

Public Document Pack

STANDARDS PANEL

Thursday, 15 June 2017

Present:

Councillors C Blakeley
P Gilchrist
M McLaughlin

In attendance:

Prof RS Jones Independent
Person

1 **APPOINTMENT OF CHAIR**

RESOLVED:

That Councillor Phil Gilchrist be elected Chair for this meeting of the Panel.

2 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Councillor Moira McLaughlin informed that at some time in the past, she had held a conversation with one of the Complainants in the presence of the Assistant Director: Law and Governance and Monitoring Officer. The Assistant Director's advice on this was that it did not preclude her from taking part in this meeting.

3 **ARTICLE 9 OF THE COUNCIL'S CONSTITUTION, THE MEMBERS' CODE OF CONDUCT AND PROTOCOL**

The Panel considered a copy of Article 9 of the Council's Constitution along with copies of The Members' Code of Conduct and the Protocol which detailed the arrangements for Investigating and Making Decisions in relation to allegations made under The Members' Code of Conduct.

RESOLVED: That

- (1) **the contents of the documents provided be noted: and**
- (2) **the Panel will be guided by the documents provided during the course of its decision making in respect of the complaints to be considered.**

EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

The Panel gave consideration to whether its proceedings should be held in the presence or in the absence of the press and public. The Assistant Director: Law and Governance and Monitoring Officer advised Members to consider whether the meeting should be fully open, open in part or in closed session. He informed that the Investigator's report had been mostly anonymised but the 12 Appendices which were attached to it had not been redacted and contained personal information. The Assistant Director informed that, in the light of the information contained in the report and appendices his advice was to hear the complaint in private session. He also advised the Panel to consider this in the light of the public interest.

Members deliberated and the view was expressed that the Investigator's report should be placed in the public domain at the appropriate time, possibly with some redactions and that frank discussions may be difficult if the press and public were in attendance at the meeting.

However, Councillor Chris Blakeley disagreed with this view. He informed that this meeting had generated a lot of public interest and the complaint should be considered in public. He considered that the Investigator's report should be made public and its twelve appendices, once redacted should also be placed in the public domain.

The Chair informed that he was anxious to ensure that, as much as possible, would be open. However, this was a fraught and difficult matter and he considered that Members would be able to probe thoroughly, if the proceedings were held in private. On a majority vote with Councillor Chris Blakeley voting against, it was

RESOLVED: That

- (1) under section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act in that it contains commercially sensitive information. The Public Interest test has been applied and favours exclusion; and**
- (2) as soon as practically possible after this meeting the Panel's decision, a redacted version (if necessary) of the Investigator's report and its twelve appendices (redacted as necessary) be placed in the public domain. (The twelve appendices to be published by Friday, 30 June 2017.)**

CONSIDERATION OF A STANDARD COMPLAINT

Also in attendance at the meeting was the Subject Councillor, Councillor Louise Reecejones, the Complainants and the Investigator, who introduced her report. The Panel considered the Investigator's report and listened to all the representations made, the questions asked and the answers provided by the parties in attendance at the meeting. Panel Members also asked a number of questions of the parties which were answered as appropriate.

Councillor Reecejones, the Complainants, the Independent Person and the Investigator then left the meeting whilst the Panel reached its decision.

DECISION

The Panel gave careful consideration to the Investigator's Report, all relevant documentary evidence and the representations made by all the parties to this matter.

Panel was satisfied that a satisfactory investigation and report had been undertaken and produced in relation to all of the complaints. The Investigator had appropriately considered the evidence and afforded all the parties the opportunity to participate and adduce all relevant information and evidence for consideration.

The Panel examined in detail all the matters and issues arising from the complaints during the hearing and was satisfied that all the parties had been afforded a fair opportunity to clarify any specific points and ensure the Panel understood their respective positions and responses.

The Panel will provide its full decision within the next seven days; however, will deliver its decision in respect of the complaints made this evening.

The Panel has noted there are a number of aggravating and mitigating factors arising in this matter which it has examined and considered in reaching its decision. Those factors will be set out in the full decision.

The Panel considered the representations of the Independent Person in reaching its decision. The Independent Person was satisfied that a thorough investigation was undertaken; and agreed with the findings and conclusions reached as detailed within the Investigator's Report.

On balance, the Panel found all the complainants and their evidence credible; whereas the Panel found the evidence of Councillor Louise Reecejones to be inconsistent, vague and misleading. The Panel did not therefore find Councillor Reecejones to be credible.

Accordingly the Panel:

1. accepted the Investigator's Report;
2. agreed with all the conclusions of the Investigator as set out at paragraph 10.1 of the Investigator's Report, namely:

- a. in respect of complainant 1, Tamsin Coates, the Panel found Councillor Reecejones to be in breach of the Code of Conduct in making an unjustified complaint to Tamsin Coates' employer and pursuing her own personal agenda in her capacity as a councillor.

Councillor Reecejones failed to treat Tamsin Coates with respect and conducted herself contrary to the council's duty to promote and maintain high standards of conduct.

- b. in respect of complainant 2, Jessica Smyth, the Panel found Councillor Reecejones to be in breach of the Code of Conduct in making an unjustified complaint to the organisation for which Jessica Smyth volunteers and alleging that Jessica Smyth's tweets and conduct amounted to harassment/stalking.

Councillor Reecejones failed to treat Jessica Smyth with respect and conducted herself contrary to the council's duty to promote and maintain high standards of conduct.

- c. in respect of complainant 3, Overchurch Residents Association, the Panel found Councillor Reecejones to be in breach of the Code of Conduct as a result of her failure to advise anyone (particularly the Police and the council's Internal Audit team) that in her view the invoice in question was fraudulent and was an attempt to undermine the Association.

Councillor Reecejones failed to treat the Association with respect and conducted herself contrary to the council's duty to promote and maintain high standards of conduct.

- d. in respect of complaint 4, found Councillor Reecejones to be in breach of the Code of Conduct because she referred to the standards investigation in respect of this matter in a letter to Wirral Leaks which was subsequently repeated in Private Eye.

This was a breach of the duty of confidentiality arising under the Protocol for dealing with complaints against Members and contrary to the council's duty to promote and maintain high standards of conduct.

3. agreed to refer the issues and concerns raised by the Investigator at paragraph 10.2 on page 72 of the Report, to the Council's Monitoring Officer for consideration; and to determine whether any further action is necessary in relation to the issues raised.

SANCTIONS

The Panel having found Councillor Reecejones in breach of the Members' Code of Conduct determined that the following sanctions be imposed (subject to any valid appeal being accepted):

- (a) The Monitoring Officer should write a formal warning letter to Councillor Reecejones reminding her of the need to comply with the Members' Code of Conduct;
- (b) Councillor Reecejones must apologise in writing to all the complainants for breaching the Members' Code of Conduct within 14 days of receiving this Decision notice;
- (c) The Labour Political Group Leader be asked to consider whether party disciplinary action should be taken against Councillor Reecejones and whether she should be removed (through Council) from all outside bodies to which she has been appointed;
- (d) The Monitoring Officer shall arrange both internal and external training for Councillor Louise Reecejones as soon as practicably possible. Should Councillor Reecejones fail to attend the training arranged, the Monitoring Officer shall report this fact to her Political Group Leader for consideration and action; and
- (e) The Panel's decision shall be reported to the next public meeting of the Standards and Constitutional Oversight Committee for consideration.

The full decision is appended to these Minutes

Decision Notice

This page is intentionally left blank



STANDARDS PANEL

15 June 2017

Complaints against Councillor Louise Reece-Jones

(Standards Case Refs: 05/2016; 06/2016 and 08/2016)

DECISION NOTICE

The Panel gave careful consideration to the Investigator's Report, all relevant documentary evidence and the representations made by all the parties to this matter.

Panel was satisfied that a satisfactory investigation and report had been undertaken and produced in relation to all of the complaints. The Investigator had appropriately considered the evidence and afforded all the parties the opportunity to participate and adduce all relevant information and evidence for consideration.

The Panel examined in detail all the matters and issues arising from the complaints during the hearing and was satisfied that all the parties had been afforded a fair opportunity to clarify any specific points and ensure the Panel understood their respective positions and responses.

The Panel in considering the matters noted a number of aggravating and mitigating factors. These factors were carefully examined and considered by the Panel in reaching its' decision.

The Panel in particular noted that the complainants had either raised concerns directly or participated in both a Council Internal Audit and Police investigation concerning alleged financial irregularities within Wirral Family Forum and The Local Carers Network. These concerns were legitimately and appropriately raised by the complainants. The commission of both an Internal Audit investigation and Police

investigation vindicated the actions of the complainants in raising their concerns. The Panel however noted that the Crown Prosecution Service ('CPS') decided to "...take no further action in the case as there was no realistic prospect of conviction against either suspect due to insufficient evidence..."

Following the decision of the CPS not to pursue the case, Councillor Reece-Jones complained to the employer of Tamsin Coates. Councillor Reece-Jones alleged that Tamsin Coates had "personally attacked" her in her capacity of a 'councillor' and as a 'parent'. She further asserted that she had received messages via Facebook and other social media from Tamsin Coates and was forced to "block" Tamsin Coates because of the "nasty accusations" she had made. Tamsin Coates denied all the allegations made against her. Councillor Reece-Jones failed to provide any satisfactory evidence to support her allegations. The Panel noted that Councillor Reece-Jones subsequently reflected upon the account she had advanced and suggested that the alleged messages had been sent "maliciously" from some other person(s).

Councillor Reece-Jones failed to provide any plausible explanation and/or justification for complaining to the employer of Tamsin Coates other than to state that she was "angry" at the material time. The Panel found the actions of Councillor Reece-Jones were designed to threaten, intimidate, undermine and cause difficulties at work for Tamsin Coates.

The Panel noted that Councillor Reece-Jones took a similar approach to the second complainant, Jessica Smyth, in that a complaint had been made to the organisation where Jessica Smyth volunteered. Councillor Reece-Jones sought to justify her actions by alleging that Jessica Smyth was "discrediting her as a councillor"; however she failed to adduce any evidence in support of her allegation.

Councillor Reece-Jones further alleged that Jessica Smyth embarked upon a "smear campaign" and was "stalking" her. Again, no evidence was provided by Councillor Reece-Jones to support her serious allegations. The Panel concurred with the Investigator's assessment that making allegations of a criminal nature against another person, such as harassment/stalking, without reasonable cause is a serious matter – which was amplified when the person making the unjustified allegation is a councillor.

The Panel also gave careful consideration to the mitigating factors advanced by Councillor Reece-Jones during the hearing. Councillor Reece-Jones advised that personal family difficulties and her own medical/health issues had adversely affected her - in particular her judgement and ability to rationalise issues and concerns. Councillor Reece-Jones further advised that she was under immense pressure at the material time. The Panel acknowledged that Councillor Reece-Jones proffered a verbal apology to all the complainants during her opening remarks to the Panel.

On balance, the Panel found all the complainants and their evidence credible; whereas the Panel found the evidence of Councillor Louise Reece-Jones to be inconsistent, vague and misleading. The Panel did not therefore find Councillor Reece-Jones to be credible.

The Panel considered the representations of the Independent Person in reaching its decision. The Independent Person was satisfied that a thorough investigation was undertaken; and agreed with the findings and conclusions reached as detailed within the Investigator's Report.

The Panel:

1. accepted the Investigator's Report;
2. agreed with all the conclusions of the Investigator as set out at paragraph 10.1 of the Investigator's Report, namely:

- a. in respect of complainant 1, Tamsin Coates, the Panel found Councillor Reece-Jones to be in breach of the Code of Conduct in making an unjustified complaint to Tamsin Coates' employer and pursuing her own personal agenda in her capacity as a councillor.

Councillor Reece-Jones failed to treat Tamsin Coates with respect and conducted herself contrary to the council's duty to promote and maintain high standards of conduct.

- b. in respect of complainant 2, Jessica Smyth, the Panel found Councillor Reece-Jones to be in breach of the Code of Conduct in making an unjustified complaint to the organisation for which Jessica Smyth

volunteers and alleging that Jessica Smyth's tweets and conduct amounted to harassment/stalking.

Councillor Reece-Jones failed to treat Jessica Smyth with respect and conducted herself contrary to the council's duty to promote and maintain high standards of conduct.

- c. in respect of complainant 3, Overchurch Residents Association, the Panel found Councillor Reece-Jones to be in breach of the Code of Conduct as a result of her failure to advise anyone (particularly the Police and the council's Internal Audit team) that in her view the invoice in question was fraudulent and was an attempt to undermine the Association.

Councillor Reece-Jones failed to treat the Association with respect and conducted herself contrary to the council's duty to promote and maintain high standards of conduct.

- d. in respect of complaint 4, found Councillor Reece-Jones to be in breach of the Code of Conduct because she referred to the standards investigation in respect of this matter in a letter to Wirral Leaks which was subsequently repeated in Private Eye.

This was a breach of the duty of confidentiality arising under the Protocol for dealing with complaints against Members and contrary to the council's duty to promote and maintain high standards of conduct.

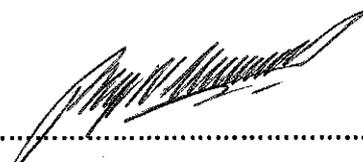
3. agreed to refer the issues and concerns raised by the Investigator at paragraph 10.2 on page 72 of the Report, to the Council's Monitoring Officer for consideration; and to determine whether any further action is necessary in relation to the issues raised.

SANCTIONS

The Panel having found Councillor Reece-Jones in breach of the Members' Code of Conduct determined that the following sanctions be imposed (subject to any valid appeal being accepted):

- (a) The Monitoring Officer should write a formal warning letter to Councillor Reece-Jones reminding her of the need to comply with the Members' Code of Conduct;
- (b) Councillor Reece-Jones must apologise in writing to all the complainants for breaching the Members' Code of Conduct within 14 days of receiving this Decision notice;
- (c) The Labour Political Group Leader be asked to consider whether party disciplinary action should be taken against Councillor Reece-Jones and whether she should be removed (through Council) from all outside bodies to which she has been appointed;
- (d) The Monitoring Officer shall arrange both internal and external training for Councillor Louise Reece-Jones as soon as practicably possible. Should Councillor Reece-Jones fail to attend the training arranged, the Monitoring Officer shall report this fact to her Political Group Leader for consideration and action; and
- (e) The Panel's decision shall be reported to the next public meeting of the Standards and Constitutional Oversight Committee for consideration.

Decision made on 15 June 2017.



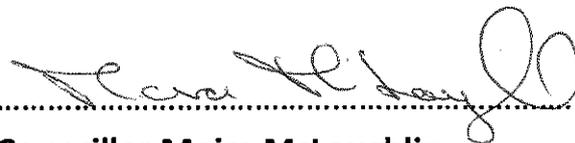
Councillor Phil Gilchrist

Chairperson of the Standards Panel



Councillor Chris Blakeley

Member of the Standards Panel



Councillor Moira McLaughlin

Member of the Standards Panel

Decision Notice signed:  June 2017.

