At a meeting of the MEMBERS' CODE OF CONDUCT COMPLAINTS SUB-COMMITTEE held at PUBLIC GALLERY EAST - CIVIC OFFICES on THURSDAY, 10 DECEMBER 2015 at 10.30 am

Present: Councillors Cheryl Bacon, Nigel Betts and Stefano Borella

Also Present: Councillor Maxine Fothergill, Councillor Mrs June Slaughter, Ms Rebecca Sandhu, Independent Person, Mr Kenneth Atmore, Investigating Officer

APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor Cheryl Bacon be appointed as Chairman of the Sub-Committee for the meeting.

1. APOLOGIES FOR ABSENCE
   (Agenda Item No. 1)

   There were no apologies for absence.

2. DECLARATIONS OF INTERESTS AND DISPENSATIONS
   (Agenda Item No. 2)

   There were no declarations of interest.

3. STANDING ORDER 65(6)
   (Agenda Item No. 3)

   There were no items of late business.

4. EXCLUSION OF THE PRESS AND PUBLIC
   (Agenda Item No. 4)

   RESOLVED – That the press and public be excluded from the meeting during consideration of the exempt Agenda item 6 because consideration of the matters in public would disclose information falling within one of the categories of exempt information contained in Schedule 12A to the Local Government Act 1972, as specified in Minute 6 and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. MEMBERS' CODE OF CONDUCT COMPLAINTS SUB-COMMITTEE RULES OF PROCEDURE
   (Agenda Item No. 5)

   The Rules of Procedure for the hearing, as set out in the Supplementary Report before the Sub-Committee, were noted.

6. ALLEGATION OF MISCONDUCT - EXEMPT REPORT
   (Agenda Item No. 6)

   The Committee had resolved, as recorded in minute 4 above, that the press and public be excluded from the meeting during consideration of the exempt report at Agenda item 6 as it contained exempt information pursuant to paragraph 1 of Schedule 12A of the Local Government Act 1972 – information relating to an individual, which in all circumstances of the case, the public interest maintaining exemption outweighs the public interest in disclosing the information.
The Sub-Committee considered an allegation against Councillor Maxine Fothergill.

The Sub-Committee reconvened the meeting in public at 5.04pm.

The Sub-Committee, having considered the evidence in conjunction with the Members’ Code of Conduct:

RESOLVED: That

Councillor Fothergill breached the following paragraphs of the Council’s Members’ Code of Conduct:

1. Paragraph 3(1) of the Members’ Code of Conduct in that Councillor Fothergill’s actions could be perceived by an ordinary member of the public, as conferring an advantage or disadvantage on any person or act to gain financial or other material benefits for herself, her family, friends or close associates.

2. Paragraph 3 (8) of the Members’ Code of Conduct in that, whilst serving in her public post, an ordinary member of the public could reasonably perceive that she had conducted herself in a manner, which could reasonably be regarded as bringing her office or the London Borough of Bexley into disrepute.

Sanctions

The Sub-Committee considered the range of sanctions as set out in the Council’s Members’ Code of Conduct. The Sub-Committee also considered the factors to be taken into account, as set out in the Members’ Code of Conduct Complaints Sub-Committee Rules of Procedure, prior to determining the sanction(s).

RESOLVED: That

1. Councillor Fothergill should undertake training to be arranged by the Monitoring Officer into potential conflicts of interest between her role as a business person and her role as a Councillor; and

2. a recommendation be made to the Chief Whip or the Leader of the Council that Councillor Fothergill be removed from the Appeals Committee for the duration of the Council administration.

The committee rose at 5.10pm