



<b>Combined Authority Board</b>		Agenda Item
<b>29 November 2023</b>		<b>7</b>
Title:	Breach of the Members' Code of Conduct by Mayor Nik Johnson	
Report of:	Edwina Adefehinti, Chief Officer Legal and Governance and Monitoring Officer	
Lead Member:	Edna Murphy (Lead Member for Governance)	
Public Report:	Yes	
Key Decision:	No	
Voting Arrangements:	N/A	

### Recommendations:

A	Note the findings of the Hearing Panel, subcommittee of the Audit & Governance Committee
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### Strategic Objective(s):

The proposals within this report fit under the following strategic objective(s):

Achieving Best Value and High Performance
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### 1. Purpose

1.1	The Hearing Panel, subcommittee of the Audit and Governance Committee found Mayor Nik Johnson had breached the CPCA's code of conduct. One of the sanctions is that the findings of the Panel should be reported to the CPCA Board.
1.2	To advise the CPCA Board of the findings of the Hearing Panel in relation to breaches of the members code of conduct by Mayor Nik Johnson.

### 2. Proposal

2.1	The CPCA Board notes the breaches of the Members' Code of Conduct by Mayor Nik Johnson, as detailed below.
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### 3. Background

3.1	The Hearing Panel met on 14 <sup>th</sup> November 2023, to consider a report by an independent investigator. The Hearing panel was a cross party committee consisting of John Pye as the
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	<p>Independent Chair, Cllr Andy Coles, Cllr Simon Smith and Cllr Mark Inskip who are members of the Audit &amp; Governance Committee.</p> <p>The Panel considered three complaints:</p> <p>The First Complaint was expressed as a "whistleblowing" complaint. The first complaint was received by the former Monitoring Officer, Robert Parkin in October 2021 and was considered as a whistleblowing complaint. This complaint was anonymous and, further to an investigation, the complaint was considered in light of the Member Code of Conduct. The complaint highlighted specific behaviours at the CPCA, especially those of the Mayor, and an ex-employee towards a Senior Officer. The complaint also mentioned the 'toxic culture' within the Mayor's office.</p> <p>Following the conclusion of that process, the Monitoring Officer determined on 22 April 2022, taking account of the views of the Independent Person, that the First Complaint should be formally investigated in accordance with Part 19 of the Code as a potential Code of Conduct breach/es against the Mayor.</p> <p>Following the appointment of the independent investigator two further complaints relating to the actions of the Mayor were received on 9 May 2022 (the <b>Second Complaint</b>) and 11 May 2022 (the <b>Third Complaint</b>).</p> <p>The second complaint was made by an ex-employee and was forwarded to the Monitoring Officer on 11<sup>th</sup> May 2022. This complaint was in regard to the Mayor speaking to the press following the resignation of an ex-employee. The complainant stated that the Mayor supporting the ex-employee led to the complainant losing their job at the CPCA; that the Mayor was leaking confidential information to another ex-employee which resulted in the ex employee contacting the complainant inappropriately.</p> <p>The third complaint was made by an ex worker of the CPCA. The complaint was made on 11<sup>th</sup> May 2022. The complainant stated that it was made clear that a letter had been shared and that the Mayor's press interview at the time put the CPCA at risk and that the Mayor should refrain from discussing CPCA employment matters. The complainant highlighted other instances where the Mayor disputed officer decisions without evidence despite being advised how he should engage with Officers.</p> <p>A summary of all the allegations is contained in the attached decision notice at page 8.</p>
3.2	<p>The independent investigator concluded that Mayor Nik had breached the members' code of conduct in relation to Civility and Disrepute.</p>
3.3	<p>The hearing Panel sought representations from the legal adviser to the Panel, from the CPCA's independent person, from the independent investigator and from the Mayor's legal representative, in deciding whether or not to publish the Investigator's Report, the options were to publish either a full or a redacted version of the Report, or not to publish at all. After deliberation, the Panel decided unanimously not to publish the Investigator's Report.</p>
3.4	<p>The Hearing panel unanimously agreed with the findings of the Independent investigator that Mayor Nik had breached the members code regarding civility and Disrepute and unanimously agreed the following sanctions would be appropriate:</p> <p><b>Sanctions</b></p> <ol style="list-style-type: none"> <li>1. Publish the Findings in the Decision Notice.</li> <li>2. Report Findings to the CA Board.</li> <li>3. The Mayor to provide a written apology for the Decision Notice and consult with the Monitoring Officer on the appropriateness of providing a written apology directly to one or more of the complainants.</li> <li>4. The Mayor to provide an undertaking not to repeat his behaviour, and to agree with the Chief Executive an appropriate development and training programme to take place over the next six months; this should include the appropriate HR best-practice when operating in a senior Member role.</li> </ol>

	<p><b>Recommendations</b></p> <p>5. The CPCA Board to agree a comprehensive Induction process for whenever a new Mayor takes up their appointment.</p> <p>6. Audit &amp; Governance committee to review the relevant parts of the Constitution, in the light of the lessons learned from this first Sub-Committee hearing and make recommendations to the CA Board.</p>
3.5	<p>The Mayor has apologised to two complainants, the monitoring officer sent the mayor's apology to the complainants on Friday 17<sup>th</sup> November.</p> <p>In addition, the Mayor has provided a written apology which was published with the Decision Notice</p> <p>The Mayor has also provided an undertaking as requested by the Hearing Panel.</p>
3.6	<p>Alternative Options</p> <p>The report is brought for formal noting only, therefore there are no alternative options.</p>

## 4. Appendices

4.1	<p><a href="#">Appendix A - Decision Notice</a></p> <p><a href="#">Annex 1 – Mayor's Apology</a></p> <p><a href="#">Annex 2 – Mayor's Undertaking</a></p> <p><a href="#">Annex 3 – The Relevant Law and Code</a></p>
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## 5. Implications

Financial Implications	
5.1	There are no direct financial implications resulting from this report, however the Code of Conduct investigation and the Hearing Panel has incurred cost and Officer time to the Combined Authority.
Legal Implications	
5.2	The CPCA's Audit and Governance Committee has the statutory and constitutional responsibility for maintaining member ethics and resolving complaints about the conduct of elected members in accordance with the Localism Act 2012.
5.3	The content of this report complies with the requirements of the Localism Act.
Public Health Implications	
5.4	None directly
Environmental & Climate Change Implications	
5.5	None Directly
Other Significant Implications	
5.6	None Directly
Background Papers	
5.7	None