

**Minutes of the Standards Sub-Committee
Monday 18th March, 2024 at 2.00pm
in Committee Room 3, the Council House, Dudley**

Present:

Councillor D Borley (Vice-Chair in the Chair)
Councillors H Bills, S Henley, W Little and S Ridney

Officers:

M Farooq (Monitoring Officer) and K Taylor (Senior Democratic Services Officer)

Also in Attendance:

Councillor Dr R Clinton
Councillor C Bayton (Complainant)
R Phillips (Independent Person)

One Member of the Press

Also in attendance on MS Teams

B Beardwell (Investigator)

1. **Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors J Cowell, J Foster and A Lees.

2. **Appointment of Substitute Members**

It was noted that Councillors H Bills, S Henley and S Ridney had been appointed to serve as substitute Members for Councillors J Foster, A Lees and J Cowell, respectively, for this meeting of the Sub-Committee only.

3. **Declarations of Interest**

No member made a declaration of interest in accordance with the Member's Code of Conduct.

4. **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 20th June, 2022, be approved as a correct record and signed.

5. **Standards Investigation**

Following introductions, the Chair referred to the procedure to be followed at the meeting, copies of which had been circulated prior to the meeting.

The Sub-Committee considered whether the meeting should be held in public or private session under the provisions of the Local Government Act 1972. The Sub-Committee agreed that the meeting should be conducted in public.

The Chair confirmed that Councillor Dr R Clinton had been given the opportunity to be represented or accompanied during the meeting by a person of his choice. It was confirmed that Councillor Dr R Clinton had decided not to be represented.

The Sub-Committee considered the outcome of a Standards Investigation undertaken in respect of Councillor Dr R Clinton in accordance with the Members' Code of Conduct and the local standards arrangements set out in the Council's Constitution.

The Sub-Committee considered the Standards Investigation in accordance with the procedure as follows:

The Monitoring Officer presented his report to the Sub-Committee and referred to the information set out in the Appendices and confirmed that the complainant (Councillor C Bayton) was in attendance at the meeting.

The Monitoring Officer confirmed that having considered the complaint, a discussion had been held with the Independent Person appointed under the Localism Act 2011. Following the consultation, it had been agreed that the complaint merited formal independent investigation. An Independent Investigator had been instructed to investigate the complaint and Councillor Dr R Clinton had been informed that an investigation would be undertaken.

As a result of consultation that had been held independently with all parties and the Investigator, a final draft report was produced and presented to the Monitoring Officer by the Investigator.

In referring to the Investigator's report, the Monitoring Officer confirmed that the Investigator had concluded that there had been evidence to show that Councillor Dr R Clinton's alleged behaviour at a meeting of the Dudley Forum on 7th November, 2022 gave rise to a potential breach of the provisions of the Members' Code of Conduct. As a requirement of the procedure, a copy of the final report had been sent to Councillor Dr R Clinton and the complainant by the Monitoring Officer. It was noted that an informal resolution of the complaint had been offered by way of an acceptance of unacceptable conduct of behaviour and an apology, however Councillor Dr R Clinton suggested that the complaint was politically motivated and that debates, on occasions, could be very intense and robust.

The Monitoring Officer also distributed a copy of Councillor Dr Clinton's signed declaration of acceptance of Office as a Councillor dated 7th May, 2021.

Further consultation had been undertaken with the Independent Person and it was considered that, as the report found a potential breach of the Members' Code of Conduct, this would merit a referral for a hearing by the Standards Sub-Committee.

In concluding, the Monitoring Officer outlined the action that the Sub-Committee might take if they determined that there had been a breach of the Code of Conduct. The Sub-Committee was advised that any action must be proportionate taking account of the facts and circumstances of the case.

The Investigator presented a summary of her report and referred to interviews that had taken place with Councillor Dr R Clinton, Councillor C Bayton, Councillor J Cowell, M Abu Affan (Director of Public Health and Wellbeing) and J Scott (Liaison Officer), two separate complaints received immediately after the Dudley Forum meeting and Councillor Dr R Clinton's response to the complaint. During the presentation, the Investigator invited Councillor C Bayton as a witness and responded to questions.

The Investigator confirmed that on the basis of the evidence available and on the balance of probabilities, she had found that Councillor Dr R Clinton's behaviour gave rise to a breach of the principles of the Members' Code of Conduct, specifically:

- "Treating other Councillors and members of the public with respect".

In conclusion, the Investigator stated that, in her assessment, she did not consider that Councillor Dr R Clinton's behaviour did not bring his role or the local authority into disrepute and that he did not breach any other Paragraphs of the Council's Members' Code of Conduct.

The Chair invited questions to the Monitoring Officer and Investigator from Councillor Dr R Clinton, the Independent Person and Members of the Sub-Committee.

The Chair then invited Councillor Dr R Clinton to give his evidence and to make representations to the Sub-Committee.

The Chair invited questions to Councillor Dr R Clinton from the Monitoring Officer, the Investigator, the Independent Person and Members of the Sub-Committee.

The Chair invited Councillor Dr R Clinton to state if he disagreed with any relevant facts in the Investigator's Report. It was noted that Councillor Dr R Clinton, in his response to the Investigator's Report, did not disagree with the findings of facts in the report, however considered that the report appeared to be one sided and politically motivated.

The Sub-Committee adjourned to consider the findings of fact in private.

The meeting reconvened and the Chair reported that, having considered the evidence presented, the Sub-Committee had made the following findings of fact:

- (1) Councillor Dr R Clinton is an Elected Member of Dudley MBC.

- (2) He signed the declaration of acceptance of office as a Councillor on 7th May 2021; this included an undertaking to comply with the Members' Code of Conduct in the performance of his functions as a Councillor.
- (3) That the Members' Code of Conduct applied to Councillor Dr R Clinton as he was acting in his capacity as a Councillor in these circumstances.
- (4) That the Sub-Committee confirm the finding of facts, as set out in the investigation report by the Investigator, dated 30th November, 2023.

The Chair stated that the Sub-Committee would consider whether, based on the facts it had found, that Councillor Dr R Clinton had failed to follow the Members' Code of Conduct and invited Councillor Dr R Clinton to give relevant reasons why the Sub-Committee should decide that he had not failed to follow the Code.

Following Councillor Dr R Clinton's comments, the Chair invited representations from Members of the Sub-Committee, the Investigator, and the Independent Person.

The Independent Person confirmed that, in his opinion and to the best of his knowledge, the standards procedures had been followed in relation to the complaint that had been received.

The Chair invited Councillor Dr R Clinton to make any final relevant points to which he confirmed he had nothing further to add.

The Sub-Committee adjourned to consider, in private, the representations and evidence presented as to whether Councillor Dr R Clinton had failed to comply with the Member's Code of Conduct.

The meeting reconvened and the Chair announced that having taken account of all the evidence, information, written and verbal submissions that had been presented to the meeting, the Standards Sub-Committee had decided that Councillor Dr R Clinton had breached a principle of the Members' Code of Conduct, namely:-

- Treat other Councillors and members of the public with respect.

The Sub-Committee had taken into account Councillor Dr R Clinton's view that he was championing the needs of Quarry Bank residents for the funding of Christmas Lights during the Dudley Forum on 7th November, 2022, and that as a Councillor, he can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. However, the Sub-Committee was of the view that there does remain a distinction between the expression of such views and remaining polite and courteous.

The Chair reported that, as the Sub-Committee had decided that Councillor Dr R Clinton had failed to follow the Members' Code of Conduct, it would now consider any verbal or written representations from the Investigator as to whether the Sub-Committee should take any action and what form that action should take.

Following comments from the Investigator, the Chair announced that the Sub-Committee would adjourn to consider whether to take any action in respect of Councillor Dr R Clinton.

The meeting reconvened and the Chair announced that having taken account of all the evidence, information, written and verbal submissions that had been presented to the meeting, the Standards Sub-Committee

Resolved

That Councillor Dr R Clinton send a formal letter of apology to the former Chair of the Dudley Your Home Your Forum (Councillor J Cowell) concerning his behaviour at the Forum meeting on 7th November, 2022.

The meeting ended at 4:38pm

CHAIR