

DECISION NOTICE

FINDINGS:

BREACH OF THE MEMBERS CODE OF CONDUCT

Complaint

On 22nd August 2022 the Audit and Standards Committee Standards Hearing Panel (The Hearing Panel) considered the report of the Investigating Officer in relation to complaints into the alleged conduct of Councillor Phil Chamberlain and Councillor Jeff Sumner, members of Burnley Borough Council, during a visit by both Councillors to the home of a local resident who had been in recent contact with them about different matters.

The cross-party hearing was chaired by Councillor Townsend.

Councillor Chamberlain attended the hearing with Councillor Whitaker.

Councillor Sumner attended the hearing with Councillor Birtwistle. At Councillor Sumner's invitation, the resident at whose home the incident took place attended as a witness.

Decision

The Hearing Panel takes all complaints about Councillors very seriously and carefully considers all matters in accordance with its published procedures.

Councillor Chamberlain

The Hearing Panel carefully considered the evidence set out in the Investigating Officer's report, the representations made by the Investigating Officer and the representations made by Councillor Whitaker on behalf of Councillor Chamberlain.

Before reaching its decision, the Hearing Panel took into account and had regard to the views of the Independent Person.

The Hearing Panel agreed with the Investigating Officer that Councillor Chamberlain had breached the Code of Conduct in that he had;

Failed to treat others with respect (section 3.1) and had conducted himself in a way that could reasonably be regarded as bringing his office and the authority into disrepute (section 5).

Councillor Sumner

The Hearing Panel carefully considered the evidence set out in the Investigating Officer's report, the representations made by the Investigating Officer, the representations made by Councillor Birtwistle on behalf of Councillor Sumner and the representations made by the witness.

Before reaching its decision, the Hearing Panel took into account and had regard to the views of the Independent Person.

The Hearing Panel agreed with the Investigating Officer that Councillor Jeff Sumner had breached the Code of Conduct in that he had;

Failed to treat others with respect (section 3.1) and had conducted himself in a way that could reasonably be regarded as bringing his office and the authority into disrepute (section 5).

Reasons for Decision

The Hearing Panel's reasons for deciding that both members had breached the Code of Conduct are as follows:

- A hostile discussion took place between two elected members in the presence of a resident and a vulnerable adult.
- The incident began in a private residence and spilled over in a public place. Although Councillor Sumner suggested that Councillor Chamberlain was the instigator, Councillor Sumner could have chosen not to get involved in the discourse. Neither did he de-escalate the situation.
- It was left to a member of the public, i.e. the resident, to intervene to de-escalate the situation.

Sanctions

Before considering the action to be taken, Councillors Chamberlain and Sumner were invited to make representations on any sanctions and the Hearing Panel also took into account and had regard to the views of the Independent Person.

The Hearing Panel resolved the following:

- The Hearing Panel will publish its findings in respect of the conduct of Councillor Chamberlain and Councillor Sumner;
- The Hearing Panel will report its findings to full Council for information;



- Councillor Chamberlain and Councillor Sumner will apologise in writing to the witness and the witness' family;
- Councillor Chamberlain and Sumner will apologise in writing to all members of the Council, and
- Councillors Chamberlain and Sumner are recommended to agree to mediation. Should either member fail to agree to this, the Monitoring Officer is recommended to arrange conflict resolution training for both members.