

Council Report

Council – 31 October 2018

Title

Recommendation from Standards & Ethics Sub-Committee – Outside Appointments
- Councillor Brian Cutts

Is this a Key Decision and has it been included on the Forward Plan?

Not applicable

Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author

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Ward(s) Affected

All

Executive Summary

On 14 September 2018 the Standards & Ethics Sub-Committee held a hearing into complaints about the conduct of Councillor Brian Cutts. The Sub-Committee found that Councillor Brian Cutts' conduct at a pre-meeting of the Improving Lives Select Commission had been in breach of the Council's Code of Conduct for Members and Co-opted Members. The decision of the Sub-Committee included a recommendation to Council that Councillor Brian Cutts be removed from all outside appointments to which he has been appointed or nominated by the Council. Councillor Brian Cutts is a member of the South Yorkshire Police and Crime Panel.

This report informs Council of the detail of the decision of the Sub-Committee and seeks a decision from Council on the recommendation that Councillor Brian Cutts be removed from all outside appointments to which he has been appointed or nominated by the Council.

Recommendations

That Council remove Councillor Brian Cutts from the South Yorkshire Police and Crime Panel.

Appendix

Appendix Record of the Decision of the Standards & Ethics Sub-Committee Meeting held on 14 September 2018.

Background Papers

Not applicable

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Standards & Ethics Sub-Committee – 14 September 2018

Council Approval Required

Yes

Exempt from the Press and Public

No

Recommendation from Standards & Ethics Sub-Committee – Outside Appointments - Councillor Brian Cutts

- 1 That Council remove Councillor Brian Cutts from the South Yorkshire Police and Crime Panel

2. Background

- 2.1 When it is not possible to informally resolve complaints about the conduct of a councillor the Monitoring Officer may refer them to the Council's Standards & Ethics Sub-Committee for consideration. The Sub-Committee is made up of five Members of the Standards and Ethics Committee, one of whom must be from the same political group as the councillor about whose conduct the complaints have been made (wherever possible), one from a different political group, one Parish Councillor and two independent members. Before reaching a decision on a complaint the Localism Act 2011 requires the Sub-Committee to seek and to take into account the views of one of the Council's Independent Persons.
- 2.2 At its meeting on 14 September 2018 the Sub-Committee considered complaints about the conduct of Councillor Brian Cutts. The record of the decision of the Sub-Committee forms the Appendix to this report and sets out the complaints, the evidence presented to the Sub-Committee and the Sub-Committee's decision.
- 2.3 The complaints about Councillor Brian Cutts' conduct were made by Councillor Maggi Clark and a Council officer and related to comments made by Councillor Cutts at a pre-meeting of the Improving Lives Select Commission on 13 March 2018. The name of the officer has been redacted from the record of the decision because the officer is not a manager.
- 2.4 The complaints were that during a discussion about the adoption of children, the Subject Member asked "*Why are we allowing lesbians and gay men to foster children?*" The Subject Member then made further comments, in particular that:
 - He "*knew right from wrong*"; and
 - He "*knew which side of the road to drive on and which way to go – straight.*"

Councillor Brian Cutts confirmed to the Sub-Committee that he had made the comments.

- 2.5 The Sub-Committee heard from Councillor Maggi Clark, the officer who had also made a complaint, other councillors who had attended the pre-meeting, Councillor Brian Cutts and a person who attended to support Councillor Cutts.

- 2.6 As set out in the record of decision, the Sub-Committee found that Councillor Brian Cutts' conduct was in breach of the Code of Conduct in that he had failed to treat others with respect. They found that the two further comments set out in paragraph 2.4 were homophobic, being indicative of a dislike or prejudice towards LGBT people and that in making those comments he had failed to treat others with respect, namely the LGBT community and in particular same sex couples who foster or adopt children or who wish to do so.
- 2.7 The Sub-Committee also found that by making the comments Councillor Brian Cutts was also in breach of the Code of Conduct in that he had done something which may cause the Council to breach any of the equality duties and had conducted himself in a manner which could reasonably be regarded as bringing his office of councillor or the Council into disrepute.
- 2.8 The Sub-Committee decided that the following sanctions should be applied to the Subject Member:
- 2.8.1 The member shall be censured
- 2.8.2 The formal decision notice setting out the findings of the Sub-Committee shall be published on agenda of the next meeting of the Standards & Ethics Committee ;
- 2.8.3 The Sub-Committee shall recommend to the Councillor's Group Leader that he be removed from the Committees or Sub-Committees of the Council upon which he sits;
- 2.8.4 The Monitoring Officer shall be instructed to arrange equalities training for the Subject Member;
- 2.8.5 That the Sub-Committee shall recommend to Council that the Subject Member be removed from all outside appointments to which he has been appointed or nominated by the Council ;
- 2.9 This report is concerned with the recommendation at 2.8.5 that Councillor Brian Cutts be removed from all outside appointments.

3 Key Issues

- 3.1 At its Annual Meeting on 23 May 2018 Council made appointments to a number of joint bodies which are required to reflect political balance. One such body is the South Yorkshire Police and Crime Panel to which the Labour Group had the right to nominate one member and the UK Independence Party Group had the right to nominate one member. Councillor Brian Cutts was nominated by the UK Independence Party and was appointed by Council to the South Yorkshire Police and Crime Panel.

- 3.2 The South Yorkshire Police and Crime Panel is a statutory body under the Police Reform and Social Responsibility Act 2011 which scrutinises and holds to account the South Yorkshire Police and Crime Commissioner. The Panel agrees the priorities in the Police and Crime Plan, monitors the delivery of those priorities, sets the Policing precept as part of the Council Tax and has roles in relation to the recruitment and dismissal of the Chief Constable. The Panel also supports broader community safety activities across the County.
- 3.3 The effect of implementing the recommendation of the Standards and Ethics Sub-Committee to remove Councillor Brian Cutts from the South Yorkshire Police and Crime Panel would be that the UK Independence Party Group would have the opportunity to nominate a different member to the Police and Crime Panel, thereby preserving the political balance on the Panel.

4. Options considered and recommended proposal

- 4.1 The purpose of the report is to seek a decision from Council on the recommendation from the Standards and Ethics Sub-Committee that Councillor Brian Cutts be removed from all outside appointments to which he has been appointed or nominated by the Council. The options are therefore that either the Council remove Councillor Brian Cutts from the South Yorkshire Police and Crime Panel or it does not.

5. Financial and Procurement Implications

- 5.1 There are no financial or procurement implications arising from this report.

6. Legal Implications

- 6.1 The Council has a statutory duty to promote and maintain high standards of conduct by members.

7. Human Resources Implications

- 7.1 There are no human resources implications arising from this report.

8. Implications for Children and Young People

- 8.1 There are no direct implications for children and young people arising from this report.

9. Equalities and Human Rights Implications

- 9.1 The decision of the Standards & Ethics Sub-Committee set out at the Appendix considers the equalities implications of the conduct of Councillor Brian Cutts.

10. Implications for Partners and Other Directorates

- 10.1 As set out above, there are implications for the South Yorkshire Police and Crime Panel.

11. Risks and Mitigation

- 11.1 If the recommendations of the Standards and Ethics Sub-Committee are adopted there is the risk of legal challenge from anyone aggrieved by the outcome of the standards process. That risk is mitigated by the Sub-Committee making a reasoned decision as set out at Appendix 1.

12. Accountable Officer(s)

Dermot Pearson, Assistant Director of Legal Services
James McLaughlin, Head of Democratic Services