

**STANDARDS COMMITTEE
12 MARCH 2009**

Present: Independent members: -
Mr V Kempner (in the Chair)
Mrs S Fellows

Councillors Bird, Daniel, Fawthrop, Martin, Roberts and
Silverson

Also in attendance were Mr T Smith, the Investigating Officer,
Jayne Butters, Borough Solicitor and Monitoring Officer and
Chris Barkshire-Jones, Senior Lawyer Enforcement and
Litigation.

6. MINUTES

RESOLVED – that the minutes of the meeting held on 4 December 2008
be approved and signed by the chair as a correct record.

7. DECLARATIONS OF INTEREST

Members made no declarations of interest at this meeting.

8. INVESTIGATION OF COMPLAINT SC.003.08

The Borough Solicitor and Monitoring Officer had submitted the Investigating Officer's report for consideration. The Complainant, Tim Cookson, alleged that on 16 April 2008 Councillor Palmer circulated an e-mail to local residents that made derogatory references about the Complainant and undermined his authority. The e-mail was copied to the Complainant by one of the recipients of the e-mail at his e-mail address. It was alleged that certain comments in that e-mail showed a serious disregard and disrespect to him and fellow professional planning advisors within the Council, that they were offensive and undermined his authority. The Complainant considered that the comments were aggravated by the fact that Councillor Palmer was a member of Planning Committee at the time, where reports by the Borough Planning Officer were presented to the Committee to make recommendations in relation to planning and related applications which were the subject of consideration.

Councillor Palmer was the respondent but was not in attendance. She had indicated that she did not intend to attend the meeting as she had holiday booked. The Borough Solicitor and Monitoring Officer circulated email correspondence between Councillor Palmer and herself, concerning her availability for the meeting. Further email correspondence between Councillor Palmer and the Principal Committee Administrator with regard to the setting up of the meeting were also circulated.

Councillor Palmer had not taken the opportunity to dispute any of the Investigating Officer's findings on the forms provided. However, in an email to the Borough Solicitor she stated that she did dispute the claims made against her and believed that her reasons had been stated in Mr Smith's report. She had submitted a statement to Standards Committee. The Committee considered whether to hear the complaint in Councillor Palmer's absence or to adjourn the meeting.

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RESOLVED (by 7 votes to 0) – that consideration of the complaint would continue in Councillor Palmer's absence.

The Borough Solicitor and Monitoring Officer summarised her report and highlighted the issues that the Committee needed to address. The Investigating Officer addressed the Committee and highlighted points from his report.

Councillor Daniel referred to paragraph 4.22 of the Investigating Officer's report and stated that he had not been on the Appointment Panel when the Complainant was appointed Borough Planning Officer. Paragraph 4.67 of the report was also amended by the addition of the word, "not" between the words, "the local resident who said that he did" and the words, "consider the Councillor was a bully".

Councillor Fawthrop proposed, seconded by Councillor Roberts, to move to part 2 for private discussion. This was agreed.

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

1. At the time of the events complained of 16 April 2008, Councillor Palmer was a member of Hastings Borough Council;
2. At the time of the events complained of Councillor Palmer was required to observe the Code of Conduct of Hastings Borough Council; and
3. At the time of the events Councillor Palmer was acting in her official capacity.

The relevant paragraphs of the Code and Protocol that the Committee decided had been breached were as follows: -

4. The following paragraphs of the Code of Conduct had been breached: -
 - 3.(1) You must treat others with respect;
 5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
5. The Council's Protocol for Relationships Between Members and Officers had been breached in respect of paragraphs 44, 45, 135 and 137;
6. Reasons for the decisions in respect of the breaches of the Code of Conduct were as follows: -

Paragraph 3. (1) the email sent publicly criticised the officer and was offensive in nature. It contravened the Code of Conduct and the Council's Protocol for Relationships between Members and Officers, albeit that Councillor Palmer had received training; and

Paragraph 5. the comments made in the email were a serious indictment of the Complainant's performance as a senior officer with a high profile role with the Council;

7. There was no breach of paragraph 3.(2) (b) for the reason that the words used by Councillor Palmer were not comments that you would normally associate with bullying. They were disrespectful but not bullying

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The Investigating Officer addressed the Committee in respect of the available sanctions.

Councillor Fawthrop proposed, seconded by Councillor Roberts, to move to part 2 for private discussion. This was agreed.

The Committee retired to consider appropriate sanctions. They returned and announced their decision, as follows: -

RESOLVED (unanimously) – that: -

- (1) Councillor Palmer be suspended from office for 30 days with immediate effect with the exception of any attendance at training events; and**
- (2) Councillor Palmer attend training on the Code of Conduct and the Council's Protocol for Relationships Between Members and Officers to be completed within 100 days; and**
- (3) a reminder be sent to all Members regarding adherence to the Council's Protocol for Relationships Between Members and Officers.**

The Committee announced that the reason for this decision was because Councillor Palmer has shown no sign of remorse nor offered an apology to Mr Cookson. The Committee noted that Councillor Palmer did not seek advice from member colleagues or the Monitoring Officer. The Committee also noted that this was the first complaint against Councillor Palmer and this has been taken into account.

The chair explained that Cllr Palmer would receive the committee's decision shortly and that she could appeal to the president of the Adjudication Panel against the decision within 21 days of the date of the notification. A public notice of the decision would be published in the local newspaper.

(The Chair declared the meeting closed at 8.18 pm)