

Colchester City Council

Formal Decision of the Governance and Audit Hearings Sub-Committee held on 30 March 2023.

Complaint made under Colchester Borough Council Members' Code of Conduct regarding Colchester City Councillor Patricia Moore.

1. On 30 March 2023, the Governance and Audit Hearings Sub-Committee (the Sub-Committee) of Colchester City Council considered a report of an Independent Investigating Officer into the alleged conduct of Colchester City Councillor Patricia Moore.
2. The Governance and Audit Hearings Sub-Committee, in consultation with the Independent Person appointed to assist it, carefully considered the alleged breaches of the Council's Members' Code of Conduct which were contained in the Investigating Officer's report, and considered that the following sections of the Members' Code of Conduct had been breached:
 - Section 3(1), not treating others with respect; and
 - Section 4(a), disclosing confidential information relating to the complaints which was known or reasonably ought to have been known to be confidential.
3. It was, however, considered that the Code of Conduct had not been breached in respect of:
 - Section 3(3)(c) attempting to intimidate the complainant.
4. In reaching its decision, the Sub-Committee carefully considered the evidence placed before it, contained in the Monitoring Officer's reports, the supplementary information provided by Councillor Moore, the bundle provided by Councillor Moore's representative and the representations made during the hearing. In addition, each alleged breach of the Code was considered in the light of the proportionality test established in case law in regard to Article 10 of the European Convention on Human Rights (Freedom of Expression).
5. The Sub-Committee concluded that the language that Councillor Moore had used to describe fellow Councillors in more than one article which she had written for the publication 'Mersea Life' was disrespectful. The Sub-Committee was particularly concerned by the use of the term 'muppets', and the suggestion that Councillors who did not attend a meeting to vote were 'squeamish'. The Sub-Committee also considered that that the reference which had been made to some Councillors being 'honest and true' carried the very clear implication that other Colchester City Councillors were not honest and true and was therefore publicly disparaging to Councillor colleagues, thereby constituting a breach of the Code of Conduct.

6. The Sub-Committee considered that Councillor Moore's attendance at a West Mersea Town Council meeting, and subsequent public questioning of the complainant, although extremely poorly judged, did not constitute an attempt to intimidate the complainant, and therefore there was no breach of the Code of Conduct in this regard.
7. The Sub-Committee, initially did, conclude that by naming the complainant and by revealing details of the complaint made against her in a public forum (i.e. The West Mersea Town Council meeting), Councillor Moore had disclosed information which it could reasonably be assumed that she should have known was confidential, resulting in a breach of the Code of Conduct.
8. However, upon further consideration of this aspect of the complaint, the Sub-Committee noted that the complainant had not requested that his name be treated as confidential. Whilst it would have been reasonably expected that Councillor Moore would have kept the details of the complainant and the of the complaint itself confidential whilst under investigation, the Sub-Committee noted that the Council's Localism Arrangements did not explicitly state that a councillor must treat details of a complaint made against them as confidential. Therefore, the Sub-Committee reflected that on balance whilst it initially had found that Councillor Moore had breached section 4(a) of the Code of Conduct it was felt that the revealing of details of the complaint and identifying the complainant in a public forum amounted to a breach of section 3(1) of the Code of Conduct.
9. Accordingly, the Sub-Committee considered that the following section of the Members' Code of Conduct had been breached:
 - Section 3(1), not treating others with respect.
10. The Sub-Committee considered that the Code of Conduct had not been breached in respect of:
 - Section 3(3)(c), attempting to intimidate the complainant.
 - Section 4(a), disclosing confidential information relating to the complaints which was known or reasonably ought to have been known to be confidential.
11. Following further deliberation, and having taken consideration of the representations made by Councillor Moore at the hearing, the Sub-Committee decided that the following actions were proportionate to the breach of the Code of Conduct:
 1. Report its findings to Full Council
 2. Recommended to Full Council that Councillor Moore
 - (a) be issued with a reprimand; and
 - (b) be given additional training on adherence to the Code of Conduct

12. The Sub-Committee further recommends to Full Council that training in respect of Code of Conduct compliance be offered to all elected members within the city boundaries.

Councillor Paul Smith
Chair of the Governance and Audit Hearings Sub-Committee
12 April 2023.