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Wednesday, 15 November 2023

Dear Sir/Madam

ASSESSMENT SUB-COMMITTEE

A meeting of the Assessment Sub-Committee has been arranged to take place **WEDNESDAY, 22ND NOVEMBER, 2023 at 6.00 PM IN THE COMMITTEE ROOM** District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

Yours faithfully

A handwritten signature in cursive script that reads 'Kerry Dove'.

Kerry Dove
Chief Operating Officer

To: Members of Assessment Sub-Committee

Councillors Ho, Marshall, Robertson, J Smith and S Taylor



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AGENDA

1. Appointment of Chairman
2. **Exclusion of Press and Public**

RESOLVED: "That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following items of business, which would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972"

IN PRIVATE

3. Declarations of Interest
4. Hearing

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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DECISION OF LICHFIELD DISTRICT COUNCIL'S ASSESSMENT SUB-COMMITTEE

23 November 2023

**DECISION REGARDING A COMPLAINT AGAINST DISTRICT COUNCILLOR D CROSS –
LICHFIELD DISTRICT COUNCIL**

Present:

District Councillors: Ho (Chairman), Marshall, Robertson, S Taylor, J Smith,

Officers: M Hooper (Monitoring Officer), C Lewis (Deputy Monitoring Officer) W Stevenson (Principal Governance Officer)

Respondent: Cllr Cross

Respondents Representative: Cllr Mears

Independent Person: J Jardine

Hearing

On 22 November 2023 a hearing took place in accordance with the District Council's arrangements for dealing with Member Code of Conduct complaints.

The complaint before the Assessment Sub-Committee ('the Sub-Committee') was that Cllr Cross ("the Subject Member") had used language to an employee ("the Complainant") that included wording about the complainant being put over the subject members knee that had made her feel weird, awkward and uncomfortable and represented a breach of the Code of Conduct.

The Assessment Sub-Committee considered the report of the Monitoring Officer (as investigating officer) and heard representations from:

- The Monitoring Officer (as investigating Officer)
- Councillor Cross/the representative of Councillor Cross.

The Sub-Committee also considered the views of the Independent Person.

Decision

The Sub Committee resolved that Councillor Cross failed to follow the Code of Conduct on the grounds of:

Accountability – You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office. You should not undertake any action which would bring the Council, your position, or the position of Members generally, into disrepute.

Leadership – You must promote and maintain high standards of conduct by supporting these principles by leadership and by example, and should act in a way that secures or preserves

the confidence of others. You must have due regard to the impartiality and integrity of the authority's statutory officers and its other officers.

The Sub Committee agreed with the Monitoring Officer that the language used was inappropriate and could reasonably be expected to cause awkwardness and discomfort as reported by the complainant.

The Sub Committee also agreed that the language used contravened the Member/Officer Protocol which states:

- *Members are expected to treat officers with respect, dignity and courtesy*
- *Councillors will at all times comply with the relevant code of conduct.*

Such language has the potential to directly impact on the authority's reputation as an employer and undermine confidence in members.

The Sub Committee were unable to make a determination as to whether Councillor Cross failed to follow the Code of Conduct with regard to honesty and integrity.

Sanctions

After further deliberations and submissions from the Investigator and Subject Councillor, the Sub Committee imposed the following sanctions

- Request the Subject Councillor submit a written apology to the complainant.
- For a period of 6 months, any contact (written, verbal or physical) with the complainant be prohibited and only via the Head of Paid Service, including sending the written apology.
- That a press release setting out the outcome of the hearing be issued. It was resolved that part of this release state that the Subject Councillor had offered a written apology to help rectify the effects of their misconduct.