

STANDARDS COMMITTEE

8 DECEMBER 2016

Present: Councillors Roberts (Chair), Fitzgerald (Vice-Chair), Bacon, Sinden and Clarke

Apologies for absence were notes for Councillor

6. APOLOGIES FOR ABSENCE

None.

7. DECLARATIONS OF INTEREST

The following councillors declared an interest in the minutes as follows:

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Bacon	5 – Complaint Reference SC.06/01/2016	Personal – Has communicated via email with members of SEG

8. MINUTES OF THE ASSESSMENT COMMITTEE MEETING HELD ON 09 NOVEMBER 2016

RESOLVED – that the minutes of the Assessment Sub-Committee meeting held on 9 November 2016 are to follow.

9. COMPLAINT - SB/06/01/2016

The Monitoring Officer submitted a report to decide what action to take in respect of a complaint alleging several breaches of the Code of Conduct by Councillor Liam Atkins.

On the 6th January 2016 the Monitoring Officer received a complaint from Councillor Kim Forward concerning Councillor Atkins speech at the Save Ecclesbourne Glen (SEG) Annual General Meeting (AGM).

Councillor Forward's complaint stated that Councillor Atkins "spoke about Hastings Borough Council's Planning Department and its officers in negative and derogatory terms and where he appeared to divulge details of a confidential briefing he had received from officers".

Councillor Atkins was invited to the Save Ecclesbourne Glen's (SEG's) public meeting and Annual General Meeting (AGM). Councillor Atkins had emailed the Director of

STANDARDS COMMITTEE

8 DECEMBER 2016

Operations on 30th October 2015 stating that “I’d rather not do this, but could I arrange a briefing on these issues nonetheless”. Councillor Atkins met with three council officers, namely the Assistant Director of Environment and Place, Assistant Director of Housing and Built Environment and the Chief Legal Officer on 11th November 2015.

Councillor Atkins attended SEG’s AGM which was held at the White Rock Hotel on Sunday 15th November 2015 with Councillor Cooke. He addressed the meeting which was recorded in its entirety by SEG. On 17th November a copy of the recording was posted on SEG’s Facebook page. The recording was also posted on YouTube on 19th November 2015.

At the initial assessment meeting held on 22nd February 2016, the committee agreed that the complaint met the initial tests set out in the Monitoring Officer’s report. The committee felt the evidence was sufficient to warrant an investigation and resolved that the Monitoring Officer appoint an external investigator.

Alex Oram of Ch&I Associates was appointed to conduct the investigation. The decision was taken to conduct the investigation after the local election on 5th May 2016 due to the nature of the complaint, so as not to take place during Purdah. The report of the external investigator confirmed that a breach of the Code had taken place and for the Monitoring officer to arrange a hearing to allow the Assessment Sub-Committee to decide what action to take and to allow both the complainant, Councillor Forward, and the defendant, Councillor Atkins, to make their own submissions.

The Assessment Sub-Committee met on 9th November 2016. Councillor Atkins addressed the Committee and made his submission. The Committee indicated that they felt there was a breach of the Code of Conduct and decided to refer the matter to the Standards Committee for a public hearing to decide what action to take and to consider appropriate sanctions suggested by Alex Oram.

Alex Oram’s report dated 1st September 2016 was appended to the Standards Committee agenda at Appendix B. The report was restricted as it contained exempt information by virtue of Paragraph 1.2 of Schedule 12A to the Local Government Act 1972 because the interviews with Council Officers were undertaken on a confidential basis.

The Deputy Monitoring Officer outlined the procedure for the meeting. She said it had taken some time to deal with the complaint as the matter was passed on to an external investigator and needed to take place after the election so as not to take place during Purdah. Moreover, it had proven difficult to arrange a committee meeting date to suit everyone’s availability.

The video footage of Councillor Atkins at SEG’s AGM was observed by the Assessment Sub-Committee at its meeting held on 9th November 2016. A transcript of Councillor Atkins speech also was appended under Appendix B of the agenda.

Alex Oram outlined the steps he had taken during his investigation. He thanked Councillor Atkins for his co-operation during the investigation and referred to his findings set out in his report. In his summary, he said Councillor Atkins was at the SEG meeting in his official capacity and although his speech did receive the higher

STANDARDS COMMITTEE

8 DECEMBER 2016

level of protection afforded for political debate, the way he presented his briefing with the officers and his unfair criticism of officers did not.

Members thanked Alex Oram for his comprehensive report.

Jan Gray and Susan Fellows, Independent Persons, both agreed that a breach of the Code of Conduct had taken place.

The Committee retired to consider findings of fact and which sections of the Code of Conduct had been breached (if any). They returned and announced their findings of fact, as follows: -

Decision:-

Having read the report and heard from all parties including Councillor Atkins, Alex Oram and the views of the Independent Persons, the facts are not disputed.

Resolved unanimously that there was a breach of the Code and specifically the following parts of the Code:-

Paragraph 3(1) of the Code of Conduct – You must treat others with respect. We find that Councillor Atkins failed to show Council officers respect when making his speech at the SEG meeting on 15th November 2015.

Paragraph 5 of the Code of Conduct – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute. We find that Councillor Atkins in questioning the honesty and integrity of officers risked adversely impacting his relationship with individual officers and upon the public's confidence in the Council fulfilling its duties as a whole.

Reasons for the decision:-

1. Members considered submissions by the Complainant, Councillor Atkins, the Independent Persons and the external investigators report;
2. At the time of the event complained of on 15th November 2015, Councillor Atkins was an elected member of Hastings Borough Council;
3. At the time of the event complained of, Councillor Atkins was required to observe the Code of Conduct of Hastings Borough Council;
4. At the time of the event, Councillor Atkins was acting as a representative of the Council and therefore in his official capacity;
5. At the time of the event, Councillor Atkins was a leading member of the Conservative Group.

The external investigator advised that the sanctions need to be proportionate and relevant to the breach of the Code of Conduct.

STANDARDS COMMITTEE

8 DECEMBER 2016

Jan Gray and Susan Fellows, Independent Persons, recommended that an apology should be made to the persons named in the report and that Councillor Atkins should complete 1-2-1 training with the Monitoring Officer.

Councillor Atkins thanked Alex Oram and the Legal Team. He agreed that he had breached the Code of Conduct and had personally attacked the officers at the SEG AGM meeting. He said he regretted doing so and the year long process to determine the complaint. Furthermore, if Councillor Forward had come to him, he would have apologised and taken training at the same time. He said he had previously offered to give a full apology to the officers and undergo training.

The Committee retired to consider what sanctions, if any, to apply. They returned and announced the sanctions as follows: -

RESOLVED (unanimously) that: -

The Committee has considered the issue of sanctions and having heard from Councillor Atkins, Alex Oram and the views of the Independent Persons we have concluded that Councillor Atkins conduct did merit the imposition of a sanction. We have considered appropriate and proportionate sanctions for the breaches of the Code and consider the imposition of the following:-

Individual training on the Code of Conduct to be undertaken with the Monitoring Officer.

Requesting that Councillor Atkins offer his apology personally to the relevant officers. Councillor Atkins has agreed to do both.

Reasons for the sanction imposed:-

The Committee agreed that training and an apology was an appropriate and proportionate sanction for the relevant breach of the Code.

10. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 11.20 am)