

STANDARDS SUB-COMMITTEE

Meeting: 25 April 2023
At: 5.30 pm

PRESENT

Councillor Brian Bagnall, Mr Stephen Clarke (Independent Member) Councillor Anna Charles-Jones and Councillor Dickie Davies.

Also in attendance

Val Cottam – Independent Person
Complainants

1 ELECTION OF CHAIR

RESOLVED – That Mr Stephen Clarke be elected chair of the Sub-Committee for the duration of the meeting.

Mr Stephen Clarke in the Chair

2 REQUEST FOR ADJOURNMENT

The Sub-Committee heard representations from the Monitoring Officer on behalf of Councillor Harrison who was unable to attend, to adjourn the meeting.

The Investigating Officer, Independent Person and complainants were then asked to withdraw from the meeting whilst the Sub-Committee considered the request to adjourn the meeting.

The Monitoring Officer, reported that she had received an email from Councillor Harrison confirming he was unable to attend the meeting and requested an adjournment.

The Sub-Committee considered the request and was of the view that reasonable efforts had been made to agree the date and time with Councillor Harrison, an earlier request to adjourn had already been rejected, all parties had received the information and read it thoroughly and as such Councillor Harrison did not need to be present.

Upon the resumption of the hearing, it was

RESOLVED – That the Sub-Committee was of the view that the request by Councillor Harrison to adjourn the meeting be refused.

3 DECLARATIONS OF INTEREST

Councillors and officers were invited to declare any interests they had in any of the items on the agenda for the meeting.

No declarations of interest were made.

4 URGENT DECISIONS

No urgent decisions were reported.

5 PUBLIC QUESTION TIME

Members of the public were invited to put questions to the Chair on any matters within the powers and duties of the Committee, subject to the exclusions set out in the Code of Practice.

No public questions were submitted.

6 EXCLUSION OF THE PUBLIC AND THE PUBLIC INTEREST TEST

RESOLVED – That in order to prevent the disclosure of information which was not for publication relating to any individual, the disclosure of which would not be in the public interest, would not be fair and would be in breach of Data Protection principles, the public be excluded from the meeting during consideration of the Agenda Item 7 – ‘Complaint received in relation to the Councillors Code of Conduct’.

Item 'Not for Publication'

7 COMPLAINT RECEIVED IN RELATION TO THE COUNCILLORS' CODE OF CONDUCT

The Monitoring Officer submitted a report (copies of which had been circulated) detailing the outcome of an investigation into a complaint in relation to the conduct of Councillor Harrison and outlined the procedure to be followed by the Standards Sub-Committee in conducting a local hearing into the complaint.

The Monitoring Officer reported that she had appointed an Investigating Officer in the form of the Deputy Monitoring Officer to undertake a formal investigation to examine the complaint.

The Investigating Officer (Michelle Dodds) then presented her final report (copies of which had been circulated) of the investigation into the complaint received regarding the conduct of Councillor Harrison with specific regard to several Facebook posts on Councillor Harrison’s Facebook feed during December 2022 which were alleged to have breached the following aspects of the Council’s adopted Code of Conduct for Councillors and Co-opted Members:-

- (i) bullying or abusive to any person;
- (ii) Doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;
- (iii) Disclosing confidential information;
- (iv) Doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Local Authority;
- (v) Disclosing information given to them in confidence by anyone, or information acquired which he or she believes is of a confidential nature;

- (vi) Conduct which could reasonably be regarded as bringing the office of councillor or the council into disrepute; and
- (vii) Taking part in the discussion or making a decision where they have a prejudicial interest.

The Investigating Officer summarised the nature of the complaint, her findings of fact, recommendation and reasons and then responded to questions from members of the Sub-Committee.

The Independent Person then made representations before the Investigating Officer and was afforded the opportunity to summarise their positions.

The Investigating Officer, Independent Person and complainants were then asked to withdraw from the meeting whilst the sub-committee deliberated the representations made.

Upon the resumption of the hearing, it was

RESOLVED – That the Sub-Committee was of the view that on the balance of probabilities, Councillor Harrison was acting in his capacity as a councillor when he made the posts on his Facebook feed that were the subject of the complaint and therefore the code of conduct would apply.

In arriving at this view, the Sub-Committee noted that Councillor Harrison had taken no action to remove the posts within a reasonable timeframe, he continued to post comments on his Facebook page over a couple of days with no signs of remorse, his comments were abusive and offensive and affected everyone including the Council and wider Local Authority.

The Sub-Committee therefore found that the Facebook posts and comments were a breach of the Code of Conduct and as a consequence and on the balance of probabilities it upheld two of the seven complaints, namely that the Facebook posts and comments constituted a breach of the following sections of the Council's adopted Code of Conduct for Councillors and Co-opted Members:-

- (i) Section 3.1 (b) - Bullying or abusive to any person; and
- (ii) Section 5 - Conduct which could reasonably be regarded as bringing the office of councillor or the council into disrepute.

The Sub-Committee then heard representations from the Monitoring Officer and Independent Person in relation to whether or not sanctions should be applied, and if so, what form these should take.

The Investigating Officer, Independent Person and complainants then withdrew from the meeting whilst the Sub-Committee considered the issue of sanctions before being invited back into the meeting.

Upon the resumption of the hearing, it was further

RESOLVED – That approval be given to the imposition of the following sanctions:-

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- 1) Publish its findings in respect of Councillor Harrison's conduct.
- 2) Report its findings to the Council Meeting for information.
- 3) Recommend to the Council Meeting that Councillor Harrison be censured.
- 4) Recommend to the Member's Group Leader (or in the case of ungrouped members) recommend to the Council Meeting that he/she be removed from any or all committees or sub committees of the Council for a minimum of 12 months providing the appropriate training (Social Media) is provided (face to face) supported by a member of the Party Group (mandatory) and recorded and evidenced accordingly.
- 5) Recommend to the Leader of the Council that Councillor Harrison be removed from the Executive (should he be appointed), or removed from their portfolio responsibilities (if already appointed, for a minimum of 12 months).
- 6) Instruct the Monitoring Officer to arrange training for Councillor Harrison; and (training to include Social Media training and to be recorded and evidenced accordingly).
- 7) Recommend to the Council Meeting that Councillor Harrison be removed from all outside bodies, appointments to which they have been appointed or nominated by the Council Meeting (if already appointed, for a minimum of 12 months).

The meeting closed at 7.02 pm.