

**MINUTES of MEETING of COMMUNITY COUNCIL CONDUCT REVIEW PANEL held BY SKYPE
on MONDAY, 29 MARCH 2021**

Present: Councillor Richard Trail (Chair)

Councillor Jean Moffat
Watson Robinson

Councillor Sandy Taylor
Rachel Whyte

Attending: Shona Barton, Committee Manager (Independent Advisor)
Lynsey Innis, Senior Committee Assistant (Minute Taker)

1. APPOINTMENT OF CHAIR

The Committee Manager welcomed everyone to the meeting and invited the Panel to nominate a Chair for the proceedings. It was unanimously agreed to appoint Councillor Richard Trail as Chair of this Complaints Conduct Review Panel.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence intimated.

3. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

The Committee Manager advised of information that had been omitted from the agenda pack. She advised that the information in question, an email from the subject of the complaint, had been received prior to the agenda being issued and as such should have been included for Members' consideration. Having noted that the Panel agreed that this information should be considered, the Committee Manager circulated the information by email and displayed on the screen for ease of reference. A short adjournment was taken to allow the Panel time to read the information.

4. SEIL AND EASDALE COMMUNITY COUNCIL - COMPLAINT REFERRAL

Having assumed the role of Chair, Councillor Trail outlined the procedure and advised that his first task would be to establish whether members of the Review Panel had sufficient information before them to discuss and determine the subject of the complaint. The Panel agreed that they had sufficient information to determine the complaint referral before them.

It was noted that Seil and Easdale Community Council had referred the complaint to the Review Panel after they had made a determination that the subject of the complaint had breached the Code of Conduct for Community Councillors. The Community Council had made a finding that there were 5 aspects of the Code which had been breached and had agreed that a referral be made to the Panel to determine the most appropriate sanction. The Panel agreed in the first instance to make a determination on whether the decision of the Community Council was appropriate and thereafter to determine what level of sanction be applied. The Chair invited the Panel to consider the terms of the complaint referral and after discussion the Panel agreed to consider the 5 aspects of the referral in turn and reached the following decisions and reasons.

Decision

1. Code of Conduct

Having given consideration to the information before them, the Panel agreed that in writing letters on a personal planning matter, and making mention to his position as a Community Councillor, the member did in fact breach the Code of Conduct, by failing to separate his role as a Community Councillor with that of a private individual. However, it was noted that the member had only been a Community Councillor for a short period of time and may be lacking in essential governance training.

Decision – Upheld

2. Selflessness

The Panel, having already agreed that the member had failed to separate his role as a Community Councillor with that of a private individual, agreed that the member had been irresponsible and negligent of his duties as a Community Councillor and as such agreed to uphold this section of the complaint.

Decision - Upheld

3. Objectivity

The Panel agreed that there was no evidence to support this breach. They felt that the member, who was pursuing a private planning matter, did not intend to represent the views of the Community Council, and as such the Panel did not support the Community Council in this view.

Decision – Not upheld

4. Honesty

The Panel noted that in pursuing his planning application, the member may have encouraged opinions to be changed, but that he was open and transparent in doing so. They felt that they could not support the Community Council in their view that the member had acted dishonestly.

Decision – Not upheld

5. Leadership

Having noted the information provided, the Panel agreed that the member was not in breach of the Code in relation to leadership, as he was addressing a personal interest. As a relatively inexperienced Community Councillor, they did not believe that the member would have had the experience required to lead more experienced members of the Community Council in a matter of this nature.

Decision – Not upheld

The Panel, having determined that they upheld 2 of the breaches of the Code of Conduct, agreed to impose sanction 13.5.2, to issue a formal written warning to the member in question, as set out in the Scheme of Establishment for Community Councils. The written warning is to include a 6 month monitoring period. The Panel noted that the subject of the complaint was a new member of the Community Council and recognised the need for appropriate training to be undertaken. They were also of the view that the Community Council as a whole would benefit from refresher training, particularly in relation to the management of meetings, with a focus on the recording of information. They made the following recommendation:-

That the Community Council engage with the Community Council Liaison Officer to discuss appropriate refresher governance training with particular emphasis on the management of meetings and the recording of information.

(Reference: Report by Committee Manager, dated 29 March 2021, and tabled information, dated 28 January 2021, submitted)