

Standards Hearing Sub-Committee

Minutes of the Meeting held on Tuesday 22 October 2019 at 2pm in the Conference Room, County Hall, Norwich

Present:

Cllr Mark Kiddle-Morris	Chairman.
Cllr Clare Bowes	
Cllr Sarah Butikofer	

Witnesses:

Mr & Mrs Taylor	Complainants
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Officers Present:

Helen Edwards	Chief Legal Officer & Monitoring Officer (Investigating Officer)
Abdus Choudhury	Deputy Monitoring Officer
Julie Mortimer	Committee Services Officer

1 Apologies for Absence

There were no apologies for absence.

2 Declaration of Interests

There were no declarations of interest made.

3 Report on allegations of breach of code of conduct by a County Councillor

- 3.1 The Committee received and **noted** the report by the Chief Legal Officer and Monitoring Officer to allow it to consider and make a decision on allegations of breach of the code of conduct by a member of Norfolk County Council.
- 3.2 In introducing the report the Investigating Officer highlighted that 29 complaints had been received, 27 of which had used a template issued by the Disability Network Norfolk Group (DNNG). Of the other two complaints, one was from a member of DNNG and the other appeared an unconnected University Lecturer in linguistics.
- 3.3 The Investigating Officer had contacted all complainants to ascertain if they were willing to authorise the sharing of their personal details. The first report covered 11 complaints, the complainants of which had agreed that their information could be shared; the remainder had asked for their details not to be shared and their complaints were covered in separate reports. All the complainants had received a copy of the report relating to their complaint and

been offered an opportunity to add any relevant additional information and to attend the meeting.

- 3.4 The Investigating Officer had met with Cllr Margaret Stone to share the reports. Cllr Stone had decided not to attend the meeting.
- 3.5 The Investigation Officer said that the case related to written correspondence, including the response from Cllr Stone to the complaints, which was not disputed by any party.
- 3.6 The Investing Officer advised that the first stage was for the Committee to consider the facts, as there was a dispute about the intention of Cllr Stone's email to Mr & Mrs Taylor, in that the DNNG had not established its own email address at that time and Cllr Stone thought she was replying to Mrs Taylor personally. The fact that offence was caused by the sending of the email was undisputed.
- 3.7 Regarding the potential breach of the Norfolk County Council Code of Conduct, the Investigation Officer had spoken to Norfolk's two Independent Persons who had both felt that the case should be referred to the Standards Hearing Sub-Committee.
- 3.8 The Investigating Officer advised that it was not possible for the Committee to make a judgement as to the Councillor's true feelings when she sent the email response, or whether the response was intended just for Mrs Taylor or the DNNG, the fact was that it had been seen by others and had caused offence.
- 3.9 The Investigating Officer set out the procedure for the Sub-Committee to make its decision on whether a breach of the Code of Conduct had been committed.
- 3.10 The Investigating officer clarified that Cllr Stone had admitted that the email she sent fell short of the standards of the part of the code "Dealing with representations or enquiries from residents, members of our communities fairly, appropriately and impartially" and she regretted sending it. The Sub-Committee needed to determine if there had been a breach. In this case the tone of the email was consistent in that it used words such as "disgusting" and "selfish" which were deemed offensive words to use.
- 3.11 "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 interest of the community with other organisations as well as within this authority". The sub-Committee would need to consider if these aspects of the Code had been breached.
- 4 The Sub-Committee welcomed Mr & Mrs Taylor to the meeting. Mrs Taylor had received the email in the first instance and had made the initial complaint. The Chairman invited Mr & Mrs Taylor to add any information they felt relevant to their case, during which the following points were noted:
 - 4.1 Mrs Taylor said that Cllr Stone's use of the word "exasperated" suggested what she put in the email was her personal view and if that was the case her apology did not mean much.

4.2 Mr Taylor felt the email was not a spur of the moment thing as she wrote the email and then chose to send it, rather than reflecting on it and sending it at a later time.

4.3 Mrs Taylor also said that Cllr Stone had changed her mind in her statement about who the email was for, as it was clear that the invitation had been sent from DNNG and families and was not from Mrs Taylor personally.

In reply the Chairman said it was irrelevant who the email was meant for, the email had been sent and caused offence, resulting in complaints, and the Sub-Committee needed to judge whether a breach of the conduct code had taken place.

4.4 Mrs Taylor added that members of the DNNG had been very upset by the response to its email.

4.5 Mrs Taylor referred to Cllr Stone's use of the word "restrained" which in her opinion was an odd word to use and Mrs Taylor was unsure of what it meant. Mr Taylor said it gave the impression she was not saying what she meant.

4.6 Mrs Taylor referred to the words "needs were greater than the rest of the population" in the email and said that the needs of disabled people were greater than the needs of the general population and those people and their carers were certainly not selfish.

4.7 The Chairman thanked Mr & Mrs Taylor for attending and said that their points would be considered when the Sub-Committee made its judgement. He added that the decision would be published on the website as soon as possible.

4.8 The Deputy Monitoring Officer advised that the Sub-Committee may wish to seek Mr and Mrs Taylor's views on sanctions in the event they found that there had been a breach of the Code of Conduct.

The Chairman stated that the revisions made to the sanctions available under the Localism Act 2011 had meant there weren't many meaningful sanctions available to the Sub-Committee, although it would deliberate on its findings and make its judgement.

4.9 Mr & Mrs Taylor said that Cllr Stone had apologised and had removed herself from all Committees, adding that they felt she should undertake additional training.

4.10 The Chairman read out the possible sanctions available for Mr & Mrs Taylor to consider:

- Reprimand and Censure the member.
- Publish its findings in respect of the member's conduct.
- Reports its findings to Council for information.
- Recommend to the member's Group Leader that the Member should be removed from Committees or sub-committees of the Council for a set period.
- Remove from all outside appointments which the member has been appointed to or nominated by the Council for a set period.

- Instruct the Monitoring Officer to arrange appropriate training for the member.
- Withdraw, for a set period, facilities provided to the member by the Council, such as computer, website and/or email and internet access, to the extent that such a withdrawal is reasonable and proportionate to the nature of the breach and does not unduly restrict the person's ability to perform the functions of a member.
- Exclude the member from the Council's offices or other premises for a stipulated period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- Limit access to officers for a stipulated period or require communication between the member and officers or other persons or bodies to be confined to certain forms or cased for a stipulated period.

4.11 Mr Taylor said that for Cllr Stone to carry out her duties to her constituents she needed access to computers, website and email. He added that censure and reprimand was important to consider, and the strength of whatever reprimand may be.

4.12 The Chairman thanked Mr & Mrs Taylor for attending and advised that the decision would be available on the website as soon as possible.

Mr & Mrs Taylor left the meeting.

5 Exclusion of the Public

The Committee was asked to consider excluding the public from the meeting under Section 100A of the Local Government Act 1972 for consideration of the items below on the grounds they involved the likely disclosure of exempt information as defined by paragraph 1 Part 1 of the Schedule 12A to the Act, and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The Committee **RESOLVED** that the following item be excluded from public disclosure by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 confirming that the public interest in maintaining the exemption out-weighted the public interest in disclosing the information.

6 Report on allegations of breach of code of conduct by a County Councillor.

The Committee received the confidential reports by the Chief Legal Officer and Monitoring Officer.

7 The Sub-Committee **RESOLVED** to issue the following 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.

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

The meeting ended at 2.50 p.m.

Chairman



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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

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