
Complaint: NDC0823

Committee considering report: Special Governance Committee

Date of Committee: 13 November 2023

Purpose of the Report

To consider the Investigator's report about a complaint received from the then Councillor Lynne Doherty (*complainant*) in respect of Councillor Adrian Abbs (*Subject Member*) from West Berkshire District submitted on 29 March 2023.

Recommendations

The Committee is asked to:

- a) consider if they agree with the outcome of the Advisory Panel that took place on 10 October 2023;
- b) identify any disputed facts;
- c) identify any aspects of the report that require further clarification.
- d) If they wish and if they agree that a breach of the Code of Conduct has occurred, any recommendation setting out an opinion on a suitable sanction.

Paragraphs of the Code of Conduct that the complaint might relate to:

Failure to adhere to the following Nolan Principles:

- Personal Judgement
- Respect for other
- Leadership

General Obligations:

- Failing to treat others with courtesy and respect.
- To not engage in bullying or intimidating behaviour or behaviour which could be regarded as bullying or intimidation.
- To not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.

1 Monitoring Officer's Report

Introduction

- 1.1 A complaint dated 29 March 2023 was received from the then Councillor Lynne Doherty (Complainant), concerning an alleged breach of the Code of Conduct by Councillor Adrian Abbs (Subject Member). At the time, Councillor Lynne Doherty was a Conservative Councillor representing the ward of Newbury Speen and was Leader of West Berkshire Council. Councillor Adrian Abbs is an Independent Councillor representing the ward of Newbury Wash Common. At the time of the complaint he was a Liberal Democrat Councillor and the Shadow Portfolio Holder for the Environment.
- 1.2 The complaint was considered by the Assessment Sub-Committee of West Berkshire Council's Governance Committee on 20 April 2023 where, taking account of the views of the Independent Person, the Monitoring Officer determined that the complaint should be fully investigated by an independent investigator.
- 1.3 Mr Richard Lingard was appointed to investigate the matter on behalf of West Berkshire Council.

2 Procedure

- 2.1 In considering the complaint, Mr Richard Lingard sets out in his report (Appendix E) that he considered the complaint, the Subject Member's response and the YouTube link for the recording of the Executive that took place on 23 March 2023.
- 2.2 In addition, Mr Lingard interviewed both the Complainant and Subject Member via Zoom on 14 July 2023.

- 2.3 Mr Lingard had available to him West Berkshire Council's Code of Conduct for Members.

3 Outcome of independent investigation

- 3.1 In considering the Code of Conduct paragraph 4.1 (a), the independent person found that there was evidence of breach by failing to show courtesy and/ or respect to Councillor Ardagh-Walter and the Complainant by interrupting and talking over them.
- 3.2 In considering the Code of Conduct paragraph 4.2 (a) found no breach.
- 3.3 In considering the Code of Conduct paragraph 4.2 (f) found no breach.

4 Advisory Panel

- 4.1 The Advisory Panel considered the complaint and the independent assessment. In addition, they benefited from the Investigator's attendance to clarify any points in the assessment and ask questions.
- 4.2 The Advisory Panel recommendation to the Governance Committee is that they agree with the outcome of the independent assessment and that it should be referred to Governance Committee in line with the Constitution.
- 4.3 The Advisory Panel's view on a suitable sanction may be that the Subject Member should be formally advised, in a formal letter from the Chairman of the Governance Committee, that their conduct amounted to a breach of the Code of Conduct.
- 4.4 The Advisory Panel recommended that the following people be invited to attend the Special Governance Committee:
- (a) Investigator (Mr Richard Lingard)
 - (b) Complainant
 - (c) Subject Member
 - (d) Monitoring Officer

5 Order of Business for Governance Committee

- 5.1 The Governance Committee must consider the information provided as part of the standards complaint that includes:
- a) The original complaint
 - b) The Subject Member's response
 - c) Independent Assessment by Mr Richard Lingard
 - d) Responses from the Complainant and the Subject Member
 - e) Minutes of the Advisory Panel and the recommendation

- 5.2 There is an opportunity for the Complainant or their representative to raise any issue in the Independent Report that they have disputed in their written submission, and they may wish to introduce witnesses on these points.
- 5.3 The Subject Member may make a presentation and they may only raise issues in the report that they have disputed in their written submission.
- 5.4 It will be for the Governance Committee to consider the evidence and representations and shall then make a final determination on the matter.

6 Outcome

- 6.1 Should the Governance Committee determine there is no breach then there will be no further action and the matter will be closed.
- 6.2 Should Governance Committee determine that there is a breach of the Code of Conduct, then they must consider the sanctions available:
 - a) Formal letter from the standards Committee
 - b) Remove from Committee via Group Leader
 - c) Formal censure via motion to Council
 - d) Press release
 - e) Local Resolution

Appendices

Appendix A – West Berkshire Council’s Code of Conduct

Appendix B – Complaint and associated paperwork

Appendix C – Response to complaint by the Subject Member

Appendix D – Initial Assessment Notice

Appendix E – Investigator’s Report

Appendix F – Comments from Complainant and Subject Member on the Investigator’s Report

Appendix G – Advisory Panel Decision Notice

Appendix H – Sanctions which can be applied