

## STANDARDS HEARING DECISION – CLLR BRIMM

**Council – 22 February 2018**

Report Author                      **Monitoring Officer**

Status                                      **For Decision**

Classification:                      **Unrestricted**

Key Decision                          **No**

*Previously Considered by*      **Standards Hearing Sub Committee – 14 December 2017**

Ward:                                      **n/a**

### **Executive Summary:**

A complaint (TDCSC175/17) was received against Cllr Brimm in respect of comments she made on social media about a council officer. The complaint was considered by the Standards Hearing Sub-Committee on the 14 December 2017.

The Sub-Committee found that Councillor Brimm had breached the Members Code of Conduct and made the following recommendations to the Monitoring Officer :

- (1) That Thanet District Council issues a formal censure by motion to Councillor Brimm. (A censure is the issue of an unfavourable opinion or judgement or reprimand).
- (2) That the Monitoring Officer sends a letter to Cllr Brimm offering her training.
- (3) That the Council send a press release to publicise the result of the hearing.

The only matter for the consideration of Council is that of imposing a formal censure, a censure is a simple decision which Members can either support or reject.

The basis for the recommendation is not a matter for debate or discussion, since to do so, runs the risk of reopening the decision of the Standards Hearing Sub-Committee which would be inappropriate.

### **Recommendation(s):**

That this council agrees the following:

‘The council censures Councillor Brimm for her behaviour in:

- (a) using social media in a way which compromised the impartiality or integrity of an officer, and
- (b) bringing her office and the Council into disrepute.’

### **CORPORATE IMPLICATIONS**

#### **Financial and Value for Money**

The financial implications of the report are the already expended costs of the investigation which amounted to £3245, together with the unquantified cost of officer and member time in dealing with the matter.

<b>Legal</b>	The standards process was enacted in the Localism Act 2011 and the Councillor's code of conduct and the Council's agreed arrangements. Section 27 of the Localism Act 2011 says that the Council must promote and maintain high standards of conduct by members and co-opted members of the authority.								
<b>Corporate</b>	This matter relates to the breach of the Councillors' Code of Conduct and the Protocol on Member/Officer relations which are two of the Council's key governance documents.								
<b>Equality Act 2010 &amp; Public Sector Equality Duty</b>	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <table border="1"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table> <p>The complaint against Councillor Brimm relates to a breach of the Code of Conduct a key governance document and the Protocol on Member/Officer relations.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
Please indicate which aim is relevant to the report.									
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,									
Advance equality of opportunity between people who share a protected characteristic and people who do not share it									
Foster good relations between people who share a protected characteristic and people who do not share it.									

<b>CORPORATE PRIORITIES (tick those relevant)✓</b>	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

<b>CORPORATE VALUES (tick those relevant)✓</b>	
Delivering value for money	
Supporting the Workforce	✓
Promoting open communications	

## 1.0 Introduction and Background

- 1.1 A complaint under the Councillors' Code of Conduct was received concerning public comments made by Cllr Brimm on social media berating a member of staff. In referring to the member of staff, Cllr Brimm wrote that the officer '*...needs to go!! Not fit for purpose!*' Cllr Brimm was requested to remove the offending comments but she refused to do so.
- 1.2 The complaint was considered by the Standards Assessment Sub-Committee on the 12 September 2017 and the Sub-Committee recommended to the Monitoring Officer that the complaint be investigated. An investigator from outside the authority was appointed to carry out the investigation.

1.3 Following the completion of the investigation, the matter was considered by a Standards Hearing Sub-Committee on the 14 December 2017.

## **2.0 The Standards Hearing Sub Committee**

2.1 The Standards Hearings Sub Committee accepted the investigator's conclusions and agreed that there was a case to answer.

2.2 The investigator found that:

- Councillor Brimm's Facebook post compromised the integrity of an officer. She therefore failed to follow paragraph 3.2(c) of the Code of conduct
- Councillor Brimm brought her office and the Council into disrepute. She therefore failed to follow paragraph 3.2(f) of the Code of Conduct
- By criticising an officer personally in public, Councillor Brimm failed to comply with section 7.1.3 of the council's Protocol on Member/Officer relations.

2.3 The view of the Council's Independent Person was:

'A person who has been elected to the position of a councillor must accept the responsibility of the role, represent the people and adhere to the code of Conduct.

If anyone has a complaint about an officer or employee of the council, there are proven routes that can be taken. One of these is not to use the 'social media'.

There is no doubt in my mind that the actions of Councillor Brimm resulted in her breaching the 'Code of Conduct. Therefore I agree with the findings of the Investigating Officer.'

2.4 The formal decision from the Standards Hearings Sub Committee was:

That Councillor Brimm failed to comply with the requirements of Paragraph 2.2, 3.2(c) and 3.2(f) of the Code of Conduct of Thanet District Council. The Sub Committee recommended to the Monitoring Officer that the following sanctions should be imposed:

- (a) That Thanet District Council issues a formal censure by motion to Councillor Brimm.
- (b) That the Monitoring Officer sends a letter to Cllr Brimm offering her training.
- (c) That the Council send a press release to publicise the result of the hearing.

2.5 Paragraph 2.2 of the Code of Conduct says: a Member must comply with this code whenever acting in the capacity of a member of the authority

2.6 Paragraph 3.2(c) of the Code of Conduct says you must not do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;

2.7 Paragraph 3(2)(f) of the Code of Conduct says: you must not conduct yourself in a manner which reasonably could be regarded as bringing your office or the Authority into disrepute.

2.8 The Investigator and Sub Committee also considered the Protocol on Member/Officer Relations to be relevant and in particular the following:

“4.2 Members and Officers must at all times observe this Protocol.

7.1.3 Members should be aware that Officers are constrained in the response they may make to public comments from Members. Members should not criticise Officers personally in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces the right of Members to criticise, in a constructive manner, the report or actions of a department or section of the Council where they believe such criticism is well-founded.”

Contact Officer:	Tim Howes, Monitoring Officer ext. 7007
Reporting to:	Madeline Homer, Chief Executive

### **Corporate Consultation**

<b>Finance</b>	Ramesh Prashar, Head of Financial Services
<b>Legal</b>	Tim Howes, Director of Corporate Governance and Monitoring Officer