

## Standards Hearing Sub-Committee - Cllr Brimm

<b>Council</b>	<b>12 July 2018</b>
<b>Report Author</b>	<b>Director of Corporate Governance and Monitoring Officer</b>
<b>Status</b>	<b>For Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>
<b>Key Decision</b>	<b>No</b>

### Executive Summary:

A complaint (TDCSC187/17) was received against Cllr Brimm in respect of the disclosure of a member of staff's private telephone number on Facebook.

The complaint was considered by the Standards Hearing Sub-Committee on the 28 June 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 by motion at council).
- (2) That the council withdraws email access provided to Cllr Brimm through the council's email system until the 2 January 2019, and
- (3) That the council excludes Cllr Brimm from the Council's offices and other premises with the exception of meeting rooms as necessary for the attendance at meetings until the 2 January 2019.

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 posting the private home telephone number of a council officer on Facebook, which resulted in Cllr Brimm breaching the following provisions of the Code of Conduct:

- (a) Attempting to intimidate an officer (who was party to an existing Code of Conduct complaint against Councillor Brimm)
- (b) Attempting to bully an officer
- (c) Disclosing information which was of a confidential nature
- (d) Bringing her office into disrepute.

### CORPORATE IMPLICATIONS

<b>Financial and Value for Money</b>	The financial implications of the report are the already expended costs of the investigation which amounted to £3,314 together with the unquantified cost of officer and member time in dealing with the matter
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<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>x</td></tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td><td>x</td></tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td><td>x</td></tr> </table>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	x	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	x	Foster good relations between people who share a protected characteristic and people who do not share it.	x
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<b>CORPORATE PRIORITIES (tick those relevant)✓</b>	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	x

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

## 1.0 Introduction and Background

- 1.1 A complaint under the Councillors' Code of Conduct was received, concerning a Facebook post made by Cllr Brimm revealing the home telephone number of a member of staff, together with the comment '*FYI call her I'm sure she will be glad to hear from you*'.
- 1.2 Cllr Brimm was requested to remove the offending post but she refused to do so.
- 1.3 The complaint was considered by the Standards Assessment Sub-Committee on the 16 January 2018 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.
- 1.4 Following the completion of the investigation, the matter was considered by a

Standards Hearing Sub-Committee on the 28 June 2018.

- 1.5 Councillor Brimm did not cooperate with this investigation and did not attend the Standards Hearings Sub-Committee meeting.

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

- 2.1 The Standards Hearings Sub Committee unanimously accepted the investigator's conclusions.

- 2.2 The investigator found that:

- Councillor Brimm's Facebook post was an attempt to intimidate an officer who was a complainant against her in relation to an earlier standards complaint. Cllr Brimm therefore failed to follow paragraph 3.2(b) of the Code of Conduct.
- Councillor Brimm attempted to bully the officer, she therefore failed to follow paragraph 3.2 (a) of the Code of Conduct.
- Councillor Brimm disclosed information which was of a confidential nature. She therefore failed to follow paragraph 3.2 (d) of the Code of Conduct.
- The conduct of Councillor Brimm brought her office into disrepute. She therefore failed to follow paragraph 3.2 (f) of the Code of Conduct.

- 2.3 The formal decisions from the Standards Hearings Sub-Committee were:

Councillor Brimm failed to comply with the requirements of Paragraph 3.2 (a), 3.2 (b), 3.2(d) 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:

(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 by motion at council).

(2) That the council withdraws email access provided to Cllr Brimm through the council's email system until the 2 January 2019, and

(3) That the council excludes Cllr Brimm from the council's offices and other premises with the exception of meeting rooms as necessary for the attendance at meetings until the 2 January 2019.

- 2.4 In reaching their decision, the Standards Hearings Sub-Committee took into account the following points:

- That Councillor Brimm would have known that she was breaching the Code of Conduct
- There has been a breach of trust
- The incident was extremely serious

- Cllr Brimm did not accept that she was at fault
- Cllr Brimm did not apologise to the officer
- Cllr Brimm has recently previously breached the Code of Conduct which involved personal attacks on an officer
- That there's likely to be a repetition of the incident

2.5 The relevant sections of the Code of Conduct are:

Paragraph 3.2 (b): You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code.

Paragraph 3.2 (a); You must not bully any person.

Paragraph 3.2(d): You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature.

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.

Contact Officer:	Tim Howes Director of Corporate Governance and Monitoring Officer
Reporting to:	This is a personal responsibility

### Corporate Consultation

<b>Finance</b>	Ramesh Prashar, Head of Financial Services and Deputy Section 151 Officer
<b>Legal</b>	Sophia Nartey Interim Head of Legal Services