

Reference: STD000530

Complaint

The complaint was made about Councillor Boyd Elliott, a Gedling Borough Councillor by a Gedling Borough Councillor. The complainant complains about the conduct of Councillor Elliott at a meeting of the Planning Committee held on 18 October 2017.

A general summary of the complaint is set out below:

At a meeting of the Planning Committee held on the 18th October a large number the public attended along with Calverton Parish Council Members. An application to develop a part of St Wilfrid's Square was being considered and had generated considerable opposition. After a named vote, planning permission was granted and there was a lot of anger and shouting from Calverton residents. Councillor Boyd Elliott then shouted very loudly that "the difference is Conservatives aren't whipped unlike the Labour Councillors who are".

In response to the complaint Councillor Elliott pointed out that a very contentious planning issue was being dealt with by Planning Committee, and after the decision there was a lot of displeasure from Calverton residents present. He accepted that, whilst he was representing the views of his residents, he did not act as a Councillor should have done and for that reason apologised.

Potential breaches of the Code of Conduct considered

Paragraph 5(1) of the Gedling Borough Council code of conduct requires Members to treat others with respect, including the organisations and public they engage with and those they work alongside.

Failing to treat others with respect might be defined as unfair, unreasonable or demeaning behaviour directed by one person against another. I consider that most reasonable members of the public would take into account the context in which particular language and behaviour has been used in assessing whether it was "disrespectful". The context might include the place where an incident occurred, who observed the behaviour, the character and relationship of the people involved, and the behaviour of one or more of the parties that prompted an alleged act of disrespect.

Paragraph 7 provides that members must not behave in such a way as to bring their office or authority into disrepute.

Conduct which could reasonably be regarded as bringing their office into disrepute would include reducing public confidence in the member being able to fulfil their role, or adversely affecting the reputation of members generally in being able to fulfil their role.

Decision

After consultation with the Independent Person, the Monitoring Officer has decided that this is an appropriate case, to seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution involves Councillor Elliott accepting that his conduct was unacceptable and offering a meaningful apology to the complainant, members of the Planning Committee and the Labour Group Business Manager.

In summary the reasons for the decision are:

- The accusations went beyond the 'cut and thrust' of lively debate.
- This was a personal attack on the integrity of fellow Councillors.
- No information has been provided to show that the comment was indeed factually correct or the Councillor had reason to believe that it was the case.
- There were several members of the public present at the meeting.
- The comment was made loudly so that the members of the public present could hear it.
- A public statement that members of the Planning Committee have been whipped could undermine the public trust and confidence in the ability of the Planning Committee to make decisions and the reputation of the Council as a whole.
- A public statement that members of the Planning Committee have been whipped could expose the Council to the risk of not only a complaint to the Local Government Ombudsman but also a challenge to the decision of grant of planning permission by way of judicial review.

In response to the Decision Notice, Councillor Elliott accepted that his conduct was unacceptable and offered his apologies.

As part of the complaint the issue of seating arrangements at Committee meetings was raised in particular where councillors who are not members of the Planning Committee sit. The Monitoring Officer provided guidance to all members of Council in relation to this by email dated 9 November 2017.