

# STANDARDS COMMITTEE

29 JUNE 2017

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

Independent persons: Jan Gray and Susan Fellows  
Independent Inspector: Victoria Simpson, Orbis Public Law  
Christine Barkshire-Jones Monitoring Officer, Kirsty Cameron Deputy Monitoring Officer

## 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cooke and Chowney.

## 2. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

## 3. MINUTES OF THE MEETING HELD ON 8 DECEMBER 2016

**RESOLVED** - (unanimously) that the minutes of the Assessment Sub-Committee meeting held on 8 December 2016 be approved.

## 4. COMPLAINT - SB/06/02/2016

The Monitoring Officer submitted a report in respect of a complaint alleging several breaches of the Code of Conduct by Councillor Kim Forward. Councillor Cooke had given his apologies for this meeting and Councillor Forward was present.

On 14th November 2016 the Monitoring Officer received a complaint from Councillor Robert Cooke concerning Councillor Kim Forward.

Councillor Cooke's complaint stated that Councillor Forward had failed to declare a prejudicial interest at the Full Council meeting on 26th October 2016 regarding her involvement in the Council's Social Lettings Agency Scheme and during consideration of the report of the Housing Strategy which was approved by Full Council on 20th July 2016.

At the initial assessment meeting held on 8th December 2016, the Committee agreed that the complaint met the initial tests set out in the Monitoring Officer's report. The committee believed the evidence was sufficient to warrant appointing an external investigator.

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Victoria Simpson of Orbis Public Law was appointed by the Monitoring Officer to conduct the investigation into the complaint against Councillor Forward. The decision was taken to conduct the investigation after the local election on 4th May 2017 and the general election on 8th June 2017 due to the nature of the complaint, so as not to take place during Purdah. The report of the external investigator confirmed that a 'technical' breach of the Code had taken place. The Monitoring Officer arranged a hearing to allow the Standards Committee to decide if they agreed with the findings of the report and determine any action to take if appropriate. The hearing would allow both Councillors Cooke and Forward, to make their own submissions.

Victoria Simpson's report was appended to the Monitoring Officer's report as 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 some of the interviews were undertaken on a confidential basis and contained sensitive information.

The 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 elections so as not to take place during Purdah.

Victoria Simpson outlined the steps she had taken during her investigation. She thanked Councillor Forward for her co-operation during the investigation and referred to her findings set out in her report. It was her view that there has been a technical breach of the Code of Conduct in respect of paragraph 13(2) of the Code as a result of the Councillor Forward's failure to update her entry on her register of interests within 28 days of a change. It was also her view that there was no breach of the Code of Conduct in respect of paragraphs 9(1) and 12(1) of the Code of Conduct.

Members thanked Victoria Simpson for her comprehensive report.

Jan Gray and Susan Fellows, Independent Persons, both agreed that a technical breach of Paragraph 13(2) 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 to announce their findings of fact, as follows:-

### **Decision:-**

**Having read the report and heard from all parties including Councillor Kim Forward, Victoria Simpson and the views of the Independent Persons, the facts are not disputed.**

Resolved unanimously (Councillor Dowling proposed and Councillor Clarke seconded) that there was a technical breach of Paragraph 13(2) of the Code. Paragraph 13 (2) Subject to paragraph 14, you must within 28 days of becoming aware of any new personal interest falling within sub-paragraphs (1)(i) or (1)(ii) or any change to any personal interest registered under sub-paragraphs (10)(i) or (1)(ii), register details of

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that new personal interest or change by providing written notification to your authority's monitoring officer.

There was no breach of the Code of Conduct in respect of paragraphs 9(1) and 12(1).

### **Reasons for the decision:-**

1. Members considered the witness statements of Councillor Cooke and Councillor Forward, the Independent Persons and the external investigators report.
2. At the time of the event complained of Councillor Forward was an elected member of Hastings Borough Council and was required to observe the Code of Conduct of Hastings Borough Council.
3. Councillor Forward was at the Full Council meeting on 26<sup>th</sup> October as a Councillor and therefore was in office as the time of the alleged conduct and the Code of Conduct was in force at that time.
4. Councillor Forward admitted that she did fail to update her register within the required 28 day period following a change in her interests. This was an omission as opposed to a deliberate act and once it was brought to her attention Councillor Forward rectified the situation.

Victoria Simpson addressed the Committee on the issue of sanctions. She advised that the sanctions need to be proportionate and relevant to the breach of the Code of Conduct. She added that in addition to the sanctions listed in her report, members could decide to impose a sanction of no further action as the breach was a technical breach and has been remedied.

Councillor Forward said she was sorry for the technical breach of the Code of Conduct and will ensure she would update her member's interest form on a regular basis.

Jan Gray and Susan Fellows, Independent Persons, both agreed that as Councillor Forward had apologised and rectified the breach that no further action should be taken.

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

**RESOLVED (unanimously) Councillor Sinden proposed and Councillor Bacon seconded):- No further action**

### **Reasons for the sanction imposed:-**

The Committee agreed that in light of the fact that Councillor Forward had apologised for the technical breach and rectified the error as soon as it was brought to her attention to take no further action was an appropriate and proportionate sanction for this technical breach of the Code of Conduct. The Committee asked that all members be reminded to check their register of interests on a regular basis.

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### 5. COMPLAINT - SB/06/03/2016

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 Rob Lee.

Councillor Chowney had given his apologies for this meeting and Councillor Lee was present.

On 16th November 2016 the Monitoring Officer received a complaint from Councillor Peter Chowney concerning Councillor Rob Lee.

Councillor Chowney's complaint stated that at the Full Council meeting on 26<sup>th</sup> October 2016, Councillor Lee's behaviour and comments towards Councillor Kim Forward breached the Code of Conduct. The complaint alleged that Councillor Lee accused Councillor Forward of failing to declare a personal interest in the report on the housing strategy that was approved by Full Council. He accused her of financial gain through participating in the Council's Social Lettings agency Scheme and of not declaring an interest in that scheme. In doing so Councillor Chowney alleged that Councillor Lee was in breach of the second principle of the Code, in that his integrity could be questioned as a result of his untrue allegations about Councillor Forward, that he behaved improperly and that he failed to avoid the appearance of such behavior. The complaint alleges that in making false allegations about Councillor Forward, Councillor Lee breached the sixth principle of the Code, in that he placed himself in a situation where his honesty may be questioned, he behaved dishonestly, and he failed to avoid the appearance of such behavior. The complaint also alleges that in the tone and content of his verbal attack on Councillor Forward, Councillor Lee breached article 3(02)(b) of the Code, regarding a requirement not to bully any person.

At the initial assessment meeting held on 8th December 2016, the Committee agreed that the complaint met the initial tests set out in the Monitoring Officer's report. The Committee believed the evidence was sufficient to warrant appointing an external investigator.

Victoria Simpson of Orbis Public Law was appointed by the Monitoring Officer to conduct the investigation into the complaint against Councillor Lee. The decision was taken to conduct the investigation after the local election on 4th May 2017 and the general election on 8th June 2017 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. The Monitoring Officer arranged a hearing to allow the Standards Committee to decide if they agreed with the findings of the report and determine any action to take if appropriate. The hearing would allow both Councillors Chowney Lee, to make their own submissions.

Victoria Simpson's report was appended to the Monitoring Officers report as 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 some of the interviews were undertaken on a confidential basis and contained sensitive information.

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The 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.

Victoria Simpson outlined the steps she had taken during her investigation. She referred to her findings set out in her report. It was her view that there had been a breach of the Code of Conduct in respect of paragraph 3(1) of the Code in that Councillor Lee failed to treat Councillor Forward with respect. It was also her view that there was no breach of the Code of Conduct in respect of paragraph 3(2)b of the Code of Conduct.

Members thanked Victoria Simpson for her comprehensive report.

Councillor Lee accepted that he treated Councillor Forward with a lack of respect. He said he was very sorry about that and will make a full apology to her.

Jan Gray and Susan Fellows, Independent Persons, both agreed that a breach of paragraph 3(1) 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 to announce their findings of fact, as follows:-

### **Decision:-**

**Having read the report and heard from all parties including Councillor Rob Lee, Victoria Simpson and the views of the Independent Persons, the facts are not disputed.**

Resolved unanimously (Councillor Dowling proposed and Councillor Clarke seconded) that there was a breach of Paragraph 3(1) of the Code of Conduct. Members must treat others with respect.

There was no breach of the Code of Conduct in respect of paragraph 3(2)b of the Code of Conduct. Members must not bully any person.

### **Reasons for the decision:-**

1. Members considered the witness and oral statements of the Complainant, Councillor Chowney and Councillor Lee, the Independent Persons and the external investigators report.
2. At the time of the event complained of Councillor Lee was an elected member of Hastings Borough Council and was required to observe the Code of Conduct of Hastings Borough Council.
3. Councillor Lee was at the Full Council meeting on 26<sup>th</sup> October as a Councillor and therefore was in office as the time of the alleged conduct and the Code of Conduct was in force at that time. Evidence was provided by the transcript of the recording – Appendix B of the complaint.

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4. Councillor Lee admitted that he treated Councillor Forward with a lack of respect. He said he was very sorry about that and will make a full apology to her.

Victoria Simpson addressed the Committee on the issue of sanctions. The external investigator advised that the sanctions need to be proportionate and relevant to the breach of the Code of Conduct. She added that in addition to the sanctions listed in her report members could decide to ask Councillor Lee to apologise to Councillor Forward as he had already accepted that he breached the Code of Conduct and would apologise to Councillor Forward.

Jan Gray and Susan Fellows, Independent Persons, both agreed that an apology would be an appropriate sanction under the circumstances.

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

**RESOLVED (unanimously) Councillor Bacon proposed and Councillor Sinden seconded) that:-**

The Committee's decision is that Councillor Lee apologise to Councillor Forward and notifies the Monitoring Officer once he has given that apology.

**Reasons for the sanction imposed:-**

The Committee agreed that in light of the fact that Councillor Lee had accepted that he had breached the Code of Conduct and not treated Councillor Forward with respect but had offered to give her a full apology was an appropriate and proportionate sanction for this breach of the Code of Conduct.

### 6. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 12.02 pm)