

Decision Notice

This Decision records the outcome of the Hearing taken by Tendring District Council's Standards Committee on 2nd February 2015 in accordance with the District Council's arrangements for dealing with complaints against Councillors.

The Complaints Procedure was approved by full Council on 26th November 2013 and the Hearing Procedures were adopted by the Standards Committee in March 2014.

COMPLAINT:

An allegation that a Member of District Council has failed to comply with the Members' Code of Conduct.

Date of Hearing:	Monday 2 nd February 2015
Subject Member:	District Councillor Joy Broderick (apologies given and did not attend)
Complainant:	Mrs Elizabeth Lubin
Investigating Officer:	Tim Earl (Head of Legal Services, Suffolk County Council)
Membership of Standards Committee:	District Councillors N Stock (Chairman), R Heaney, J White, J Hawkins, I Johnson and F Nicholls;
Independent Person:	Mr J Wolton
Monitoring Officer:	Mrs Lisa Hastings
Summary of Complaint:	<p>The complaint alleged that the behaviour of Councillor Joy Broderick, in dealing with a noise complaint regarding a cockerel owned by Mrs Lubin, had breached the Tendring District Council Members' Code of Conduct. The alleged breaches related to three aspects of behaviour:</p> <ul style="list-style-type: none">i. Bullying and harassment;ii. The disclosure of confidential information;iii. Conduct that could reasonably be regarded as bringing the office of Councillor or the Authority into disrepute.

	The behaviour was alleged to have occurred over the period spanning the 6 th to the 9 th August 2014, on, or around, the property of the complainant.
Any declarations of interest:	None
Hearing in public/availability of relevant documents for public inspection:	The Hearing was held in public and agenda papers were made available.
Written Representations received	Councillor Joy Broderick was not present at the hearing, due to attending a funeral. Although, a request was received, prior to the meeting, from Councillor Broderick for a written representation to be read out, together with a letter of apology sent to the Complainant. This was read out by the Chairman together with the response received from the Complainant.
Council's Standards Committee decision on whether or not there has been a failure to comply with the Code of Conduct and reasons for their decision:	<p>The Committee considered:</p> <ul style="list-style-type: none"> • The content of the Investigation Report and presentation of the Investigator; • the views of the Independent Person contained within the committee report; • the written representation from Councillor Broderick dated 15.1.15; • the letter of apology dated 26.1.15; and • the response from the Complainant all of which were presented to them at the hearing. <p>The Committee unanimously agreed that Councillor Broderick's behaviour was conduct that could reasonably be regarded as bringing her office as a Councillor or the Council into disrepute and therefore, in breach of paragraph 3.4(a) of the Code of Conduct.</p> <p><u>Reasons:</u></p> <p>The Committee's reasons for the decision were expressed as their agreement with the findings of the Investigator and recommendation from the Monitoring Officer, which were referred to on pages 2 and 3 of the committee report, in that:</p> <ul style="list-style-type: none"> • Councillor Broderick should not have disclosed the reason for her visit to the neighbour. The disclosure of confidential

	<p>information related more to the fact of complaints being made about the Complainant rather than the existence of the cockerel. Although, this was a breach of the Code, such disclosure should not attract any significant sanction.</p> <ul style="list-style-type: none"> • There was no persistent or intentional course of harassment or bullying by Councillor Broderick, but it was felt that the behaviour was more akin to conduct that could reasonably be regarded as bringing the office of Councillor or the Authority into disrepute. • That Councillor Broderick behaved in what any reasonable person might regard as a confrontational manner, even if this was in response to comments attributed to her by the Complainant, Councillors have a Code of Conduct to abide by whereas, in this regard, members of the public do not. <p>The Committee wished to express that they did acknowledge the apology and noted from the Complainant's response, it was a shame that this had not been issued some while ago under informal resolution, as this would have prevented the cost of an investigation and hearing of the Standards Committee.</p>
<p>Any mitigating circumstances taken into account:</p>	<p>Councillor Joy Broderick was not at the meeting however, the Committee did take into account of the letter of apology had been issued and accepted by the complainant.</p>
<p>Sanctions imposed:</p>	<p>The Committee considered the range of sanctions available under Section 8 of the District Council's Complaints Procedure and that any sanctions must be relevant and proportionate and necessary to promote and maintain high standards of conduct:</p> <p><i>(1) That the Committee's findings in respect of District Councillor Joy Broderick conduct be published on Tendring District Council's website; and</i></p>

(2) *That the Committee's findings and outcome of the hearing be reported to the March meeting of full Council for its information.*

Signed: [SIGNATURE REDACTED]

Councillor Neil Stock

Chairman of the Standards Committee

Date: 4 February 2015

Background Paper – Published Report to Standards Committee 02.02.15