



CODE OF CONDUCT FOR COUNCILLORS: DECISION NOTICE FOLLOWING A HEARING OF THE STANDARDS COMMITTEE

The complaint of Councillor Wileman against Councillor Florence-Jukes

Complaint:

A complaint was received from Councillor Colin Wileman in respect of the conduct of Councillor Deneice Florence-Jukes. Both Councillors are members of East Staffordshire Borough Council ('ESBC') and it was alleged that breaches of the Code of Conduct ('the Code') had taken place.

The complaint by Councillor Wileman was made following the ESBC Annual General Meeting ('AGM') on 26th April 2021. The meeting was held remotely over Zoom.

At the meeting, Councillor Wileman, who had by this point served as the Mayor of ESBC for two years, stood down as Mayor as it was the end of his term. As is tradition an opportunity to give thanks to the Mayor for his service was moved by motion. This motion was seconded and it was at this point that Councillor Florence-Jukes indicated that she wished to speak and was allowed an opportunity by the new Mayor to do so.

At this moment during the meeting Councillor Florence-Jukes stated that she would not be voting for the motion and then proceeded to express her views in respect of Councillor Wileman in his role as Mayor. It was suggested by Councillor Florence-Jukes that Councillor Wileman had bullied and belittled members; was rude and disrespectful; deliberately mispronounced another Councillor's name; interrupted members; was rude and disrespectful and had little understanding of the Constitution or of the rules of debate. Only one other Councillor shared this view whilst all others who spoke expressed their thanks to Councillor Wileman.

Following the comments made by Councillor Florence-Jukes at the AGM, Councillor Wileman submitted a complaint to the then Monitoring Officer.

In his complaint Councillor Wileman suggested that the words of Councillor Florence-Jukes at the AGM had caused him to be deeply hurt. Pointing out also that her remarks were made in an official capacity as a Councillor, and in a public forum. Within the complaint Councillor Wileman alleged the following breaches of the Code:

- Paragraph 3.1 of the Code: *'Councillors must treat each other with respect'*;
- A failure to uphold the Nolan Principles of honesty and leadership;
- And by breaching paragraph 3.1 of the Code and the Nolan Principles, paragraph 3.11 of the Code had also been breached: *'Councillors must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute'*.

Investigation:

Having consulted with the Independent Person, the then Monitoring Officer decided to refer the complaint for investigation and appointed an Independent Investigating Officer to undertake the task.

Following the investigation, it was found that Councillor Florence-Jukes failed to comply with the Code. The Investigating Officer's findings were as follows:

- *'There is sufficient evidence to make a finding that the Code of Conduct applies to Councillor Florence-Jukes actions at the Annual Meeting in April 2021;*
- *'There is sufficient evidence to make a finding that by her actions as complained of by Councillor Wileman, Councillor Florence-Jukes was in breach of the Code of Conduct; in particular of paragraph 3.1 (Councillor's must treat others with respect) and the Nolan principles of honesty and leadership.'*

Following the report of the Investigating Officer, an attempt was made to resolve this matter by Summary Resolution. However and after a period of prolonged discussion, no resolution could be found to the satisfaction of all parties. The matter was subsequently referred to the Standards Committee for their consideration.

The complaint was eventually heard by the Standards Committee at a meeting which took place on Thursday 1st September 2022, at 18:30 in the Coltman VC Room, Town Hall, Burton upon Trent. The complaint was considered in accordance with the Standards Committee Complaints Procedures at Part 4L of the Council's Constitution.

Decision

Having considered the papers; viewed the recording of the meeting and heard submissions from the Investigating Officer, Councillor Florence-Jukes and the Independent Person, the Committee found by majority that Councillor Florence-Jukes had breached paragraph 3.1 of the Council's Code of Conduct in that she failed to show respect.

The Committee was then required to consider which, if any, of the sanctions contained within the Code, to impose on Councillor Florence-Jukes. In reaching its decision the Committee considered the submissions made during the hearing and invited the view of the Independent Person. The Committee then imposed the following sanctions stipulated within the Code:

13.5.1 Publish its findings in respect of Councillor Florence-Jukes conduct;

13.5.2 Report its findings to the Council for information.

Reasons for decision

Having considered the breaches identified by the Investigating Officer alongside the submission made during the hearing, the committee felt that the complaint of Councillor Wileman amounted to a failure to show respect. The comments of Councillor Florence-Jukes, regardless of the justification and reasoning, did amount to a breach of the Code.

It was separately noted that a breach of the Nolan Principles of honesty and leadership had also been advanced by the Investigating Officer in her report, but the Committee was not of the view that honesty and leadership were clear and apparent features of the complaint following the report of the Investigating Officer and the submissions made during the hearing.

Notice of decision

This decision notice will be sent to the person or persons making the allegation and the Member against whom the allegation was made. The decision will also be reported to the next ordinary meeting of the Standards Committee.

Appeal of decision

There is no right of appeal for the Complainant or for the Councillor against a decision of the Standards Committee. If someone feels that the Council has failed to deal with a Complaint properly, they may make a complaint through the Council's ordinary complaints process. This process would not re-consider the original complaint but would consider the way in which the complaint had been handled.

Terms of reference and Complaints Procedures

The Terms of Reference of the Standards Committee and its Complaints Procedures are available on the Council's website (www.eaststaffsbc.gov.uk) and from the Monitoring Officer.

Additional Help

If you need additional support in relation to this decision notice or future contact with us, please let us know as soon as possible. If you have difficulty reading this decision notice we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

We can also help if English is not your first language.

Signed: John Teasdale

Date: 14th September 2022

John Teasdale
Monitoring Officer,
East Staffordshire Borough Council,
Town Hall,
Burton upon Trent,
Staffordshire DE14 2BE
Tel: 01283 508267
E-mail: john.teasdale@eaststaffsbc.gov.uk