



Our ref: KN/GB
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Date: 4 April 2024
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Finding of Failure to Comply with the Authority's Code of Conduct : Cllr Emily Darlington

The Monitoring Officer, Graham Britten, and an Independent Person ('IP') appointed by Buckinghamshire & Milton Keynes Fire Authority ('the Authority'), considered a complaint from a Member of the Authority ('the Complainant') concerning the alleged conduct of another Member of the Authority ('the subject member').

An initial assessment decision notice was published on 12 December 2023, which concluded that the complaint would be investigated fully by an independent investigator.

A summary of the complaint is set out below:

At the Extraordinary Fire Authority held on Tuesday 24 October 2023 the subject member breached the Code of Conduct by identifying an individual, namely a member of staff, in a verbal contribution that the subject member was making.

I believe this breached the Code of Conduct - 2 (a) as the meeting was being held in public. The meeting was being recorded and the recording was to be published on the Fire Authority's YouTube channel after the meeting.

I understand that the recording was edited to redact the part of the meeting where the subject member spoke on this matter and the message later sent by Graham Britten, Director of Legal and Governance:

"The Authority's Director of Legal & Governance has determined that the published recording should be redacted to avoid the publication of the inappropriate naming of employees of the Authority. The Authority's Standing Orders provide that if any question arises at a Meeting of the Authority as to the conduct of a particular person employed by the Authority, the Chairman shall move a motion that shall immediately be put without



debate to exclude the public. The Director of Legal & Governance believes that the fairest way of balancing the interests of openness and transparency and the right of Authority's employees to be protected from potentially damaging comment is for the uploaded recording to be redacted accordingly. No other changes have been made to the recording."

This clearly identifies that the subject member broke the Standing Orders.

The Fire Authority Standing Order D16 provides that Members shall not refer to: "Information which is likely to reveal the identity of an individual."

The matter being discussed was sensitive and there were differing views in the room, but for the subject member to make a statement that clearly identified the member of staff was, in my opinion, a breach of the Code of Conduct and Standing Orders.

The investigator's report was submitted to the Monitoring Officer on 28 March 2024.

Summary

The investigator concluded that there can have been no justification for Cllr Emily Darlington bringing (or seeking to bring) into the public domain the identity of an employee and questions about the employee's competence.

The investigator concluded that that Cllr Emily Darlington did breach Paragraph 2(a) of the Authority's Code of Conduct.

Outcome

On the basis of the investigator's findings the Monitoring Officer:

- a) finds that Cllr Emily Darlington failed to comply with the Authority's Code of Conduct at the Extraordinary Meeting of the Authority on Tuesday 24 October 2023; and
- b) upholds the complaint.

What happens now?

The Monitoring Officer has no legal powers to apply formal sanctions other than to provide an opinion on the conduct of the Member as compared with the expectations of the Code of Conduct.

The decision of the Monitoring Officer is final. There is no entitlement to appeal against the Monitoring Officer's decision on a complaint. In these circumstances, you may be able to complain to [Contact us - Local Government and Social Care](#)



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[Ombudsman](#) (10th Floor, Millbank Tower, Millbank, London, SW1P 4QP, Tel: 0300 061 0614).

A copy of this 'finding of failure' is sent to the Complainant and the subject member.

A copy of this 'finding of failure' is sent to the Monitoring Officer of the subject member's appointing council.

Signed *Graham Britten* Date: 4 April 2024

Monitoring Officer Graham Britten