
STANDARDS HEARING SUB-COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Monday, 25 April 2022 from 1.30 pm - 2.56 pm.

PRESENT: Councillors Steve Davey, Ken Ingleton and Hannah Perkin (Chairman).

OFFICERS PRESENT: David Clifford, Robin Harris, Jo Millard and Larissa Reed.

OFFICERS PRESENT (Virtually): Philippa Davies.

ALSO IN ATTENDANCE: Councillors Mike Baldock, Monique Bonney, Roger Truelove and Mike Whiting.

ALSO IN ATTENDANCE (Virtually): Councillors Cameron Beart and Elliott Jayes.

761 **Emergency Evacuation Procedure**

The Senior Democratic Services Officer drew attention to the Emergency Evacuation Procedure.

762 **Election of Chairman**

Resolved:

(1) That Councillor Hannah Perkin be confirmed as Chairman for this meeting.

763 **Declarations of Interest**

No interests were declared.

764 **Exclusion of the Press and Public**

Resolved:

(1) That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 5 and 7 of Part 1 of Schedule 12A of the Act:

1. Information relating to any individual.

The Chairman used her discretion to allow visiting Members to remain in the Council Chamber for the duration of the hearing.

765 **Consideration of Complaint No.26/21**

The Monitoring Officer presented the pre-hearing summary report which considered whether the subject Member had breached the Members' Code of Conduct by making an unsubstantiated allegation against two Members at a meeting of the Local Plan Panel on 7 October 2021. He said that all the facts were set out in the transcript on pages 12 to 16 of

the report and he referred to paragraph 3.2 which explained why he considered the subject Member's use of the word 'their' was directed at the two Members of the opposition.

The Monitoring Officer acknowledged that complaints from Members against other Members about comments made during meetings were not uncommon since Members were often passionate and held strong views, but he added that these incidents were usually resolved informally by way of an apology, but since no apology was forthcoming, the matter of whether the Members' Code of Conduct had been breached had to be considered further. The Monitoring Officer explained that the Swale Borough Council (SBC) Members' Code of Conduct contained 11 paragraphs delineating the behaviour which all Councillors were expected to model and he drew attention to paragraphs 9 and 10 of the code, which he considered were breached by the subject member. He said there had been no alternative but to hold a Standards Hearing Sub-Committee.

In response, the subject Member said the precise details of the complaint should have been relayed, and included in the report, rather than a summary. The subject Member said they had not referred to individuals, but to the political group nationally and their words had been misinterpreted.

The subject Member's witness, who had chaired the meeting where the incident took place, said they had taken the reference to 'their' to be directed to the national political group and not any individuals at the meeting. The witness said they would have sought clarity at the meeting and an apology on the night otherwise, and they considered the alleged breach was a poor reflection on their chairing skills. The witness questioned whether the complaint was only brought as far as a hearing by the Monitoring Officer as the subject Member was one of only two female Cabinet Members. The Monitoring Officer objected to the allegation.

In summing up, the Monitoring Officer said that the whole complaint centred on whether 'their' referred to the individual opposition Members or otherwise and since the comment was made immediately after opposition Members had spoken, he considered it did. The Monitoring Officer also clarified that the complainant had listened to the recording before submitting their complaint. He also said that the complaint did not reflect on the chairing skills of the Chairman of the Local Plan Panel and the complaint was not about the Chairman.

The subject Member summed up by saying it was not usual to give an explanation until all the facts had been received and these were received much later in the process. The subject Member said they stood by what they said.

The Independent Person, Mrs Richards, said she had considered all the facts and considered that there had been a breach of paragraphs 9 and 10 of the SBC Members' Code of Conduct.

The Sub-Committee, Contentious Team Leader and the Senior Democratic Services Officer left the meeting at 14.11 hours and returned at 14.44 hours to advise on the decision.

The Sub-Committee determined that there had been a breach of paragraph 10 of the SBC Members' Code of Conduct.

The Monitoring Officer advised that if a public apology was considered as a sanction, this could take place at the equivalent of the Local Plan Panel, Planning and Transportation Policy, in June 2022.

Mrs Richards agreed with the Sub-Committee's decision and supported the sanction of an apology at the next appropriate Committee meeting.

The subject Member commented that the complaint process should be 'sharpened up' and a recipient should be fully furnished with all the details at an early stage.

The Contentious Team Leader confirmed with the subject Member that they would apologise at the next appropriate meeting if that sanction was imposed. The subject Member agreed.

The Sub-Committee, Contentious Team Leader and Senior Democratic Services Officer left the meeting at 14.48 hours and returned at 14:55 hours to advise on the Sub-Committee's sanction.

The Chairman advised that as the subject Member had agreed to apologise at the next appropriate meeting, this would be the only sanction.

Resolved:

(1) That the Sub-Committee found that there was a breach of Paragraph 10 of the SBC Members' Code of Conduct.

(2) That the subject Member should apologise for the breach at the next appropriate meeting.

Chairman

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All minutes are draft until agreed at the next meeting of the Committee/Panel