLAINT NO. 2018/05

The Monitoring Officer submitted a report providing details of an investigation into a complaint against Councillor Corrall and of the Standards process so far leading to a Hearing Sub-Committee to take place.

The Investigator, Mr Alex Oram, introduced the report, setting out the nature of the complaint against Councillor Corrall and the details of his investigations together with a view on whether the alleged conduct took place. It was noted at section 5 of the report that Councillor Corrall could not fully recollect the incident but he did not dispute it in any way and the Investigator found the complainant to be a very convincing witness who had made a contemporaneous note of the incident.

The report set out whether the conduct amounted to a breach of the code of conduct and the Investigator explained how he had reached his conclusions, establishing that Councillor Corrall did act as alleged and within his councillor capacity and as such the code of conduct had been breached.

The Sub-Committee were invited to raise any questions on the facts outlined in the report during which it was clarified that in terms of Councillor Y's recollection of events, initially Councillor Y had wanted no involvement in the process however when the allegation was put he had said it was largely in line with what he recalled and any evidence he had put forward supported the complainant.

Michael Edwards, the Independent Person was invited to give his advice in relation to the facts of the case. The Sub-Committee noted that there were 3 witnesses to the incident and the account by the complainant was generally accepted by all concerned. Councillor Corrall had disputed one aspect i.e. whether he used the word "Brown" or "Black", the complainant had made a note of the word "Brown" being used and the Investigator had confirmed seeing the complainant's notes. The Investigator also confirmed he had not spent too much time on that difference of opinion as the use of either word was wholly inappropriate and did not change the severity of the allegation.

Michael Edwards, the Independent Person endorsed the disappointment in Councillor Y's lack of engagement with the investigation process.

The Chair then read Councillor Corrall's open letter to the Sub-Committee.

In reaching their decision the Sub-Committee agreed they should deliberate in private on the basis that this was in the public interest and as such outweighed the public interest of their deliberation taking place with parties, press or public present.

3.31pm The Skype link with Mr Oram was ended and press then withdrew from the meeting.

IN PRIVATE SESSION

Michael Edwards, Independent Person advised the Sub-Committee that from the outset he was of the view this was an extremely serious matter and he agreed with the findings in the report of the Investigator that 3 areas of the code of conduct had been breached namely:

- Paragraph 3(a) of the Council's Code of Conduct by acting in a disrespectful manner,
- Paragraph 3(e) of the Council's Code of Conduct by failing to uphold and promote the Authority's discharge of its Equality obligations,
- Paragraph 3(i) of the Council's Code of Conduct by conducting himself in a manner which was likely to bring the Authority into disrepute.

Prior to considering their findings the Monitoring Officer advised the Sub-Committee of the options available to them in making a decision.

The Monitoring Officer suggested that by reason of the above breaches of the code of conduct paragraph 3(f) of the Council's Code of Conduct was also breached by failing to uphold and promote these principles by leadership and by example, and act in a way that secures and preserves public confidence.

The Monitoring Officer suggested sanctions for the Sub-Committee to consider:

- That Councillor Corrall apologise directly to Councillor Z and Mr X in writing within 14 days for the offence caused
- That the Monitoring Officer publishes the Decision Notice of the Hearing Panel and a suitable redacted version of the Investigator's report on the Council's website
- That the Labour Group and/or Elected Mayor withdraw Councillor Corrall's appointment to any outside bodies on which he serves as a representative of the Council.

The Sub-Committee then gave full and detailed consideration to the points made.

4.02pm RESUMED IN PUBLIC SESSION

The Chair announced that the Sub-Committee had taken into consideration the written evidence, representations from the investigator and witness evidence and had made a unanimous decision.

RESOLVED:

1.To recommend to the Standards Committee the following:

- a) That Councillor Corral has breached paragraph 3(a) of the City Council's Code of Conduct by acting in a disrespectful manner. He knew, or ought to have known, that his comments went beyond allowable criticism and crossed the line into personal abuse. The suggestion that any of the councillors appointed to the Police and Crime Panel were chosen because of the colour of their skin is disrespectful both toward the councillors themselves and those who appointed them. It suggests that they were undeserving of their position and implies tokenism;
- b) That Councillor Corral has, for the same reasons, breached paragraph 3(e) of the Code of Conduct by failing to uphold and promote the Authority's discharge of its Equality obligations;
- c) That Councillor Corral has breached paragraph 3(i) of the Code of Conduct by conducting himself in a manner which is likely to bring the Authority into disrepute. His offensive remarks seriously risked damaging the reputation of this authority. The City Council places great weight on upholding and discharging its equality obligations and Councillor Corral's comments can only have reduced the public's confidence in the City Council's ability to achieve this;
- d) That Councillor Corral has, for all of the above reasons, breached paragraph 3(f) of the Code of Conduct by failing to uphold and promote these principles by leadership and by example, and act in a way that secures and preserves public confidence.

2.To recommend to the Standards Committee the following sanctions:

- a) That Councillor Corral apologise directly to Councillor Z and Mr X in writing within 14 days of today for the offence caused,
- b) That the Monitoring Officer publishes the Decision Notice of the Hearing Panel, and a suitably redacted version of the Investigator's Report, on the Council's website,
- c) That the Labour Group and/or the Elected Mayor withdraws Councillor Corral's appointment to any outside bodies on which he serves as a representative of the Council.

There being no further business the meeting closed at 4.07pm.