

MEMBER CONDUCT PANEL

The following decisions were taken by the Member Conduct Panel following a meeting on Friday, 30 November 2018.

- **INVESTIGATOR'S REPORT IN RESPECT OF AN ALLEGATION THAT A MEMBER FAILED TO COMPLY WITH THE CODE OF CONDUCT (Item 4)**

NOTICE OF A DECISION OF THE MEMBER CONDUCT PANEL

Date of Panel meeting: 30 November 2018

Allegation concerning: Mr Peter Martin

Chairman of Panel: Mr Ken Gulati

Members of Panel: Mrs Hazel Watson

Mr Tim Hall

Investigating Officer: Mr Richard Lingard

Independent Person: Mr Bernard Quoroll

Date of Final decision: 14 December 2018

Constitutional Basis

- 1) The Member Conduct Panel has been established as part of Surrey County Council's arrangements for dealing with complaints made about the conduct of Surrey County Councillors and Co-opted Members.
- 2) Mr Martin is a Member of Surrey County Council.
- 3) Mr Bernard Quorroll has been appointed by Surrey County Council as an Independent Person as defined by S28(7) of the Localism Act 2011.

Consideration of Complaint

1. The Member Conduct Panel met on 30 November 2018 to consider the report of an investigation into a complaint where the complainant had alleged that questions asked of them by Mr Martin during a meeting with him were 'unlawful' and 'unjustified' and that the line of questioning constituted harassment and discrimination.
2. Prior to taking the decisions set out below the Panel sought and took into account the views of the Independent Person.
3. The complaint was initially considered by the Monitoring Officer and the Independent Person and the matter was referred for an investigation into whether there had been a breach of paragraphs 3 and 9 of the

Council's Code of Conduct for Members (the Code).

4. Paragraph 3 of the Code provides: *'When carrying out your public duties you must make all choices (such as making public appointments, awarding contracts or recommending individuals for rewards or benefits) on merit, and must be impartial and be seen to be impartial.'* The Investigating Officer found that there had been no breach of this paragraph because, in his conversation with the complainant, Mr Martin was not taking part in a decision making process.
5. The Investigating Officer found that Mr Martin's conduct during the meeting with the complainant did amount to a breach of Paragraph 9 of the Code, which provides: *You must promote and support high standards of conduct (characterised by the above requirements) by leadership and example when serving in your public post.*
6. The Member Conduct Panel met to consider whether Mr Martin did fail to comply with the Code, and what action to take.
7. After hearing from the Investigating Officer and from Mr Martin, and consulting the Independent Person, the Panel asked the Investigating Officer to provide further information as to the feedback provided by Mr Martin following his meeting with the complainant. On receipt of this information, the Panel concluded that Mr Martin was not taking part in a decision making process in his conversation with them, and had therefore not failed to comply with Paragraph 3 of the Code.
8. The Panel considered all the circumstances of the case, and concluded that Mr Martin had failed to comply with Paragraph 9 of the Code.

Reasons and Action

9. The Panel noted that Mr Martin had fully co-operated with the investigation, and had voluntarily admitted his conduct. He subsequently resigned his position as Chairman of the Council and apologised to the complainant. After a full discussion, the Panel felt that no further action was necessary.
10. The Panel decided that its findings should be reported to the next meeting of the County Council.

Ken Gulati
Chairman of Member Conduct Panel

Right of Appeal

The Council's Arrangements do not include a right of appeal against a finding that a Member has breached the Code of Conduct.