

## **Report to Standards Committee**

**Subject:** Outcome of Code of Conduct Complaints – Cllr V C Pepper

**Date:** 31 January 2013

**Author:** Council Solicitor and Monitoring Officer

### **1. PURPOSE OF THE REPORT**

To notify Members of the outcome of complaints received alleging that Cllr V C Pepper had breached the Code of Conduct.

### **2. BACKGROUND**

2.1 In September 2011, three complaints were made to the Council's Standards Committee in relation to comments made by Councillor Pepper at an Extraordinary meeting of the Council held on 31 August 2011. The complaints were made by 2 members of the Borough Council, Councillors Pulk and Ainley, and a member of the public, Dr Roberts.

2.2 The Extraordinary meeting of the Council was called on 31 August 2011 to discuss the potential development of Mapperley Golf course and associated development sites. Although there are some slight differences in detail, essentially, the 3 allegations contain the same complaint about Councillor Pepper's conduct. It was alleged that at the meeting, Councillor Pepper:

- without provocation, made a statement that revealed the personal and domestic arrangements of Councillor Pulk.
- stated that her revelation of this personal information was to be explicit "evidence" proving that an allegation previously made by other Councillors was true which was that the ruling group had been meeting with and forging agreements with Nottinghamshire County Council contrary to the interests of constituents.
- had a pre-prepared "prop" to further emphasise her allegation which was a bag containing "30 pieces of silver" which she slammed down immediately in front of her when she was speaking.

2.3 In accordance with the standards regime at that time, all 3 complaints were referred to the Assessment Sub-Committee for consideration. On 22 September 2011, the Assessment Sub-Committee of the Council's Standards Committee considered the complaints and decided to take no further action

because the information was insufficient to make a decision. All 3 complainants submitted further information and requested that the Assessment Sub-Committee reconsider their complaint. On 19 October 2011 and 22 November 2011, the Assessment Sub-Committee reconsidered the complaints and decided to refer the allegations to the Monitoring Officer for investigation under Section 57A(2) of the Local Government Act 2000.

2.4 The complaints were passed to an external firm of Solicitors to investigate. The investigating officer interviewed a number of individuals and on the basis of the information gathered made the following findings of fact:

- a. The extraordinary meeting held on 31 August 2011 was attended by a lot of members of the Council and a high number of members of the public;
- b. Dr Roberts attended the meeting and sat in the public gallery to observe what was said and to make a report to Vernon Coaker MP;
- c. The debate included discussion about Mapperley Golf Course and an allegation was made by other Councillors that negotiations had taken place between members of the City Council and the Council which was contrary to the interests of the Council's area;
- d. The Leader of the Council denied any such discussions had taken place and that no decisions had been made about the Golf Course;
- e. Councillor Pulk did not make any contributions to the debate;
- f. Councillor Pepper stood up to speak and as she did so, she threw a bag of coins on the table in front of her;
- g. Councillor Pepper made a speech and was heated and loud in her delivery;
- h. During the speech, Councillor Pepper referred to correspondence between the Nottingham City Council and Vernon Coaker MP;
- i. During the speech, Councillor Pepper made public the relationship between Councillor Pulk and Dr Roberts and that Councillor Pulk would therefore be aware of this correspondence;
- j. The implication of the Councillor Pepper's comments was that Councillor Pulk would have an inside knowledge of the correspondence of the MP and that information about the Council would be passed from the Council to the MP because of Councillor Pulk's relationship with the person who is the Parliamentary Assistant to the MP;
- k. The Mayor gave a warning to Councillor Pepper about her comments concerning the relationship between Councillor Pulk and Dr Roberts to which Councillor Pepper replied "*I'm just telling you as it is.*";
- l. When the comments were made by Councillor Pepper, there was a gasp in the audience;
- m. After the meeting, some members of the Council apologised to both Councillor Pulk and Dr Roberts;
- n. Councillor Pepper approached Councillor Pulk and did not see Dr Roberts, and tried to apologise to him.

2.5 Based upon these conclusions the investigator was of the view that there was evidence that Councillor Pepper's comments at the meeting failed to comply with paragraphs 3(1) and 5 of the Code of Conduct.

Paragraph 3(1) states: *“You must treat others with respect.”*

Paragraph 5 states: *“You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.”*

The investigator considered that it was unfair and unreasonable for Councillor Pepper to have referred to the relationship between Councillor Pulk and Dr Roberts at the meeting. It was not relevant to the debate taking place to make such a comment and the comments were inappropriate and out of place. The investigator did not consider that comments about individual relationships is courteous to others nor appropriate in the context of a Council meeting and that such comments were undermining and demeaning to Councillor Pulk and Dr Roberts. Making such comments in a public setting when one party was unable to respond was unfair and unreasonable.

- 2.6 Members are to note that whilst the investigating officer reached this conclusion, it was a matter for the Hearings Sub-Committee under the old regime and Hearings Panel under the current regime to make a determination that there has actually been a breach of the Code of Conduct.
- 2.7 As Members are aware, the Localism Act 2011 repealed the old standards regime and the Council had to approve a new Code of Conduct and arrangements for dealing with complaints in 2012. The investigator's report was referred back for consideration by the Standards Committee in time to take advantage of the transitional arrangements in the Act, however could not be progressed until after the Council meeting on 11 July 2012 when the Code of Conduct and arrangements for dealing with complaints were approved.
- 2.8 Following the Council meeting, the complainants and Councillor Pepper were contacted with a view to resolving the complaints by way of local resolution in accordance with the approved arrangements for dealing with complaints. The Independent Person was also consulted for his views. The arrangements for dealing with complaints states:

***“Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct***

*The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.*

### **11.1 Local Resolution**

*The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and the Complainant and seek to agree what the Complainant considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such informal resolution may*

*involve the Subject Member accepting that his/her conduct was unacceptable; and*

- offering an apology;*
- agreeing to attend a training course;*
- agreeing to engage in a process of conciliation; or*
- the Council introducing some other remedial action (such as changing procedures).*

*If the Subject Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee (and the Parish Council, where the complaint relates to a Parish Councillor) for information, but will take no further action. However, if the Complainant tells the Monitoring Officer that any suggested resolution would not be adequate or the Subject Member refuses to accept the resolution; the Monitoring Officer will refer the matter for a local hearing.”*

After discussing the case with the Independent Person, the Monitoring Officer considered that the only local resolution which would be suitable in relation to this particular case was for an apology to be offered.

- 2.9 All parties agreed in principle that the complaints could be resolved by the delivery of an apology. Over several months the Monitoring Officer negotiated an agreed form of wording of the apology and the appropriate method of delivery of that apology with the complainants and Councillor Pepper. A verbal apology was delivered in accordance with the agreed form of wording by Councillor Pepper at the Council meeting on 19 December 2012. The complaints have therefore been concluded by way of local resolution in accordance with the Council’s arrangements for dealing with complaints.

### **3. RECOMMENDATION**

It is recommended that Members note the resolution of the complaints.