

**ESSEX COUNTY COUNCIL AND ESSEX FIRE AUTHORITY
JOINT STANDARDS COMMITTEE**

HEARINGS SUB-COMMITTEE

DECISION

Alleged Breaches of the Code of Conduct by Councillor Derrick Louis

Introduction

1. On 12 February 2016 the Sub-Committee considered a report regarding alleged breaches of the Code of Conduct by Councillor Derrick Louis.
2. The report dealt with four issues:
 - (i) the alleged failure of Councillor Louis to change his entry on the ECC register of members interests to reflect the fact that in March 2014 'Central Essex Community Services CIC' changed its name to 'Provide CIC'.
 - (ii) the alleged failure of Councillor Louis to change his entry on the ECC register of members interest to reflect the fact that in 2015 his role changed from Vice Chairman to Chairman.
 - (iii) the alleged failure of Councillor Louis to register the various tenders submitted by 'Central Essex Community Services CIC' or 'Provide CIC' to ECC.
 - (iv) the alleged failure of Councillor Louis to register the contracts between 'Central Essex Community Services CIC' or 'Provide CIC' and ECC.
3. The issues had been referred to the sub-committee by Terry Osborne, the Monitoring Officer of Essex County Council, with the agreement of Councillor Louis and the Chairman of the Sub-Committee.
4. The Sub-Committee considered the issues and heard the submissions of the Deputy Monitoring Officer, Paul Turner and Councillor Louis. The Sub-Committee noted that the facts were not in dispute.

Decision on Breach of the Code

5. The Sub-Committee

Resolved:

- (i) That in respect of the alleged failure of Councillor Louis to change his entry on the ECC register of members interests to reflect the fact that in March 2014 'Central Essex Community Services CIC' changed its name to 'Provide CIC' there had been **no breach** of the ECC Member Code of Conduct.

This was because the Code of Conduct only requires changes to be registered when there is a change and Sub-Committee decided that the change in legal name did not amount to a change in the interest and Cllr Louis was not required to update his entry in the register of interests. The Sub-Committee did consider that it would have been better if Cllr Louis had updated his entry, but failure to do so was not a breach of the Code.

- (ii) That in respect of the alleged failure of Councillor Louis to change his entry on the ECC register of members' interests to reflect the fact that in 2014 his role changed from Vice Chairman to Chairman there had been **no breach** of the ECC Member Code of Conduct.

This was because Cllr Louis was required to register that he was a director of the company. The fact that his board position had changed did not amount to a change in the interest so as to give rise to a change in the interest. The Sub-Committee did consider that it would have been better if Cllr Louis had updated his entry, but failure to do so was not a breach of the Code.

- (iii) That in respect of the alleged failure of Councillor Louis to register the various tenders submitted by 'Central Essex Community Services CIC' or 'Provide CIC' to ECC there had been **no breach** of the ECC Member Code of Conduct.

This was because the current wording of the Essex Code only requires tenders submitted by a company to be registered if the Councillor has a shareholding in a company. Cllr Louis does not have a shareholding in the company and therefore the code does not require him to register tenders.

- (iv) That in respect of the alleged failure of Councillor Louis to register the contracts between 'Provide CIC' and ECC there had been a **breach** of the ECC Member Code of Conduct.

This was because – as Cllr Louis agreed - these contracts were registrable and had not been registered. Cllr Louis explained that he

had mis-read the form and had not realized that these contracts were required to have been registered.

Consideration of Sanction

6. Having found a breach with respect of issue (iv), the Sub-Committee went on to consider what action to recommend. They considered the sanctions available to them.
7. The Committee noted Councillor Louis's explanation of his personal circumstances prevailing at the time, that he had been on active military service in Afghanistan during part of the period of the breach. They also noted the investigator's comment that he had been helpful and co-operative throughout the consideration of the matter and had agreed to the matters being considered by the Hearings Sub-Committee. They noted that he had conceded that registration was incorrect. Finally, they noted that Cllr Louis had resigned from the Cabinet in response to the discovery of these anomalies in his register of interests, had made a full public apology and had requested training from the Monitoring Officer - which has been arranged.

Decision on Sanction to be imposed:

8. With respect to a sanction to be imposed, the Hearings Sub Committee resolved to recommend to the Leader of the Council that Councillor Derrick Louis be not be considered for appointment to a role on the Cabinet for a period of three months from the date of this hearing.

Other Recommendations:

9. The sub-committee also made two general recommendations:
 - (a) The Sub-Committee recommend that there should be provided to all Members training on the requirements of the *Members' Code of Conduct* with specific emphasis upon the Register of Interests.
 - (b) The Sub-Committee recommends that the Register of Interests Declaration Form should be amended to provide an opportunity for the Monitoring Officer (or Deputy) to counter-sign the declaration made and such declarations shall be reviewed by the Member at no less than six-monthly intervals.
10. This decision will be published on the Council's website in accordance with the procedures adopted by the sub-committee.