



Email: committeeservices@horsham.gov.uk
Direct line: 01403 215465

Standards Sub-Committee

Thursday, 25th February, 2021 at 10.00 am
via Remote Video Link

Councillors:

Karen Burgess
Brian Donnelly
Jim Sanson

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

Page No.

1. **Apologies for absence**
2. **Election of Chairman of the Sub-Committee for the Meeting**
3. **Declarations of Members' Interests**
To receive any declarations of interest from Members of the Committee

Exclusion of Press and Public
Exempt by virtue of Part 1 of Schedule 12A to the Local Government Act 1972
4. **To determine allegations following investigations in accordance with arrangements in place under the Localism Act 2011** 3 - 24
To determine allegations following investigations in relation to the alleged conduct of Parish Councillors and, if appropriate and necessary, to consider any sanctions.

Case reference numbers:

CES / 001392
CES / 001418
CES / 001520
CES / 001577

This page is intentionally left blank

This page is left intentionally blank

This page is intentionally left blank

Standards Sub Committee
DECISION NOTICE



Code of Conduct Complaint

Reference: CES / 001392

FINDINGS / DETERMINATION

| | |
|---|---|
| Date of Sub Committee Hearing | 25 th February 2021 |
| Subject Member | Councillor Simon Alexander |
| Council or Parish Council | Steyning Parish Council |
| Complainant | Councillor Paul Campbell |
| Council or Parish Council (If a Councillor) | Steyning Parish Council |
| Membership of Standards Sub Committee | Cllr Brian Donnelly (Chair) Cllr Karen Burgess Cllr Jim Sanson |
| Monitoring Officer & Legal Advisor to Sub-Committee | Sharon Evans, Head of Legal & Democratic Services |
| Investigating Officer | Natasha Rafatnia, Litigation & Governance Solicitor |
| Summary of complaint | <p>Allegations were made that Councillor Simon Alexander ('Subject Member') breached Steyning Parish Council's Code of Conduct ("the Code") by attending a formal Council meeting on 12 May 2020 displaying an avatar of Guido Fawkes (V for Vendetta mask) accompanied by a radical quote.</p> <p>In particular it was alleged that by using an inappropriate avatar during a virtual council meeting, this act caused disrespect to others, led to bullying a person, and bringing his office or authority into disrepute.</p> <p>The relevant paragraphs of the Code are: 3(1) You must treat others with respect</p> <p>3(2)(b) You must not bully any person</p> <p>5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute</p> <p style="text-align: center;">Page 5</p> |

Standards Sub Committee decision on whether or not there has been a failure to comply with the Code of Conduct and reasons for their decision

The Standards Sub Committee decided the following:

- 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.**

The Standards Sub Committee considered the complaint, the response to the complaint, the Independent Persons Report, the Parish Representatives Report and the Investigation Officers Report, including further comments from both the subject member and the complainant.

A full bundle of papers detailing the evidence, reports and comments was considered and further, the Sub Committee took advice from the Monitoring Officer after hearing representation from the Investigating Officer at the Standards Sub Committee hearing.

Whilst there was a delay in making the official complaint and it was beyond the 28 day period, this did not constitute a complete bar in dealing with the complaint, especially as on this occasion it was considered there were reasons and justifications for the delay.

The Standards Sub Committee thought the use of the avatar and accompanying quote used for the Council meeting was vindictive, sinister, and disrespectful and was capable of bringing your Office / Authority into disrepute, but they did not think that it amounted to bullying a person.

It was noted that the Councillor acted inappropriately and this was unacceptable behaviour and he should have known better to use something that has sinister implications

| | |
|---|--|
| Any mitigating circumstances taken into account | None |
| Sanctions | <p>The Standards Sub Committee considered the findings of three code of conduct complaints when deciding on appropriate sanctions:</p> <p>CES / 001392 (This case) CES / 001418 CES / 001577</p> <p><u>Sanctions</u></p> <ol style="list-style-type: none"> 1) That the decision of the sub-committee be published. 2) To RECOMMEND to Steyning Parish Council: <ol style="list-style-type: none"> 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, the details of which should be agreed with the Monitoring Officer. <p>These sanctions were formulated as a whole when considering all of the three complaints where breaches of the code were determined.</p> |

| | |
|---------------------|---|
| Additional comments | <p>It was noted specific to this case that the Steyning Parish Council now have an avatar policy where you will be excluded if you join a remote meeting with an inappropriate avatar or message.</p> <p>Members of the sub-committee were also concerned that these complaints were symptomatic of wider issues relating to Steyning Parish Council. It was noted that the Monitoring Officer has recently attended a Steyning Parish Council meeting to discuss behaviours generally and further work may be needed with this Parish Council generally.</p> |
|---------------------|---|

Signed: **SIGNATURE REDACTED**

Sharon Evans
Monitoring Officer and
Head of Legal and Democratic Services

Date: 9th March 2021

Standards Sub Committee
DECISION NOTICE



Code of Conduct Complaint

Reference: CES / 001418

FINDINGS / DETERMINATION

| | |
|---|---|
| Date of Sub Committee Hearing | 25 th February 2021 |
| Subject Member | Councillor Simon Alexander |
| Council or Parish Council | Steyning Parish Council |
| Complainant | Councillor Paul Campbell |
| Council or Parish Council (If a Councillor) | Steyning Parish Council |
| Membership of Standards Sub Committee | Cllr Brian Donnelly (Chair) Cllr Karen Burgess Cllr Jim Sanson |
| Monitoring Officer & Legal Advisor to Sub-Committee | Sharon Evans, Head of Legal & Democratic Services |
| Investigating Officer | Natasha Rafatnia, Litigation & Governance Solicitor |
| Summary of complaint | <p>Allegations were made that Councillor Simon Alexander ('Subject Member') breached Steyning Parish Council's Code of Conduct ("the Code") by using disrespectful, abusive language in his written communications, having leaked confidential information, and by recording a virtual meeting as it went into confidential session and then posting the video to a social media platform, namely Facebook.</p> <p>In particular it was alleged that by using inappropriate language in email correspondence with wording such as 'Paul you are a joke' (Subject Member's emphasis in bold font).... 'I suggest you crawl back under the rock you have chosen to hide under..... 'And the Machiavellian is out to play again', followed later by '.....'as a Machiavellian one can expect a distortion of the truth'.</p> <p>It was alleged that on 23 March 2020, there was an exchange of emails between councillors relating to council business. On the same day, the Subject Member without seeking any permission or consent, forwarded the emails to a person outside of Steyning Parish Council. Also on 1 May 2020, now ex Councillor Trevor Cree wrote an email to the Subject</p> |

Member about council business, in which he criticises the Subject Member, which was shared.

Also on 12 May 2020, and at a Parish Council meeting, the Subject Member covertly recorded the meeting and continued recording the meeting after it went into confidential session. The Subject Member, having not been a member of the committee at the time was asked to leave the meeting. The recording of the meeting was shared on social media by the Subject Member and is still online now.

The relevant paragraphs of the Code state:

3(1) You must treat others with respect

3(2)(b) You must not bully any 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 or authority into disrepute

Standards Sub Committee decision on whether or not there has been a failure to comply with the Code of Conduct and reasons for their decision

The Standards Sub Committee decided the following:

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.

The Standards Sub Committee considered the complaint, the response to the complaint, the Independent Persons Report, the Parish Representatives Report and the Investigation Officers Report, including further comments from both the subject member and the complainant.

A full bundle of papers detailing the evidence, reports and comments was considered and further, the Sub Committee took advice from the Monitoring Officer after hearing representation from the Investigating Officer at the Standards Sub Committee hearing.

Whilst there was a delay in making the official complaint and it was beyond the 28 day period, this did not constitute a complete bar in dealing with the complaint, especially as on this occasion it was considered there were reasons and justifications for the delay.

The Standards Sub Committee thought the language used was not appropriate and it was disrespectful. They were satisfied that there had been a disclosure of confidential information and that an exempt and a confidential session had been recorded and the video posted and viewed on many occasions. This is a concern, despite the actual subject matter of the recording itself, may not of been of a confidential nature. The Subject Member has been aware of this complaint for some time and still the recording is available to access. The Standards Sub Committee stated that they would like that recording / posting removed.

Careful consideration was given as to whether the actions detailed in this complaint amounted to bullying but it was decided that there was not a breach of this part of the code on this occasion.

| | |
|---|---|
| Any mitigating circumstances taken into account | None |
| Sanctions | <p>The Standards Sub Committee considered the findings of three code of conduct complaints when deciding on appropriate sanctions</p> <p>CES / 001392 CES / 001418 (This case) CES / 001577</p> <p><u>Sanctions</u></p> <ol style="list-style-type: none"> 1) That the decision of the sub-committee be published. 2) To RECOMMEND to Steyning Parish Council: <ol style="list-style-type: none"> 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, the details of which should be agreed with the Monitoring Officer; v) That the Subject Member immediately removes the posting and the recording of the confidential part of the meeting, subject to this complaint and confirms in writing that this has been done. <p>These sanctions were formulated as a whole when considering all of the three complaints where breaches of the code were determined.</p> |

| | |
|---------------------|--|
| Additional comments | Members of the sub-committee were also concerned that these complaints were symptomatic of wider issues relating to Steyning Parish Council. It was noted that the Monitoring Officer has recently attended a Steyning Parish Council meeting to discuss behaviours generally and further work may be needed with this Parish Council in the future. |
|---------------------|--|

Signed: **SIGNATURE REDACTED**

Sharon Evans
Monitoring Officer and
Head of Legal and Democratic Services

Date: 9th March 2021

This page is intentionally left blank

Standards Sub Committee
DECISION NOTICE



Code of Conduct Complaint

Reference: CES / 001520

FINDINGS / DETERMINATION

| | |
|---|--|
| Date of Sub Committee Hearing | 25 th February 2021 |
| Subject Member | Councillor Simon Alexander |
| Council or Parish Council | Steyning Parish Council |
| Complainant | Councillor Paul Campbell |
| Council or Parish Council (If a Councillor) | Steyning Parish Council |
| Membership of Standards Sub Committee | Cllr Brian Donnelly (Chair) Cllr Karen Burgess Cllr Jim Sanson |
| Monitoring Officer & Legal Advisor to Sub-Committee | Sharon Evans, Head of Legal & Democratic Services |
| Investigating Officer | Natasha Rafatnia, Litigation & Governance Solicitor |
| Summary of complaint | <p>Allegations were that Councillor Simon Alexander ('Subject Member') breached Steyning Parish Council's Code of Conduct ("the Code") through his alleged involvement with the 'Steyning Justice' group and the materials posted on Facebook and Vimeo, harassing Councillor Paul Campbell and other Steyning Parish Councillors.</p> <p>In particular, the group named 'Steyning Justice' have been involved in posting numerous inappropriate, offensive and somewhat threatening videos, posts and material to social media. The allegation is that the Subject Member is involved in or is part of this group and responsible for these posts.</p> <p>The relevant paragraphs of the Code state:</p> <p>3(1) You must treat others with respect</p> <p>3(2)(b) You must not bully any person</p> <p>5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.</p> |

Standards Sub Committee decision on whether or not there has been a failure to comply with the Code of Conduct and reasons for their decision

The Standards Sub Committee decided the following:

The Subject Member has **NOT** 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.

The Standards Sub Committee considered the complaint, the response to the complaint, the Independent Persons Report, the Parish Representatives Report and the Investigation Officers Report, including further comments from both the subject member and the complainant.

A full bundle of papers detailing the evidence, reports and comments was considered and further, the Sub Committee took advice from the Monitoring Officer after hearing representation from the Investigating Officer at the Standards Sub Committee hearing.

The 'circumstantial evidence' put forward of the connection of the Subject Member to the Steyning Justice Group was considered together with the fact that the police decided there was insufficient evidence to make the Subject Member a suspect in their investigation into this matter and the police are taking no further action in this case. Whilst the significant difference in the burden of proof was distinguished between a criminal matter and this code of conduct complaint, the Sub Committee could not on the balance of probabilities establish the required connection between the Subject Member and the inappropriate, offensive and somewhat threatening videos, posts and material to social media, via the Steyning Justice Group.

It cannot be said that the Subject Member was responsible for these posts and that he has breached the code of conduct. So there is no finding or a determination of any breaches of the code of conduct in relation to this complaint.

The Standards Sub Committee noted the sinister nature of the various materials posted and the type and levels of intimidation within and were glad to note that all posts and materials appear to have been removed from the internet and there is no further posts or current sign of Steyning Justice.

| | |
|---|---|
| Any mitigating circumstances taken into account | N/A |
| Sanctions | N/A |
| Additional comments | <p>The Parish Council or individual Councillors should not be subject to this kind of abuse by members of the public or any groups. If this happens again, or there is any resurgence please refer to the Monitoring Officer immediately.</p> <p>Although the Monitoring Officers powers are very limited in these circumstances, we will do everything that we can to assist, especially with trying to help with the removal and taking down sites where appropriate.</p> |

Signed: **SIGNATURE REDACTED**

Sharon Evans
Monitoring Officer and
Head of Legal and Democratic Services

Date: 9th March 2021

This page is intentionally left blank

Standards Sub Committee
DECISION NOTICE



Code of Conduct Complaint

Reference: CES / 001577

FINDINGS / DETERMINATION

| | |
|---|--|
| Date of Sub Committee Hearing | 25 th February 2021 |
| Subject Member | Councillor Simon Alexander |
| Council or Parish Council | Steyning Parish Council |
| Complainant | Councillor Paul Campbell |
| Council or Parish Council (If a Councillor) | Steyning Parish Council |
| Membership of Standards Sub Committee | Cllr Brian Donnelly (Chair) Cllr Karen Burgess Cllr Jim Sanson |
| Monitoring Officer & Legal Advisor to Sub-Committee | Sharon Evans, Head of Legal & Democratic Services |
| Investigating Officer | Natasha Rafatnia, Litigation & Governance Solicitor |
| Summary of complaint | <p>Allegations were made that Councillor Simon Alexander ('Subject Member') breached Steyning Parish Council's Code of Conduct ("the Code") by using threatening language towards members of the public and the complainant on social media.</p> <p>In particular there is a post that uses wording such as '<i>your fake news and poison will lead you into trouble'... this must stop before you get burnt</i>'. The Subject Member sent an email to all Steyning Parish Council councillors and staff stating that he intended to use IT experts to track down and expose the member of the public.</p> <p>The Subject Member repeatedly accuses Councillor Paul Campbell of using fake profiles to harass and bully him and insinuates a connection between Dave Rowland (a local resident) and Paul Campbell, providing screen shots of zoom meetings featuring Paul Campbell with the name Dave Rowland as his screen name.</p> <p style="text-align: center;">Page 19</p> |

The relevant paragraphs of the Code state:

3(1) You must treat others with respect

3(2)(b) You must not bully any person

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

Standards Sub Committee decision on whether or not there has been a failure to comply with the Code of Conduct and reasons for their decision

The Standards Sub Committee decided the following:

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.

The Standards Sub Committee considered the complaint, the response to the complaint, the Independent Persons Report, the Parish Representatives Report and the Investigation Officers Report, including further comments from both the subject member and the complainant.

A full bundle of papers detailing the evidence, reports and comments was considered and further, the Sub Committee took advice from the Monitoring Officer after hearing representation from the Investigating Officer at the Standards Sub Committee hearing.

The Subject Member had specifically stated that these posts were made in his personal capacity and not as a Councillor. The Standards Sub Committee considered whether the he was acting within his capacity as a Councillor when making and posting the relevant comments / exchanges and decided he was, when considering all of the circumstances and particularly as there was specific reference to it, "Simon Alexander, Steyning Parish Councillor"

The language and the nature of the wording used, together with the suggestions and allegations was considered to be inappropriate, intimidation, disrespectful, bullying and bringing the office into disrepute.

The Sub Committee are aware of the dangers of Councillors responding in debate or exchanges on Social Media where the utmost care and consideration is necessary. As a member of the Steyning Parish Council, Councillor Simon Alexander should be upholding a position of responsibility and trust, instilling high standards of behaviour.

It was considered that the posts / exchanges were threatening and harassing in nature and fall below the standards expected.

| | |
|---|---|
| Any mitigating circumstances taken into account | None |
| Sanctions | <p>The Standards Sub Committee considered the findings of three code of conduct complaints when deciding on appropriate sanctions</p> <p>CES / 001392 CES / 001418 CES / 001577 (This case)</p> <p><u>Sanctions</u></p> <ol style="list-style-type: none"> 1) That the decision of the sub-committee be published. 2) To RECOMMEND to Steyning Parish Council: <ol style="list-style-type: none"> 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, the details of which should be agreed with the Monitoring Officer. <p>These sanctions were formulated as a whole when considering all of the three complaints where breaches of the code were determined.</p> |

| | |
|---------------------|--|
| Additional comments | Members of the sub-committee were also concerned that these complaints were symptomatic of wider issues relating to Steyning Parish Council. It was noted that the Monitoring Officer has recently attended a Steyning Parish Council meeting to discuss behaviours generally and further work may be needed with this Parish Council in the future. |
|---------------------|--|

Signed: **SIGNATURE REDACTED**

Sharon Evans
Monitoring Officer and
Head of Legal and Democratic Services

Date: 9th March 2021

This page is intentionally left blank