

# Minutes

## Corporate Governance Group

19<sup>th</sup> November 2020 at 7.15pm



### Present

Councillors	Present	Councillors	Present
P Euesden	Yes	R van Dulken (Chairman)	Yes
D Hume	Yes	D Wallace	Yes
H Johnson (Vice-Chairman)	Yes	T Walsh	Apologies
D Mann	Yes	Mrs L Walters	Yes
Miss V Santomauro	Yes		

### **In attendance:**

Kim Cole	Head of Governance and Monitoring Officer
Chris Fleetham	Corporate Director (Finance)
Jessica Mann	Governance and Members Officer
Emma Wisbey	Governance and Members Manager

### 58 **MINUTES**

**DECISION:** The Minutes of the meeting of the Corporate Governance Group held on 29<sup>th</sup> October 2020 were approved as a correct record

### 59 **DECLARATIONS OF INTEREST**

**INFORMATION:** There was one interest declared. Councillor Miss V Santomauro declared a Non-Pecuniary Interest as her employer, Holmes and Hills, had represented Councillor Mrs J Beavis in relation to Item 5 of the Agenda, 'Report on the Conclusions of the Standards Investigation.' Councillor Miss Santomauro sought advice from the Monitoring Officer on this matter prior to the meeting and was able to remain.

### 60 **PUBLIC QUESTION TIME**

**INFORMATION:** There were no questions asked, or statements made.

### 61 **REPORT ON THE CONCLUSIONS OF THE STANDARDS INVESTIGATION**

**INFORMATION:** Members were advised that the Council was required to have in place arrangements for dealing with allegations that Councillors had failed to comply with the Code of Conduct, and provisions which allowed for an investigation to be completed where one was required. It was therefore necessary for the Committee to note the outcome of two independent investigations; the first concerned a complaint against

Councillor Mrs J Beavis, and the second regarded a complaint against Councillor G Butland. The two respective complaints were received by the Council in 2018 and 2019 under its Code of Conduct, and investigations were subsequently conducted by an external Investigating Officer.

It was reported that the Council received the first of the complaints in April 2018. The complaint regarded an application that had been submitted to the Council on 25<sup>th</sup> March 2018 by Councillor Mrs J Beavis under the Councillors Community Grant Scheme on behalf of the Braintree Community Foundation Community Interest Company (the Company). At the time, Councillor Mrs Beavis was a Director of the Company, together with the complainant, who later resigned as a Director in November 2017. The complainant was concerned that within her application, Councillor Mrs Beavis had confirmed that there were two Directors of the Company, and that there was a minimum of two authorised signatories to all financial transactions. Councillor Mrs Beavis listed herself and the complainant as the Directors and authorised signatories.

An independent investigation into the allegation was commissioned by the Council's then Monitoring Officer (Mr Ian Hunt), and Stephen Pearson, Solicitor at Freeths, was appointed as the Investigating Officer. In completing their investigation, the Investigating Officer determined that there had been a breach in the Council's Code of Code under paragraph 7.1, which stipulated that Councillors should *"...not use or attempt to use your position as a member improperly or to confer on or secure for yourself or any other person and advantage or disadvantage."* However, in respect of the two signatories on the application, the Investigating Officer concluded that there had not been a breach of the Code of Conduct under paragraph 7.1 at the time that the application was made, as the complainant was an authorised signatory for the Company bank account.

As a result of Councillor Mrs J Beavis' resignation as a District Councillor in February 2019, the outcome of the investigation was not published at that time and the matter was not brought to Committee. In light of the investigation's findings, the Council determined that the grant had been applied for the purposes consistent with the grant scheme and was paid from public funds. Accordingly, recovery action was sought by the Council for the funds, which were repaid by Councillor Mrs Beavis in March 2019.

The second of the two complaints related to an allegation by Councillor Mrs Beavis in February 2019 in respect of Councillor G Butland. At the time, Councillor Mrs Beavis was not a Councillor. In December 2019, a second complaint was submitted by Councillor Mrs Beavis, who had at that point been re-elected as a Councillor in May 2019. Councillor Mrs Beavis' first complaint concerned the conduct of Councillor Butland during the course of the investigation into Councillor Beavis' own conduct, and the second concerned his alleged behaviour towards her during a meeting of Full Council on 16<sup>th</sup> December 2019.

In September 2019, Mr Jonathan Goolden of Wilkin Chapman LLP was commissioned by the Council's then Monitoring Officer as the Investigating Officer. Having commenced the investigation into the first complaint, Mr Goolden was further instructed to consider the second complaint in the course of his investigation. The investigation was completed and the final report submitted to the Council in August 2020; in the report, it was determined that Councillor Butland had not breached the Council's Code of Conduct with regard to any aspects of the two complaints made.

Members of the Committee were reminded that the report on the two independent complaints was for noting only. Members were then invited to raise any questions that they had in relation to its contents.

During the discussion, an additional recommendation was proposed by Councillor Euesden which he felt would help to ensure that details of the Council's actions during the complaint proceedings, corresponding investigations into the allegations made, and the subsequent conclusions drawn, were as fair and transparent as possible. Members therefore gave consideration to the Motion as proposed by Councillor Euesden, which was as follows:-

*"The Corporate Governance Group recommends that the Monitoring Officer publishes the Decision Notice and reports the details of the costs involved with the investigations on the Council's website as soon as practicable."*

There followed a general debate on the recommendation as proposed by Councillor Euesden. Further to discussions, officers in the Governance and Members Team suggested that the wording within the recommendation be amended slightly in order to ensure that there was absolute clarity as to the purpose of the proposal being made. The amended recommendation was therefore as follows:-

*"The Corporate Governance Group directs the Monitoring Officer to place a notice in the public domain that identifies the existence of the report, the outcomes and the costs associated with the investigations."*

Members then proceeded to vote on the proposed recommendation. Due to an equal division of votes "For" and "Against" the recommendation, the Chairman exercised his right to use a Casting Vote. The recommendation was subsequently declared **CARRIED**.

**DECISION:** That the Corporate Governance Group:-

Noted the two independent investigations as follows:

1. A complaint against Councillor Joanne Beavis, the findings of the investigation were that there had been a breach of the Council's Code of Conduct.
2. A complaint against Councillor Graham Butland, the findings of the investigation were that there had not been a breach of the Council's Code of Conduct
3. The cost to the Council of the investigations were £2,499 and £15,700 respectively.

And;

Directed the Monitoring Officer to place a notice in the public domain that identified the existence of the report, the outcomes and the costs associated with the investigations.

**REASON FOR DECISION:** As elected representatives, members of the public have high expectations of Councillors. Councillors have both individual and collective responsibility to maintain standards, support expected behaviour and challenge behaviour which falls below expectations.

The meeting commenced at 7.15pm and closed at 7.40pm.

Councillor R van Dulken  
(Chairman)