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STANDARDS COMMITTEE

23 FEBRUARY 2022

Present: Councillors Pragnell (Chair), Edwards, Sinden, Roberts and Webb.
Independent Persons: John Baker and Amanda McIntyre (observing). Officers: Mary Kilner, Monitoring Officer and Kirsty Cameron, Deputy Monitoring Officer

44. APPOINTMENT OF CHAIR

The Monitoring Officer opened the meeting and explained that given a potential conflict of interest which had been raised Councillor Evans decided not to attend and was substituted by Councillor Webb.

A potential conflict of interest was also raised against Councillor Roberts, who as Vice-Chair would normally chair the meeting in Councillor Evans' absence. The Monitoring Officer therefore asked for nominations for Chair for the duration of the meeting.

Councillor Sinden proposed Councillor Pragnell be appointed Chair for the duration of the meeting, seconded by Councillor Roberts.

RESOLVED (unanimously) – that Councillor Pragnell be appointed Chair for the duration of the meeting.

45. APOLOGIES FOR ABSENCE

Apologies for absence received from Councillor Evans. Councillor Webb was present as a substitute for Councillor Evans.

46. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Roberts	47 – Standards Complaint Ref 2021-2	Personal – Had a Teams meeting with Councillor X to discuss political group procedure. Was also present at a speech given by Councillor X as a press photographer.
Webb	47 – Standards Complaint Ref 2021-2	Personal – Has supported one of the complainants but over past years has supported individuals from all parties, including Councillor X.
Sinden	47 – Standards Complaint Ref 2021-2	Personal – Knows Councillor X and their family and was present at a speech given by Councillor X

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Councillor X's witness queried whether Councillor Webb's interest was personal or prejudicial. The Monitoring Officer read out the description of a prejudicial interest and said the interest should be considered personal and Councillor Webb could therefore take part in the meeting. The witness requested that it be noted that Councillor Webb was intending to support one of the complainants in a planned meeting with the witness and the complainant.

47. MINUTES OF THE PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 15th December 2021 be approved by the Chair as a true record.

48. STANDARDS COMPLAINT REF 2021-2

The Monitoring Officer presented a report to decide what action to take in respect of five complaints against Councillor X regarding the following paragraphs of the Code of Conduct:

Section 3 - (1): You must treat others with respect.

Section 3 - (2)(a) You must not- do anything which may cause your authority to breach any of its equalities duties (in particular as set out in the Equality Act 2010). (b) bully any person.

Section 5 - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Section 6 – (a) You must not use your position as a councillor or co-opted member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

The Monitoring Officer explained that the purpose of the meeting is for the Committee to decide if there has been a breach of the code, and to decide appropriate action, if any. Councillor X was also in attendance to give their evidence.

All five complaints were related to the same incident. The complaints were received between 19th September 2021 and 29th October 2021 and the Monitoring Officer met with Councillor X on 22nd September to discuss the complaints.

The Committee were shown evidence relating to the complaints, including a video and press articles.

The Monitoring Officer described the steps taken following receipt of the complaints. Councillor X was made aware of the complaints and given the opportunity to speak to Amanda McIntyre, one of the Independent Persons. Amanda offered advice on the complaints procedure.

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The Monitoring Officer spoke to both Independent Persons in November 2021 to discuss the complaints, following which it was agreed that they were sufficiently serious to be sent to the Standards Assessment Sub-Committee for discussion. The Sub-Committee met on 15th December 2021 to assess the initial tests and decide whether there was a breach of the code.

The Assessment Sub-Committee concluded that the initial tests were met and the evidence presented constituted a breach of the code. However, they decided to convene a full hearing to allow Councillor X to present their case before reconsidering the initial tests.

Councillor X's representative gave a submission to the Committee and responded to each complaint. Evidence was provided to the Committee by Councillor X as well as a detailed written response to the points raised in the complaints. Councillor X called a witness who gave evidence to the Committee.

The Standards Committee carefully considered the Monitoring Officer's report, the complaints, the evidence and submissions made by Councillor X, their representative and witness and sought the view of the Independent Person.

The Standards Committee concluded that the complaints satisfied the initial tests in that at the time of the events complained of Councillor X was an elected member of Hastings Borough Council and was required to observe the Code of Conduct of Hastings Borough Council. The Standards Committee concluded that Councillor X was acting in their capacity as a Councillor as they were introduced as a Councillor and correspondence was also sent from their Hastings Borough Council email address. The Standards Committee concentrated on the direct actions and statements of Councillor X and the impact it had on Councillor Y and public views and sentiment.

The Standards Committee considered all five complaints together and debated each part of the Code of Conduct as follows: -

1). 3 (1) You must treat others with respect.

Unanimous Decision: Breach of the Code of Conduct. (Proposed by Councillor Pragnell, seconded by Councillor Roberts)

Reasons for decision: The Standards Committee concluded that the evidence provided made it clear that Councillor X did not treat Councillor Y with respect and undermined Councillor Y's respect and standing in the community.

**2). 3 (2) You must not:
(a) do anything which may cause your authority to breach any of the equality duties (in particular as set out in the Equalities Act 2010)**

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Unanimous Decision: No Breach of the Code of Conduct. (Proposed by Councillor Pragnell, seconded by Councillor Roberts)

Reasons for decision: The Standards Committee concluded from the evidence provided that Councillor X did not breach Para 3(2)(a) of Part 1 of the Code of Conduct.

- 3). **3 (2) You must not:
(b) bully any person.**

Unanimous Decision: Breach of the Code of Conduct. (Proposed by Councillor Edwards, seconded by Councillor Sinden)

Reasons for decision: The Standards Committee concluded on the evidence provided that the actions and statements of Councillor X towards Councillor Y amounted to bullying of Councillor Y. They considered the impact on Councillor Y together with the impact it had on members of the public. They took into account the view given by the Independent Person.

- 4). **5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.**

Decision (4 For, 1 Against): No breach of the Code of Conduct. (Proposed by Councillor Edwards, seconded by Councillor Roberts)

Reasons for decision: The Standards Committee concluded that the actions of Councillor X did not breach Para 5 of Part 1 of the Code of Conduct.

- 5). **6 (a) You must not use your position as a councillor or co-opted member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.**

Unanimous Decision: Breach of the Code of Conduct. (Proposed by Councillor Pragnell, seconded by Councillor Webb)

Reasons for decision: The Standards Committee concluded from the evidence provided that the actions and statements made by Councillor X (whilst acting in the capacity of a Councillor) was intended to confer a disadvantage on Councillor Y in relation to Councillor Y's standing and respect in the community.

Sanctions: -

The Standards Committee carefully considered the submissions made by the Monitoring Officer in terms of considering mitigating and aggravating factors.

They heard from Councillor X and their representative and sought the view of the Independent Person. The Standards Committee considered all options available to them.

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Unanimous Decision: Councillor X to undertake one to one training with the Monitoring Officer on the Code of Conduct. Councillor X to also undertake one to one training with the appropriate officer on social media. (Proposed by Councillor Roberts, seconded by Councillor Sinden)

Reasons for decision: The Standards Committee considered mediation as a sanction however did not consider it would be appropriate in this case. They considered that training would be more suitable in order to prevent future recurrence.

The Standards Committee requested that their decision be Part 2 and all attendees respect the confidentiality and identities of the complainants and the Councillors concerned given their concerns regarding safeguarding because of the nature of the issues raised in the complaints.

The decision of the Standards Committee is final and there is no right of appeal.

(The Chair declared the meeting closed at 2.05pm)

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