

PRIVATE AND CONFIDENTIAL

Complaint Reference: SC/01/13/2013

Member Subject of the Complaint: Councillor Emily Westley

Complainant: Mr Richard Vallery-Peters, 66 Asburnham Road, Hastings,
East Sussex, TN35 5JH

Relevant paragraphs of the revised Code of Conduct:

Paragraph 3(1) You must treat others with respect

Paragraph 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into dispute

Summary of Allegation:

On the 6th April 2013 Mr Vallery-Peters was made aware of a rumour that Councillor Westley had put some defamatory remarks about him on her twitter account alleging that he was standing as the UKIP candidate in the forthcoming County Council Elections.

He later provided evidence to the Council's Deputy Monitoring officer and Chief Legal Officer that showed the following statements on Councillor Westley's twitter account;

"I see you have a defector for ESCC election to UKIP. I bet your glad to get rid of that criminal Richard Vallery-Peters"

Sent to Hastings Rye Conservatives 7 April 2013

When asked by the Hastings and Rye Conservatives what evidence there was in respect of the statement, the following was sent on 7th April in reply;

"about him wearing medals he was not permitted to wear. Defecting he announced in the pub"

Since then the complainant has written to Councillor Westley about the 'tweets'. Councillor Westley had instructed lawyers from for the Association of Labour Councillors who sent a letter to the complainant. The letter contained an apology in the following format; "Our client wishes to apologise for making this statement and regrets any distress or embarrassment which the wording ...may have caused you"

The letter also explained that Councillor Westley thought that Mr Vallery-Peters had been arrested in regard to the wearing of military medals he was not entitled to wear and had received a criminal sanction. She now realises

that was not the case. Councillor Westley has removed the "tweets" and placed on her twitter account the following;

"I apologise to Richard Vallery-Peters for stating that he was a defector to UKIP and was standing as a UKIP candidate at the ESCC Election. This was untrue and I apologise unreservedly for stating that. Furthermore, I apologise unreservedly for using the term "criminal" referring to Richard Vallery-Peters in my Twitter account communication with Hastings & Rye Conservative Association. The statement was based on newspaper accounts which I replied upon but did not seek confirmation of elsewhere"

Additional papers attached:

1. Complaint

Criteria for decisions by the Assessment Sub-Committee

Initial Tests

1. Before assessment of a complaint begins, the Assessment Sub Committee should be satisfied that the complaint meets the following tests:-

- a) it is a complaint against one or more named members of the Council
- b) the named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time
- c) the complaint, if prove, would be a breach of the Code under which the member was operating at the time of the alleged misconduct.

2. If the complaint fails one or more of the tests it cannot be investigated as a breach of the Code, and the complainant must be informed that no further action will be taken in respect of the complaint.

3. If the complaint passes these tests, the Sub-Committee will go on to consider whether to take no action, whether to refer the complaint for investigation or whether to refer it to the Monitoring Officer or (Deputy) for other action, such as a full hearing.

Application of Initial Tests

4. In order to proceed, the Sub Committee has to consider the following:

- a) Councillor Westley is an elected member of Hastings Borough Council.
- b) The Complainant had provided evidence as to when the offence took place on 7 April 2013.
- c) Whether the conduct, if proved would constitute a breach of the Code of Conduct

5. The first question is easily answered. The second happened at the weekend. However the role of Councillor does not just apply between office hours. The last question is answered if the committee are satisfied that the first two questions are applicable. Then they need to satisfy themselves that the action amounts to disrespect and/or the conduct has brought Councillor Wesley's office or authority into disrepute.

Decisions of the Assessment Sub-Committee

6. The Assessment Sub-Committee is required to reach one of the following decisions;

- a) referral for further investigation
- b) referral to the Standards Committee for a public hearing
- c) no further action because there is no breach of the Code of Conduct

It is suggested that further investigation is not necessary. The evidence is present and the facts seems to be quite clear.

It is suggested that if the Assessment Sub-Committee find that Councillor Westley has breached the Code of Conduct the matter is referred to a public hearing to decide what action to take and allow both the complainant and Councillor Westley to make their own submissions. A date has been pencilled in for 26 June at 18.00hrs.

The Decision and the Reasons for the Decision

7. The Assessment Sub-Committee will give a written summary of their decisions which should include:-

- a) the main points considered
- b) the conclusions on the complaint
- c) the reasons for the conclusions