

Standards Committee
25 FEBRUARY 2021

Present: Councillors: Karen Burgess, Brian Donnelly and Jim Sanson

SC/1 **ELECTION OF CHAIRMAN OF THE SUB-COMMITTEE FOR THE MEETING**

RESOLVED

That Brian Donnelly be elected Chairman of the Sub-Committee for the purposes of this meeting

SC/2 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

Exclusion of the Press and Public

RESOLVED

That, under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for this item of business, on the grounds that it involves the likely disclosure of exempt information, as defined in Paragraph 2 of Part I of Schedule 12A of the Local Government Act 1972 (information which is likely to reveal the identity of an individual), and in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

SC/3 **TO DETERMINE ALLEGATIONS FOLLOWING INVESTIGATIONS IN ACCORDANCE WITH ARRANGEMENTS IN PLACE UNDER THE LOCALISM ACT 2011**

The sub-committee considered four complaints alleging that a Steyning Parish Councillor had breached the Members' Code of Conduct (the Code). Each of the complaints was against the same Councillor, and had been made by the same individual who was also a Steyning Parish Councillor.

1) Complaint ref: CES 001392

The Investigating Officer introduced the report on the complaint, which alleged breaches of the following paragraphs of the Code:

- 3(1): You must treat others with respect;
- 3(2)(b): You must not bully a person;
- 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute.

The allegation related to a Parish Council meeting held virtually and how the Subject Member presented himself at that meeting and then posted part of the meeting onto Facebook.

The sub-committee considered the conclusions of the Investigating Officer. They took account of the information supplied by the complainant, the Subject Member's responses, the view of the Parish Representative and of the Independent Person.

RESOLVED

The sub-committee decided that, on the basis of the information before them:

- i) The Subject Member has failed to comply with the following paragraphs of the Code:
 - 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 into disrepute.
- ii) There had been no breach of paragraph 3(2)(b): You must not bully a person.

2) Complaint ref: CES 001418

The Investigating Officer introduced the report on the complaint, which alleged breaches of the following paragraphs of the Code:

- 3(1): You must treat others with respect;
- 3(2)(b): You must not bully a person;
- 4: You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature except with appropriate consent, where required by law, when obtaining professional advice, when reasonable and in the public interest, when made in good faith and in accordance with requirements of the Authority;
- 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute.

The allegation related to the language used in written communications and the recording of a Parish Council meeting as it went into exempt session, which was then posted on Facebook.

The sub-committee considered the conclusions of the Investigating Officer. They took account of the information supplied by the complainant, the Subject Member's responses, the view of the Parish Representative and of the Independent Person.

The sub-committed requested that the Subject Member be required to remove the relevant Facebook post.

RESOLVED

The sub-committee decided that, on the basis of the information before them:

- i) The Subject Member has failed to comply with the following paragraphs of the Code:
 - 3(1): You must treat others with respect;
 - 4: You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature except with appropriate consent;
 - 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute.
- ii) There had been no breach of paragraph 3(2)(b): You must not bully a person.

3) Complaint ref: CES 001520

The Investigating Officer introduced the report on the complaint, which alleged breaches of the following paragraphs of the Code:

- 3(1): You must treat others with respect;
- 3(2)(b): You must not bully a person;
- 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute.

The allegation linked the Subject Member to a group known as Steyning Justice, which had posted disrespectful and threatening material on a video platform. It was noted that the videos had since been removed.

The sub-committee considered the conclusions of the Investigating Officer. They took account of the information supplied by the complainant, the Subject Member's responses, the view of the Parish Representative and of the Independent Person. It was noted that the allegation had also been the subject of a police investigation, which had been closed because of insufficient evidence.

RESOLVED

The sub-committee decided that, on the balance of probability, there was insufficient evidence to find that the Subject Member had breached the Code.

4) Complaint ref: CES 001577

The Investigating Officer introduced the report on the complaint, which alleged breaches of the following paragraphs of the Code:

- 3(1): You must treat others with respect;
- 3(2)(b): You must not bully a person;
- 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute.

The allegation related to the alleged use of disrespectful and threatening language on social media.

The sub-committee considered the conclusions of the Investigating Officer. They took account of the information supplied by the complainant, the Subject Member's responses, the view of the Parish Representative and of the Independent Person. The sub-committee agreed that the Subject Member appeared to have been acting in his capacity as a Parish Councillor, contrary to his claim that he had been acting as a member of the public.

RESOLVED

The sub-committee decided that, on the basis of the information before them, the Subject Member has failed to comply with the following paragraphs of the Code:

- 3(1): You must treat others with respect;
- 3(2)(b): You must not bully a person;
- 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute.

Having determined that the Subject Member was in breach of the Code with regard to three of the Code of Conduct complaints, the sub-committee then considered what sanctions or remedies should be recommended. The sanctions relate to all three complaints where breaches of the Code have been determined.

RESOLVED

- 1) That the decisions of the sub-committee be published.
- 2) To RECOMMEND to Steyning Parish Council:
 - i) That the Subject Member makes a written apology to the Parish Council;
 - ii) That the Subject Member be excluded from all committees and sub-committees for a period of three months;
 - iii) That access to the premises of the Parish Council and use of resources provided by them to the Subject Member should be restricted for a period of three months;
 - iv) That during this time the Subject Member receives training.

REASON

The Subject Member has failed to comply with the following paragraphs of the Code sometimes on more than one occasion as detailed above:

- 3(1): You must treat others with respect;
- 3(2)(b): You must not bully a person;
- 4: You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature except with appropriate consent;
- 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute.

Members of the sub-committee were concerned that these complaints were symptomatic of wider issues relating to the Parish Council. It was noted that, since receipt of these four complaints, the Monitoring Officer and Legal Services Business Manager had attended a Steyning Parish Council meeting in December to discuss behaviours and the need for mediation.

The meeting closed at 12.00 pm having commenced at 10.00 am

CHAIRMAN