

Confirmed



Minutes of a Special Meeting of the **Audit and Governance Committee** held in the **Deben Conference Room** at **East Suffolk House, Riduna Park, Melton** on **Thursday 7 March 2019** at **6.30pm**

Members of the Committee present:

G Lynch (Chairman), A Cooper (Vice-Chairman), J Bidwell, P Coleman, M Gower, C Hedgley, J Kelso, S Mower.

Officers present:

C Bing (Legal Services & Licensing Manager and Deputy Monitoring Officer), M Makin (Democratic Services Business Manager), H Slater (Head of Legal & Democratic Services and Monitoring Officer).

Others present:

J Goolden (Wilkin Chapman LLP).

The Chairman advised the Audit and Governance Committee that, when Full Council had adopted the procedure for consideration of complaints, in May 2012, it had agreed that the Audit and Governance Committee would do so by considering related written material only. The Chairman referred the Committee to paragraph 6.5 of the Procedure Note at Appendix A of each agenda report in this regard. The Chairman stated that, therefore, he would allow only members of the Audit and Governance Committee, or their Substitutes, to speak and added that, in accord with the Procedure Note, Members in attendance, the complainants and the individuals subject to the respective complaints would not be permitted to speak.

1. Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Dunnett, Mulcahy, and Whiting.

Councillor Gower acted as Substitute for Councillor Mulcahy.

2. Declarations of Interest

Councillor Hedgley declared a Local Non-Pecuniary Interest in items 4 & 5 of the agenda, as the Ward Member for Woodbridge and having attended three meetings of Woodbridge Town Council in 2015.

Councillor Kelso declared a Local Non-Pecuniary Interest in items 4 & 5 of the agenda as a member of the Liberal Democrat Party.

3. Exempt/Confidential Items

It was proposed, seconded and

RESOLVED

That the Meeting would be held in public and the investigatory reports and all related appendices (reports AG 01/19 and AG 02/19 refer) would both be released into the public domain.

A member of the Committee enquired as to why the reports had been published as confidential. In response, the Monitoring Officer advised that this was done so as the investigatory reports had been confidential during the investigation itself, and that it had been considered prudent to keep the reports confidential prior to the Committee having the opportunity to review their findings.

The Chairman reminded the Committee that the purpose of its meeting was to review the findings of fact in relation to the investigations of complaints regarding breaches of the Suffolk Code of Conduct, and to recommend sanctions to Woodbridge Town Council.

4. Report on the Outcome of an Investigation of a Complaint (A)

The Audit and Governance Committee received report **AG 01/19** of the Monitoring Officer. This comprised the full investigatory report including details of the background facts, the procedure for dealing with complaints, the process of investigation, and the facts. The report set out the independent investigator's analysis of the evidence gathered and the background facts, explained how the investigator had applied the principles contained within the Suffolk Code of Conduct to the complaint and detailed the investigator's conclusions and recommendations.

The Monitoring Officer presented the report and explained the statutory duties placed on local authorities by the Localism Act 2011 (The Act) and in particular the duty to have a code of conduct for Elected Members in place. In Suffolk, all District Councils, Suffolk County Council, and all Parish and Town Councils had adopted a single code of conduct. Woodbridge Town Council re-adopted the Suffolk Code of Conduct (the Code) at its AGM in May 2018.

Section 28 of The Act required that all principal authorities have arrangements to deal with allegations of failure to comply with the code of conduct; the Monitoring Officer referred the Committee to page 9 of the report which outlined the Council's arrangements in this regard. She stated that as part of these arrangements, the Council was required to appoint at least one independent person, whose views the Monitoring Officer needed to take when dealing with such complaints.

The Council had appointed two independent persons, Dr A Peck and Mr M Urey; the Monitoring Officer advised that she had consulted with Mr Urey regarding this complaint. She informed the Committee that it had a responsibility, set out in its Terms of Reference, to receive reports summarising results of allegations and investigations into possible breaches of the Code.

The Committee was advised that between 2 and 10 July 2018, four Woodbridge Town Councillors (Councillors Mortimer, Blois, Perkins, and Rawlings) individually made a written complaint to the Monitoring Officer that Councillor Gillard had failed to comply with the Code. In summary the alleged breaches comprised:

- i. Breach of confidentiality by going to the press with information relating to the deletion of information from the Town Council's computer and matters relating to a contract for the supply of signs to the Town Council;
- ii. Bullying of the former and current Town Clerk
- iii. Not treating the Town Council's employees with respect
- iv. Attempting to persuade a fellow Councillor to tell lies about other Councillors
- v. Misuse of position;
- vi. Bringing the Council in to disrepute; and
- vii. Not having regard to advice provided by officers.

The complaints were acknowledged in writing and Councillor Gillard was invited to comment on them; the complaints were then referred to Mr Urey. It was decided that, because of both the number and nature of the complaints, that they would be referred for investigation. Wilkin Chapman LLP was appointed by the Council to undertake an independent investigation into the complaints. The Investigator was Mr Goolden, solicitor and partner at Wilkin Chapman LLP and Mr Tasker, a consultant for the firm. The Monitoring Officer informed the Committee that Mr Goolden was very experienced in carrying out investigations of this sort.

Councillor Gillard was interviewed by Mr Tasker as part of the investigatory process, and also exercised his right to meet and speak with Mr Urey. The outcome of the independent investigation considered that Councillor Gillard had breached the Code by going to the press with information on matters relating to a contract for the supply of signs to the Council. The investigation did not uphold any of the other purported breaches of the Code.

Councillor Gillard was given the opportunity to comment on the investigatory report at its draft stage and again when it was finalised on 15 February 2019. Following the finalisation of the report, the Monitoring Officer met with Mr Urey to discuss its contents. Mr Urey considered that there was a breach of the Code by Councillor Gillard in relation to paragraph 3(1) of the code (*which required Elected Members not to disclose information given to them in confidence*), and recommended that the investigation report be considered by the Committee.

The Monitoring Officer advised the Committee that its consideration should take place on the written material only and was not in the form of a hearing. Therefore, neither the complainants nor Councillor Gillard had a right to address the Committee.

Councillor Gillard had been given the opportunity to submit comments to the Committee in writing and he had done so on 6 March 2019; these comments were tabled and distributed to all Members by the Democratic Services Business Manager. The Chairman gave Members time to read Councillor Gillard's comments before progressing the meeting.

The Monitoring Officer referred to Section 2 of the report. She said that if the Committee accepted the findings of the investigation and that Councillor Gillard had breached the Code, it was required to decide on a recommendation to Woodbridge Town Council on what action might be taken, including any sanctions. Paragraph 2.2 of the report listed permissible sanctions that could be considered. In response to a query from a member of the Committee, the Monitoring Officer confirmed that a combination of sanctions could be recommended if that was the Committee's decision.

A member of the Committee said it was his understanding that another Monitoring Officer from Suffolk usually carried out independent investigations, and queried the engagement of a private law firm in this case. The Monitoring Officer agreed that requesting another Suffolk Monitoring Officer to complete the investigation was possible, but noted that as such investigations are often complex this was not always possible due to capacity issues. It had been considered that in this particular instance, because of the number and the nature of complaints, that it was prudent to engage an external firm of solicitors who had expertise in conducting such investigations.

The Monitoring Officer invited Mr Goolden to present the investigatory report. Mr Goolden outlined his background to the Committee; he was a solicitor in private practice but had previously been both a Monitoring Officer and a Chair of an Independent Standards Committee (under the pre 2011 Standards Arrangements), was currently an Independent Person and had undertaken this role for two different authorities, and had investigated Standards allegations since 2005.

Mr Goolden explained that he undertook such investigations with his team across England and Wales and was also an advisor to the Committee on Standards in Public Life. Since January 2019 he had been the national Legal Advisor to the Society of Local Council Clerks. He had been assisted in this investigation by Mr Tasker, a consultant for Wilkin Chapman LLP who was also a former Monitoring Officer, and had also been a Town Clerk.

Mr Goolden said that he would not be reading the report verbatim. He referred to several redactions in the report, noting that this had been done to remove irrelevant material. He acknowledged that both the Woodbridge Town Council complaints had been investigated separately but witnesses had talked about both during interviews. Other information redacted related to the former Town Clerk; Mr Goolden noted that she was not present and did not participate in the investigation, and that the data loss was not a matter for the Committee to consider when reviewing the investigatory report.

The investigation process – what complaints were made, what the findings of fact were, and whether there had been any breaches of the Code by Councillor Gillard – was outlined by Mr Goolden. Wilkin Chapman LLP was instructed to undertake the investigation on 3 October 2018. Witness interviews and recorded interviews with subjects took place between 31 October 2018 and 1 November 2018. The report was then compiled and comments on a draft report were invited between 1 February and 8 February 2019, with the final report being submitted to the Council on 15 February 2019.

Mr Goolden reiterated that his investigation had found one count of Councillor Gillard breaching the code, regarding the sharing of confidential information with the press regarding matters relating to a contract for the supply of signs to Woodbridge Town Council.

Mr Goolden acknowledged that one statement in the report was unsigned as of 15 February 2019. This had been included as the individual concerned had confirmed by email that they had not been physically able to provide a signed copy by that date but were happy with the content. Therefore, the Committee was directed to apply equal weight to all statements in the report.

A summary of the alleged breaches, as detailed by the Monitoring Officer in her presentation of the report, was given by Mr Goolden. He said that he would be focussing primarily on bullying and respect, and breach of confidentiality.

The summary of material facts, on page 24 of the investigatory report, was referred to. Mr Goolden recapped the discovery of the data loss by the new Town Clerk and noted that the loss itself was not relevant to the investigation. Councillor Gillard had assisted in attempts to recover the data and later went to the press regarding the data loss. The new Town Clerk also discovered concerns regarding a contract to supply signs to Woodbridge Town Council; this matter was treated as confidential when considered by Woodbridge Town Council at a meeting in June 2018 however Councillor Gillard disclosed this information to the press.

Mr Goolden made reference to issues, generally, in email communications between Councillor Gillard and both the Town Clerk and other officers. These emails were included in the schedule of evidence.

The Committee was advised that it was important to establish if the Code applied. Mr Goolden stated that the Code applied when an individual was acting as a councillor and undertaking functions associated with the role. He noted that in relation to the aspect of the investigation relating to Councillor Gillard's contact with Councillor Rawlings, he deemed this a party matter and not Councillor Gillard acting as an Elected Member.

Mr Goolden said that the Code required Councillors to treat others with respect, and that this needed to be balanced with freedom of speech on political matters. He referred to several cases referred to in his report where councillors had been found not to be bullying but rather holding officers to account in a robust fashion through scrutiny. He gave an example of case not included in the report, *Heesom v Public Services Ombudsman for Wales*, where a councillor had appealed being removed from Flintshire County Council after a tribunal found he had committed fourteen breaches of that Council's Code of Conduct by failing to show respect and consideration for Council officers, using bullying behaviour, attempting to compromise the impartiality of officers and conducting himself in a manner likely to bring his office or the Council in disrepute. During the appeal, the Judge had ascertained that a balance needed to be struck between freedom of speech and a right not to be bullied, noting that Article 10 of the European Convention of Human Rights protected political speech and considered what could be tolerated.

Mr Goolden said that it was important that someone's policies can be criticised but not their attributes, i.e. someone can criticise another person's views and opinions but not abuse their personal characteristic. The Judge in this case had noted that criticism should not be to a point where an individual is disabled from performing their duties or public confidence is undermined.

With this in mind, Mr Goolden said that he looked at the substance of Councillor Gillard's comments towards the Town Clerk and other members of Woodbridge Town Council. He was of the opinion that Councillor Gillard had been robust in his challenge and questioned if he had been personally abusive or demeaning. He concluded that the evidence did not suggest he had crossed to the latter in his comments.

Mr Goolden moved on to the allegation of breach of confidentiality. He said that this could be dealt with in two parts, the disclosure of the data loss and the disclosure of information relating to the signage contract. With regard to the data loss, it was acknowledged that Woodbridge Town Council had treated the information as confidential in April 2018 but considered that by June 2018 that, although embarrassing, was no longer confidential at that point and it was not a breach of the Code when Councillor Gillard disclosed the information to the press.

With regard to the information relating to the signage contract, Mr Goolden stated that this was a different matter. The issue was being actively negotiated with the contractor in June 2018 and it was Mr Goolden's opinion that it was right for Woodbridge Town Council to discuss the matter in confidence, as a potential contract dispute. As the information was deemed confidential, the next test was whether it was right to 'whistle blow'. The Code stated that councillors must not disclose information given in confidence unless where reasonable, in the public interest, or made in good faith. The outcome of the investigation was that Councillor Gillard disclosing the information did not meet any of the criteria, and that he had done so immediately after the meeting despite the information still being under consideration. It was therefore concluded that Councillor Gillard had breached the Code in this instance.

Mr Goolden referred to the other alleged breaches outlined in the complaints against Councillor Gillard. He said that these were addressed in the report and summarised that no evidence had been found to support the other allegations. In reference to the allegation that Councillor Gillard had brought Woodbridge Town Council into disrepute, the test that he had reduced confidence in the authority was not met but said that the Committee was entitled to conclude that the breach of confidentiality therefore brought the Town Council into disrepute.

The Chairman invited questions to Mr Goolden.

A member of the Committee sought clarification on the confidentiality of the information shared by Councillor Gillard, relating to the signage contract, given that an image of an incorrect sign had been included in an earlier press article. Mr Goolden stated that the confidential issue was the dispute regarding the contract to provide the signs, rather than the signs themselves. He considered that, at the point Councillor Gillard had disclosed the information to the press, Woodbridge Town Council's negotiating position would have been confidential and the sharing of the information had thus prejudiced that position.

Mr Goolden also referred to the Town Clerk's statement on page 138 of the schedule of evidence, in particular paragraphs 13 and 14 where she had stated that Woodbridge Town Council was in contact with the company producing the signs to rectify the issue, and that the information had been determined as confidential as Woodbridge Town Council did not wish to prejudice both the negotiations and the company's reputation. Mr Goolden reiterated that despite this designation of confidentiality, Councillor Gillard disclosed the information to the press immediately after the meeting.

Another member of the Committee raised the issue of commercial confidentiality. He considered that a procurement process would have been followed and that the information would have been in the public domain, and asked what Councillor Gillard had disclosed that was not so. Mr Goolden said that he was not privy to what members of Woodbridge Town Council had in mind at that point and noted that another formal meeting was planned to discuss the issue. He said that the latter point was critical for him as it may have been the case that the information remaining confidential would have resulted in the issue being resolved privately, with Woodbridge Town Council in a strong position. He considered that Councillor Gillard had pre-empted Woodbridge Town Council's position by releasing the information.

The matter of bullying was raised by a member of the Committee. She said that having reviewed the report and the evidence, noting the evidence of email exchanges between Councillor Gillard

and the Town Clerk, she was of the view that Councillor Gillard had been disrespectful in his communications and had harassed the Town Clerk, querying the outcome of the report on the matter. Mr Goolden referred to the evidence in question, on page 157 of the schedule and evidence, and said that in his opinion the tone of the Town Clerk's response to Councillor Gillard did not match the tone of his original email. He said that there had not been sufficient evidence to demonstrate that Councillor Gillard's communications had crossed into bullying and harassment. He also noted the comments of the former Secretary to the Town Clerk, on page 23 of his report, which stated that although the atmosphere at Woodbridge Town Council for the last 1-2 years had been toxic, she could not ascribe this to any two councillors.

Another member of the Committee acknowledged the findings relating to bullying but remained uncomfortable with the situation. He suggested that Councillor Gillard's behaviour, although not bullying, was a constant 'getting at' of the Town Clerk which could have had a corrosive effect. In response, Mr Goolden referred to pages 34 to 36, which summarised his findings on allegations of bullying; he advised the Committee that his role was to provide it with a framework with which to take its decision.

There being no further questions to Mr Goolden, the Chairman moved the Committee into debate.

It was suggested and agreed that, for clarity, this be approached in several parts: (i) whether the Committee was satisfied that the process and level of investigation was fair and thorough; (ii) if the Code of Conduct was applicable; (iii) whether the Committee agreed the findings of fact and the conclusions regarding any breaches of the Code and, if so; (iv) to agree what actions should be taken in response to determine the matter

It was proposed, seconded and unanimously

RESOLVED

That the Committee was satisfied that the process and level of investigation had been both thorough and fair.

It was proposed, seconded and unanimously

RESOLVED

That the Committee was satisfied that the Code of Conduct was applicable.

During debate on whether the Committee considered the findings of fact and the conclusions reached regarding a breach of paragraph 2(2) the Code, a member of the Committee stated that the investigatory report did not show excessive contact from Councillor Gillard towards the Town Clerk and did not consider his conduct to have been bullying.

Another member of the Committee considered that both the Town Clerk and her predecessor had been isolated and would have expected this to have been addressed by their line manager.

It was stated by a member of the Committee that he agreed that Councillor Gillard's conduct was not bullying as defined but was unhappy with his behaviour. Another member of the Committee

was concerned that only the written evidence could be taken into consideration regarding allegations of bullying.

It was noted during the debate that Woodbridge Town Council had recently adopted a new anti-bullying policy. Members of the Committee also discussed the definition between bullying and harassment.

It was proposed, seconded and by a majority vote

RESOLVED

That the Committee agreed with the findings of fact and the conclusions reached that there had not been a breach of paragraph 2(2) of the Code (*which required Elected Members not to bully anyone*).

During debate on whether the Committee considered the findings of fact and the conclusions reached regarding a breach of paragraph 3(1) the Code, a member of the Committee stated that he did not consider the sharing of information regarding the data loss to be a disclosure of confidential information. The Committee was agreed on this point.

Debate then moved to discuss the sharing of information relating to the signage contract. Several members of the Committee were in agreement that this action constituted a breach of the Code by Councillor Gillard, noting that the information had been considered by Woodbridge Town Council in camera. It was noted that a further meeting of the Town Council was scheduled to discuss the matter and that Councillor Gillard should have respected the confidentiality agreed.

A member of the Committee considered that it was easy for councils and officials to hide behind commercial confidentiality. He was of the view that the information disclosed was not confidential and would have already been in the public domain. He quoted the Information Commissioner's Office guidance on balancing public openness with protecting trade secrets.

It was proposed, seconded and by a majority vote

RESOLVED

That the Committee agreed with the findings of fact and the conclusions reached regarding a breach of paragraph 3(1) of the Code (*which required Elected Members not to disclose information given to them in confidence*).

The Chairman invited the Committee to debate and decide what actions should be recommended to Woodbridge Town Council in response to the breach of the Code and in order to determine the matter, the Committee was referred to page 5 of the covering report where the permissible sanctions were described in paragraph 2.2. the Committee noted that one, or more, or all of the permissible sanctions could be applied and it discussed the most appropriate actions available.

During debate, three possible sanctions were identified. It was suggested, and agreed, that the Committee would vote on each sanction individually.

It was proposed, seconded and by a majority vote

RESOLVED

That it be recommended that Woodbridge Town Council issue a motion of censure against Councillor Gillard.

It was proposed, seconded and by a majority vote

RESOLVED

That it be recommended that Woodbridge Town Council request that Councillor Gillard write a letter of apology regarding the disclosure of information on matters relating to a contract for the supply of signs to Woodbridge Town Council.

It was proposed, seconded and unanimously

RESOLVED

That it be recommended that Woodbridge Town Council request that Councillor Gillard undertake training on the Suffolk Local Code of Conduct.

The Chairman gave a recap of the decisions taken by the Committee in regard to the investigation.

It was proposed, seconded and unanimously

RESOLVED

That the Committee had fully considered, questioned and debated the Investigatory Report and its analysis of the findings, together with the written representations on it by Councillor Gillard, the complainants and the witnesses, and had agreed the following:

- a) That it was satisfied that the process and level of investigation had been both thorough and fair.
- b) That it was satisfied that the Code of Conduct was applicable.
- c) That it agreed with the findings of fact and the conclusions reached that there had not been a breach of paragraph 2(2) of the Code (*which required Elected Members not to bully anyone*)
- d) That the Committee agreed with the findings of fact and the conclusions reached regarding a breach of paragraph 3(1) of the Code (*which required Elected Members not to disclose information given to them in confidence*)
- e) That it be recommended that Woodbridge Town Council issue a motion of censure against Councillor Gillard.
- f) That it be recommended that Woodbridge Town Council request that Councillor Gillard write a letter of apology regarding the disclosure of information on matters relating to a contract for the supply of signs to Woodbridge Town Council.

- g) That it be recommended that Woodbridge Town Council request that Councillor Gillard undertake training on the Suffolk Local Code of Conduct.

5. Report on the Outcome of an Investigation of a Complaint (B)

The Audit and Governance Committee received report **AG 02/19** of the Monitoring Officer. This comprised the full investigatory report including details of the background facts, the procedure for dealing with complaints, the process of investigation, and the facts. The report set out the independent investigator's analysis of the evidence gathered and the background facts, explained how the investigator had applied the principles contained within the Suffolk Code of Conduct to the complaint and detailed the investigator's conclusions and recommendations.

The Monitoring Officer presented the report and referred to hear earlier explanation of the statutory duties placed on local authorities by the Localism Act 2011 (The Act) and in particular the duty to have a code of conduct for Elected Members in place. In Suffolk, all District Councils, Suffolk County Council, and all Parish and Town Councils had adopted a single code of conduct. Woodbridge Town Council re-adopted the Suffolk Code of Conduct (the Code) at its AGM in May 2018.

The Committee was advised that between 2 and 10 July 2018, four Woodbridge Town Councillors (Councillors Mortimer, Blois, Perkins, and Rawlings) individually made a written complaint to the Monitoring Officer that Councillor O'Nolan had failed to comply with the Code. In summary the alleged breaches comprised:

- i. Breach of confidentiality by going to the press with information relating to the deletion of information from the Town Council's computer and matters relating to a contract for the supply of signs to the Town Council;
- ii. Bullying of the former and current Town Clerk
- iii. Not treating the Town Council's employees with respect
- iv. Misuse of position;
- v. Bringing the Council in to disrepute; and
- vi. Not having regard to advice provided by officers.

The complaints were acknowledged in writing and Councillor O'Nolan was invited to comment on them; the complaints were then referred to Mr Urey. It was decided that, because of both the number and nature of the complaints, that they would be referred for investigation. Wilkin Chapman LLP was appointed by the Council to undertake an independent investigation into the complaints. The Investigator was Mr Goolden, solicitor and partner at Wilkin Chapman LLP and Mr Tasker, a consultant for the firm.

Councillor O'Nolan was interviewed by Mr Tasker as part of the investigatory process, and also exercised his right to meet and speak with Mr Urey. The outcome of the independent investigation considered that Councillor O'Nolan had breached the Code by going to the press with information on matters relating to a contract for the supply of signs to the Council. The investigation did not uphold any of the other purported breaches of the Code.

Councillor O’Nolan was given the opportunity to comment on the investigatory report at its draft stage and again when it was finalised on 15 February 2019. Following the finalisation of the report, the Monitoring Officer met with Mr Urey to discuss its contents. Mr Urey considered that there was a breach of the Code by Councillor O’Nolan in relation to paragraph 3(1) of the code (*which required Elected Members not to disclose information given to them in confidence*), and recommended that the investigation report be considered by the Committee.

Councillor O’Nolan had been given the opportunity to submit comments to the Committee in writing and he had done so on 6 March 2019; these comments were tabled and distributed to all Members by the Democratic Services Business Manager. The Chairman gave Members time to read Councillor O’Nolan’s comments before progressing the meeting.

The Monitoring Officer referred to Section 2 of the report. She said that if the Committee accepted the findings of the investigation and that Councillor O’Nolan had breached the Code, it was required to decide on a recommendation to Woodbridge Town Council on what action might be taken, including any sanctions. Paragraph 2.2 of the report listed permissible sanctions that could be considered.

The Monitoring Officer invited Mr Goolden to present his investigatory report. He advised that the report and its outcomes were broadly similar to the report relating to Councillor Gillard. He referred to the matter of Councillor O’Nolan being quoted an article published in the San Francisco Chronicle on 23 October 2017; it was Mr Goolden’s view that the Code was not engaged at this point.

He advised members of the Committee that the emails sent by Councillor O’Nolan, as set out in the schedule of evidence, needed to be considered as they were unique to the report. All other evidence discussed regarding Councillor Gillard was applicable to Councillor O’Nolan.

Mr Goolden referred to the comments submitted to the Committee by Councillor O’Nolan, in particular the third paragraph. He considered that his comment “So I went to the press” indicated that he knew exactly what he was doing. As stated when considering the report into the complaints against Councillor Gillard, Mr Goolden said that Councillor O’Nolan was not justified in disclosing the information at that time.

The Chairman invited questions to Mr Goolden.

The Vice-Chairman asked what weight should be given to the first two paragraphs of Councillor O’Nolan’s submitted comments, relating to the former Town Clerk. The Deputy Monitoring Officer advised that the Committee treated the comments as a witness statement and Councillor O’Nolan’s right of reply.

A member of the Committee referred to Councillor O’Nolan’s statement that he was not writing as councillor and asked if this was possible. Mr Goolden said it was positive that Councillor O’Nolan had stated that the views were his own, and said it was irrelevant whether or not he was writing as a councillor.

Another member of the Committee expressed concern that the information heard in the meeting would be public, given the advice received regarding the confidentiality of the signage contract issue. Mr Goolden advised that the advice given on the matter related to the specific matter of it being disclosed at that time, when it was not justified to do so. The Chairman concurred and noted

that a decision had been made by the Committee to make the meeting public and thus move the reports into the public domain.

There being no further questions to Mr Goolden, the Chairman moved the Committee into debate.

It was suggested and agreed that, for clarity, this be approached in several parts: (i) whether the Committee was satisfied that the process and level of investigation was fair and thorough; (ii) if the Code of Conduct was applicable; (iii) whether the Committee agreed the findings of fact and the conclusions regarding any breaches of the Code and, if so; (iv) to agree what actions should be taken in response to determine the matter

It was proposed, seconded and unanimously

RESOLVED

That the Committee was satisfied that the process and level of investigation had been both thorough and fair.

It was proposed, seconded and unanimously

RESOLVED

That the Committee was satisfied that the Code of Conduct was applicable.

It was proposed, seconded and unanimously

RESOLVED

That the Committee agreed with the findings of fact and the conclusions reached that there had not been a breach of paragraph 2(2) of the Code (*which required Elected Members not to bully anyone*).

It was proposed, seconded and by a majority vote

RESOLVED

That the Committee agreed with the findings of fact and the conclusions reached regarding a breach of paragraph 3(1) of the Code (*which required Elected Members not to disclose information given to them in confidence*).

The Chairman invited the Committee to debate and decide what actions should be recommended to Woodbridge Town Council in response to the breach of the Code and in order to determine the matter, the Committee was referred to page 11 of the covering report where the permissible sanctions were described in paragraph 2.2. the Committee noted that one, or more, or all of the permissible sanctions could be applied and it discussed the most appropriate actions available.

During debate, three possible sanctions were identified. It was suggested, and agreed, that the Committee would vote on each sanction individually.

It was proposed, seconded and by a majority vote

RESOLVED

That it be recommended that Woodbridge Town Council issue a motion of censure against Councillor O’Nolan.

It was proposed, seconded and by a majority vote

RESOLVED

That it be recommended that Woodbridge Town Council request that Councillor O’Nolan write a letter of apology regarding the disclosure of information on matters relating to a contract for the supply of signs to Woodbridge Town Council.

It was proposed, seconded and unanimously

RESOLVED

That it be recommended that Woodbridge Town Council request that Councillor O’Nolan undertake training on the Suffolk Local Code of Conduct.

The Chairman gave a recap of the decisions taken by the Committee in regard to the investigation.

It was proposed, seconded and unanimously

RESOLVED

That the Committee had fully considered, questioned and debated the Investigatory Report and its analysis of the findings, together with the written representations on it by Councillor O’Nolan, the complainants and the witnesses, and had agreed the following:

- a) That it was satisfied that the process and level of investigation had been both thorough and fair.
- b) That it was satisfied that the Code of Conduct was applicable.
- c) That it agreed with the findings of fact and the conclusions reached that there had not been a breach of paragraph 2(2) of the Code (*which required Elected Members not to bully anyone*)
- d) That the Committee agreed with the findings of fact and the conclusions reached regarding a breach of paragraph 3(1) of the Code (*which required Elected Members not to disclose information given to them in confidence*)
- e) That it be recommended that Woodbridge Town Council issue a motion of censure against Councillor O’Nolan.

- f) That it be recommended that Woodbridge Town Council request that Councillor O’Nolan write a letter of apology regarding the disclosure of information on matters relating to a contract for the supply of signs to Woodbridge Town Council.
- g) That it be recommended that Woodbridge Town Council request that Councillor O’Nolan undertake training on the Suffolk Local Code of Conduct.

The Monitoring Officer referred to earlier comments during the meeting regarding Woodbridge Town Council’s adoption of an anti-bullying policy. The Committee confirmed that it wished for it to be noted that it welcomed the adoption of this policy.

With regard to the outcomes agreed at the meeting, the Monitoring Officer advised that the Minutes of the meeting would be sent to Woodbridge Town Council and it would be asked to consider the recommendations as soon as possible. The Monitoring Officer said that she would address this with the Town Council as soon as the Minutes were available.

The Committee discussed the need for urgent action to be take on its recommendations.

It was proposed, seconded and unanimously

RESOLVED

That the Committee had:

- a) fully considered, questioned and debated the Investigatory Reports and their analysis of the findings, together with the written representations on it by all parties.
- b) had made its recommendations; and
- c) recommended that Woodbridge Town Council consider its recommendations as a matter of urgency.

Before closing the meeting, the Chairman thanked Members for their time. The Committee also gave its thanks to Mr Golden and his team for their work.

The meeting concluded at 8.27pm.

.....
Chairman