

# Standards Hearing Sub-Committee

**Date:** Tuesday 22 October 2019

**Time:** 2pm

**Venue:** Conference Room, County Hall, Norwich

**Membership:**

Cllr Mark Kiddle-Morris – Chairman

Cllr Clare Bowes

Cllr Sarah Butikofer

## Decision Notice

### Introduction

1. The Council's Chief Legal Officer, Helen Edwards attended to present her investigation reports into the twenty-nine separate complaints against Councillor Margaret Stone. All the complainants were invited by the Chief Legal Officer to consent to their complaints being incorporated into one report as the subject matter was the same. Some consented to this approach but others not. As such the reports were presented to us in two categories. The first category consisted of the Chief Legal Officer's composite report into and findings in relation to eleven complaints (including Mr and Mrs Taylor's complaint) where the complainants consented for their complaints to be compiled into a single report. The remaining eighteen complainants accepted the subject matter of their complaint was the same. Nevertheless, they wanted their complaints to be presented in separate reports. Accordingly, a second category of individual reports were provided to us. We read the reports into all twenty-nine complaints.
2. The Chief Legal Officer presented the composite report to us. In relation to the facts and whether a breach of Norfolk County Council's Code of Conduct for Members ("Code of Conduct"), she drew our attention to the relevant aspects of the composite report. We are grateful to her for the clear way in which she set out her reports into all twenty-nine complaints and especially for drawing our attention to the relevant aspects of the composite report. The individual reports followed the same format where they contained an analysis of the facts and conclusions on whether there had been a breach of the Code of Conduct.
3. We are also grateful to Mr and Mrs Taylor who attended the hearing. We provided them with an opportunity to comment on the facts we were charged

with determining as well as sharing their thoughts to help us establish whether there had been a breach of the Code of Conduct. Finally, we invited them to share their views on appropriate sanctions in the event we found the facts proved and that a breach of the Code of Conduct had occurred.

4. We were informed that Councillor Stone would not attend the hearing.

#### Findings of fact

5. The facts were largely not in dispute. The complaints against Councillor Stone emerge from a single email that she admits having sent on 24 August 2019 at 10:11PM. However, Councillor Stone wished to clarify that:
  - i) She felt that she was communicating with only Mrs Taylor rather than to the Disability Network Norfolk Group ("DNNG");
  - ii) Her email and her comments were aimed at the campaign which she considered was being run by Mrs Taylor, rather than at the families themselves;
  - iii) Her response was sent late at night when she was on holiday and at a time when she was exasperated because she felt there had been a steady stream of words attacking Norfolk County Council's Conservative councillors, which she found unfair and offensive.
6. We were directed to the relevant paragraphs in section 4 of the Chief Legal Officer's composite report. Having also read the additional eighteen individual reports, we were mindful of the corresponding sections in those individual reports. Mr and Mrs Taylor explained their disagreement with Councillor Stone's clarification points which are reflected in the composite report.
7. It is our finding that the facts as set out in both the composite report and the individual reports are made out. There is no dispute that the email which caused offence to the twenty-nine complainants was sent by Councillor Stone. In relation to the clarification points above:
  - i) We noted the Chief Legal Officer's acceptance in paragraph 5.12 of the composite report that on balance Councillor Stone felt she was replying to Mrs Taylor rather than to the Group. However, we concluded that although, the first email originated from Mrs Taylor's email address, the language in that email is clear that it was sent on behalf of DNNG. Councillor Stone ought to have appreciated that she was responding to DNNG;
  - ii) It matters not whether Councillor Stone intended to target the campaign and not the families. The language of her email was offensive and in fact caused offence which led to twenty-nine complaints being lodged;

- iii) Whilst noting that Councillor Stone states that she was exasperated at her perception of a wider campaign and was tired when she sent her email, these factors in no way explain or excuse the contents of her email.

### Findings on breach of the Norfolk County Council Code of Conduct

8. We were directed by the Chief Legal Officer to the relevant paragraphs in sections 4 and 5 of her composite report where she set out the allegations of breach of the Code of Conduct as well as her analysis as to which provisions had been breached. Having read the remainder eighteen reports, we were mindful of the corresponding paragraphs in those reports. Mr and Mrs Taylor spoke to confirm they had read these sections of the composite report. They did not disagree with the Chief Legal Officer's analysis.
9. We are mindful that the complaints set out numerous alleged breaches of the Code of Conduct. However, we read the analysis in the Chief Legal Officer's report and listened with care to her presentation on this issue. We agreed with her that breaches of only the following sections of the Code of Conduct can be made out:
  - i) *Dealing with representations or enquiries from residents, members of our communities fairly, appropriately and impartially*
  - ii) *Always treating people with respect, including the organisations and public I engage with*
  - iii) *Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority*
10. We agreed with the Chief Legal Officer's analysis that the remaining alleged breaches of the Code of Conduct were not applicable to these complaints and would not affect the ruling made by the committee nor add to the sanctions available. We are bound by the sanctions available as detailed in the Localism Act 2011.

### Sanctions

11. Whilst we have found breaches of only the three sections of the Code of Conduct set out in paragraph nine, we are clear that these are serious breaches and support the following sanctions:
  - i) We issue a reprimand to Councillor Stone in the following terms:  
"We have found the complaints made against you proved. Your email to the Disability Network Norfolk Group via Mrs Taylor, sent on 24 August 2019, was offensive and caused offence to a large group of

people. It is unacceptable for a Councillor to communicate in the terms used in your email. We have found that your conduct fell far below the expectations that Norfolk residents have of their County Councillors and breached the following sections of Norfolk County Council's Code of Conduct for Members;

- *Dealing with representations or enquiries from residents, members of our communities fairly, appropriately and impartially*
- *Always treating people with respect, including the organisations and public I engage with*
- *Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority*

You must take care not to communicate with people in such terms when acting in your capacity as a County Councillor."

- ii) We further direct that the Chief Legal Officer arrange for you to attend formal training on Norfolk County Council's Code of Conduct.
- iii) This decision will be published along with the minutes of the meeting of the Sub-Committee.
- iv) The outcome of this Sub-Committee meeting will be reported to the next meeting of the Standards Committee which in turn will be included as a package of Committee reports to the next available meeting of the Council.