

## **MEETING OF THE STANDARDS COMMITTEE**

Thursday, 7<sup>th</sup> April, 2005 at 5.30pm  
at the Council House, Dudley

### **PRESENT: -**

The Bishop of Dudley (Chairman)  
Councillors Fraser-MacNamara, Harley, Hart-Bowman, Male, Ms Partridge,  
Tyler.  
Mrs Jabeen (Independent Member).

### **OFFICERS: -**

Director of Law and Property, Mr Jablonski and Mr Jewkes (Directorate of  
Law and Property)

### **ALSO IN ATTENDANCE: -**

Councillor K Turner (Subject of Complaint), Mr R Gardner (Complainant),  
Mr P Tart (Investigating Officer) and Councillor Mrs Turner (Witness)

#### 1. **DECLARATIONS OF INTEREST**

No declarations of interest were made.

#### 2. **APOLOGIES FOR ABSENCE**

An apology was submitted on behalf of Councillor Burt.

#### 3. **SUBSTITUTE MEMBERS**

It was reported that Councillor Tyler had been appointed to serve as a  
substitute for Councillor Burt for this meeting of the Committee only.

#### 4. **TO ANSWER QUESTIONS IN THE PUBLIC PROCEDURE RULE 11.8**

No questions were raised under this item.

#### 5. **EXCLUSION OF THE PUBLIC**

### **RESOLVED**

That the meeting be held in public.

#### 6. **MEMBERS' CODE OF CONDUCT: COMPLAINT AGAINST A MEMBER**

The Director of Law and Property briefly outlined the hearing procedure to the Committee, stating that it consisted of three parts: The establishment of matters of fact, the judgement of whether the Member had failed to follow the Code of Conduct and the determining of what action to take in light of this judgement. Upon completing his explanation, he called on the Investigating Officer to present his report to the Committee.

#### STAGE ONE: ESTABLISHING MATTERS OF FACT

The Investigating Officer began by saying that broadly, matters of fact concerning the complaint were undisputed between the two parties and that both sides agreed that Councillor Turner had raised the issue of Mr. Gardner's past voting history in a conversation initially concerned with housing repairs.

He added that the main discrepancy in the accounts of Councillor Turner and Mr Gardner centred around comments allegedly made by Mr Gardner regarding the inefficiency of Dudley MBC's Housing services and more generally the incompetence of the Councils Officers and Members, which Councillor Turner maintained had angered him and changed the tone of the conversation. Mr Gardner was adamant that no such comments had been made and that Councillor Turner had, by raising the issue of his not voting at previous elections, implied that he was somehow less entitled to housing repairs than those who had voted.

Mr Gardner was invited into the meeting and questioned by the Investigating Officer, Councillor K Turner and the members of the Standards Committee. At the end of this process, the Chairman invited Councillor K Turner to make his statement.

Councillor K Turner stated that he had only raised the issue of Mr Gardner's voting history under provocation due to Mr Gardner's derogatory comments regarding Dudley Council and maintained that despite this he had contacted Dudley MBC's Housing department almost immediately and arranged for Mr Gardner's repairs to be made.

Councillor K Turner was then questioned by the Investigating Officer and the members of the Standards Committee. At the close of these questions the Chairman invited Councillor K Turner to call his witness, Cllr H Turner.

Councillor H Turner then joined the meeting and was questioned by Councillor K Turner and the members of the Standards Committee.

At the close of questioning, Councillors K Turner and H Turner, Mr Gardner and members of the press were all asked to leave the meeting for the Committee's private deliberation on stage one of the hearing, the establishment of matters of fact.

#### STAGE TWO: DETERMINING WHETHER OR NOT THE MEMBER HAS

## FAILED TO FOLLOW THE CODE OF CONDUCT

When the private deliberation was complete, the Chairman reconvened the meeting and informed it that the view of the Standards Committee was that Councillor K Turner had raised the issue of voting in annoyance at Mr Gardner's comments on Dudley Council (as stated in Paragraph 4.8 of the Investigating Officer's Report) and that by bringing the issue of voting into the conversation, Councillor K Turner had inadvertently implied a relationship between voting activity and housing repairs (as stated in Paragraph 4.8 of the Investigating Officer's Report).

The Investigating Officer reported that in his view Councillor K Turner had breached Paragraph 4 of the Code of Conduct as his action could 'reasonably be regarded as bringing his office or authority into disrepute'.

Councillor K Turner was invited to respond to this assessment and was questioned along with the Investigating Officer by the Standards Committee.

At the close of questioning, Councillors K Turner and H Turner, Mr Gardner and members of the press again left the meeting for the Committee's private deliberation on stage two of the hearing: the determination of whether or not the member had failed to follow the Code of Conduct.

## STAGE THREE: DETERMINING WHAT ACTION TO TAKE IN LIGHT OF THE JUDGEMENT

When the private deliberation was complete, the Chairman reconvened the meeting and informed Councillor K Turner that the Standards Committee had judged him to have acted unprofessionally in raising the issue of Mr Gardner's voting record in the context of a heated conversation concerning housing repairs and that, as stated in paragraph 6.2 of the Investigating Officer's report, he had 'placed in Mr Gardner's mind the thought that his entitlement to have housing repairs carried out was in some way linked to his failure to vote'. The Chairman confirmed that Councillor K Turner had been judged to have failed to follow the Members' Code of Conduct and asked if he wished to make any response. Councillor K Turner responded by saying that he would appeal against the judgement and immediately left the meeting.

In referring to Paragraph 8 of his report, the Investigating Officer expressed his view that the breach of the Code was 'at the lower end of the scale in terms of gravity'.

At this point Mr Gardner and members of the press once again left the meeting for the Committee's private deliberation on stage three of the hearing, the decision on what action to take in light of the judgement.

When this deliberation was complete, the Chairman reconvened the meeting and informed it that the Committee had arrived at the decision that

Councillor K Turner had acted unwisely but that no further action was required.

The meeting ended at 9.30pm

CHAIRMAN