

Standards Committee



Please contact: Matthew Stembrowicz

Please email: Matthew.Stembrowicz@north-norfolk.gov.uk
Please Direct Dial on: 01263 516047

22nd June 2023

A meeting of the **Standards Committee** of North Norfolk District Council will be held in the Council Chamber - Council Offices on **Friday, 30 June 2023 at 10.00 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Emma Denny
Democratic Services Manager

To: Cllr G Bull, Cllr H Blathwayt, Cllr N Dixon, Cllr L Shires, Cllr A Fitch-Tillett, Cllr R Macdonald and Cllr P Porter

All other Members of the Council for information.
Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance
If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

Head of Paid Service & Chief Executive: Steve Blatch
Tel 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005
Email districtcouncil@north-norfolk.gov.uk **Web site** www.north-norfolk.gov.uk

A G E N D A

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. ITEMS OF URGENT BUSINESS

To determine any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B (4) (b) of the Local Government Act 1972.

3. DECLARATIONS OF INTEREST

1 - 6

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a pecuniary interest.

4. EXCLUSION OF THE PRESS AND PUBLIC

To pass the following resolution:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A (as amended) to the Act”.

5. CODE OF CONDUCT COMPLAINT

7 - 74

Members are asked to determine whether there has been a breach of the Sheringham Town Council Code of Conduct and if so, whether any sanction should be imposed.

Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

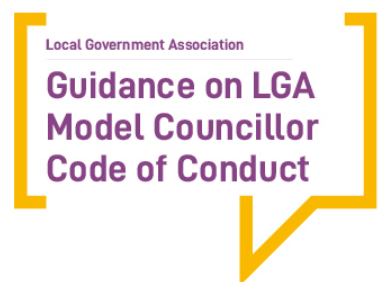
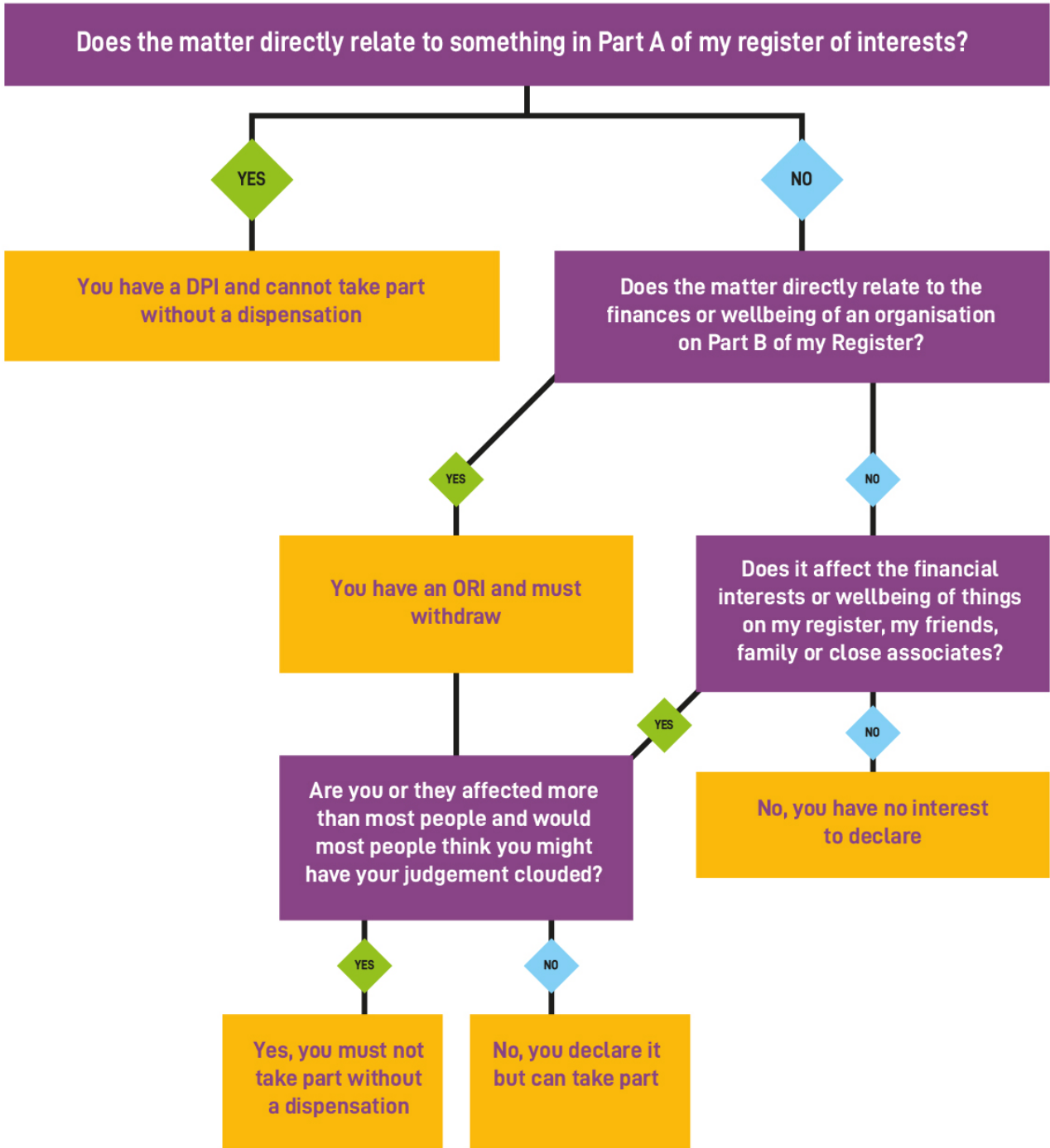
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
--	---

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
--



Agenda Item 5

Code of Conduct Complaint against Cllr Shepherd of Sheringham Town Council	
Executive Summary	This report summarises the issues relating to a Member Code of Conduct Complaint, referred for determination by a Hearing of the Standards Committee to take place on 30 June 2023
Options considered	The Standards Committee, on having heard the evidence, may find <ol style="list-style-type: none"> (1) No breach of the Code of Conduct (2) A breach or breaches of the Code of Conduct And, where a breach is found: <ol style="list-style-type: none"> (3) May recommend to the relevant parish Council that one or more sanctions be imposed (4) May choose not to recommend any sanction
	The Code of Conduct procedure is set out in the Localism Act 2011 and the North Norfolk District Council Constitution. The Council's Independent Person has been consulted.
Recommendations	That the Standards Committee consider the documents and evidence at the hearing and make such decision as set out in the available options, or as provided at the hearing.
Reasons for recommendations	The Localism Act requires that Standards matters relating to town and parish Councils are considered by the principal Council. The Standards Committee can only make a decision following their consideration of the evidence.
Background papers	Exempt papers

Wards affected	Sheringham
Cabinet member(s)	Cllr Tim Adams
Contact Officer	Cara Jordan, Monitoring Officer cara.jordan@north-norfolk.gov.uk 01263 516373

Links to key documents:	
Corporate Plan:	Statutory obligation to deal with issues relating to Member Conduct.
Medium Term Financial Strategy (MTFS)	No specific financial issues - Statutory obligation to deal with issues relating to Member Conduct.

Council Policies & Strategies	Statutory obligation to deal with issues relating to Member Conduct. The Constitution sets out arrangements for dealing with allegations of a breach of the Code of Conduct
-------------------------------	---

Corporate Governance:	
Is this a key decision	No
Has the public interest test been applied	<p>This report and appendices are to be treated as exempt for the following reason:</p> <p>Information in this report and appendices involves the likely disclosure of exempt information as defined in paragraphs 1 and 2, Part 1 of schedule 12A (as amended) to the Local Government Act 1972.</p> <p>These paragraphs relate to:</p> <ol style="list-style-type: none"> 1. information relating to an individual; 2. information which is likely to reveal the identity of an individual; and <p>The public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:</p> <p>Paragraphs 1 & 2: The documents contain the personal data of persons directly and indirectly connected to alleged misconduct and presently it is considered that data protection rights outweigh the public interest in disclosure.</p>
Details of any previous decision(s) on this matter	None

1. Purpose of the report

This report summarises the issues relating to a Member Code of Conduct Complaint. It has been referred for determination by a Hearing of the Standards Committee to take place on 30 June 2023.

- 1.1 At the Standards Committee hearing of 30 June 2023, the Committee will consider any preliminary matter, including whether the matter should be heard in public or private session. Thereafter, the Committee will consider the appendices to this report, and any other information provided at the hearing, to consider the complaint and
- (i) Make findings on relevant agreed and disputed facts
 - (ii) Determine, whether the Sheringham Code of Conduct was breached by the councillor subject of the allegations (“the Subject Member”)
 - (iii) Where a breach of the Code of Conduct is determined, consider whether any sanction should be imposed, and if so, make such recommendations to the Sheringham Town Council as appropriate.

2. Introduction & Background

The Complaint

- 2.1 The Monitoring Officer received a Code of Conduct complaint against Councillor Richard Shepherd (“the Subject Member”) of Sheringham Town Council. The complaint was made by two complainants, [REDACTED] and Liz Withington. The complaint, following initial assessment and investigation, has been referred for consideration and determination by the Standards Committee.
- 2.2 The complaint details 6 incidents which, it is alleged, amount to a breach the Code of Conduct by the Subject Member.
- 2.3 The 6 alleged incidents relate to the conduct of the Subject Member in his capacity as a Sheringham Town Councillor. The allegations relate to the Subject Member:
- (i) Making a social media post criticising a local support group (Hosting Ukrainian Group Support) and Cllr Withington
 - (ii) Making Facebook post with an image of Baconsthorpe Castle and a comment “Photo of the Bloody Tower where Libs (one in particular!) may be beheaded...”
 - (iii) Making a Facebook post about someone throwing weed killer over his lawn.
 - (iv) An incident relating to a carnival caravan* [*Considered outside the scope of the Code of Conduct]
 - (v) Making a social media post about parking/double yellow lines with comments relating to Cllr Withington
 - (vi) Encouraging a member of the public to make a Code of Conduct complaint/ encourage police involvement so as to endeavour to remove Cllr Withington as a councillor.
- 2.4 An Assessment Notice was completed with a recommendation that the matter be referred for investigation.
- 2.5 An investigation was conducted and is included in the appendix to this report. It was considered that the allegations at 2.3(iv) above falls outside the ambit of the Code of Conduct and so does not fall to the Standards Committee to consider. The report finds that with regard to allegations set out at 2.3 (i)-(iii), and (v)-(vi), that there has been a breach of the Code of Conduct based on the totality of the behaviour, and comments in particular on 2.3 (ii) and (vi) and possible appropriate sanctions.
- 2.6 The Independent Person has also provided his views on the matter, also appended to this report. He comments on each incident separately and considers there to have been breaches, detailing the lack of respect, the bringing of the Sheringham Town Council into disrepute, and the danger that the allegations may border criminal conduct. He comments on his view as to possible appropriate sanctions.

3. Preliminary Issues

- 3.1 There may be preliminary issues to determine prior to proceeding to the full hearing. One such matter to be considered is as to whether the hearing is held in public or private session.

Public or private session

- 3.2 As a preliminary issue, the Committee will need to determine whether the hearing is to be held in public, or whether it should be in private session, with the press and public excluded.
- 3.3 There is a presumption and starting point that a hearing under this procedure is subject to the ordinary rules of committee meetings and should be held in public. This, however is subject to exceptions where it is considered that confidential or exempt information is likely to be disclosed.
- 3.4 The Committee, in reaching its determination as to whether to hear the matter in public or private session, will take into account any representations from the Investigating Officer; Subject Member, Independent Person, and any other person as the Committee considers may assist them in this matter.

4. Summary of Complaints

One complaint form was received, but it details 6 incidents, one of which is considered outside the scope of the Code of Conduct.

- 4.1 The Code of Conduct of Sheringham Town Council requires that Members treat others with respect and do not bully or harass any person. Further that they do not bring their council into disrepute.
- 4.2 To breach a Member Code of Conduct, a person must be a councillor and acting in their capacity as a councillor. Elected Members have an enhanced right to freedom of speech, but this is not a limitless freedom. The investigation report considers the issue of 'freedom of speech'.
- 4.3 A draft investigation report was shared with the complainants and the Subject Member who were provided with the opportunity to make any relevant comment before the issue of the final report.
- 4.4 The investigating officer considers that with regard to allegations set out at 2.3 (i)-(iii), and (v)-(vi), that there has been a breach of the Code of Conduct. The Independent Person also considers that there has been a breach of the Code of Conduct. Both comment on possible appropriate sanctions for the Committee's consideration.

5. The role of the Committee

- 5.1 The Committee is to consider the complaint, taking into account the written evidence before them, and that given by the Investigating Officer and the Subject Member at the hearing. It will also consider any views of the Independent Person.

- 5.2 On having heard from the Investigating Officer and the Subject Member, including any witnesses they may present, the Committee will need to make findings of fact in regard to the conduct complained of and whether or not they consider that the Subject Member has breached the Code of Conduct.
- 5.3 If the Committee finds that there is a breach, it will then consider whether or not it considers any sanction is appropriate. Before doing so it should take into account any representations of the Investigating Officer, the Independent Person and the Subject Member. Where a sanction is considered appropriate, a recommendation as to sanction will need to be made to the Sheringham Town Council.
- 5.4 Any sanction recommended must be reasonable and proportionate. It should be relevant to the Subject Member's behavior. Sanctions which may be considered include:

Recommendation to the Sheringham Town Council of one or more of the following

- (i) A report of the Committee's findings made to the relevant parish council
- (ii) Issue of a formal censure
- (iii) That the Subject Member makes an apology
- (iv) Removal from any or all committees (where sits) of the parish council
- (v) Removal from outside appointments (where held) to which he is appointed by the parish council
- (vi) That the Subject Member undertakes specified training
- (vii) That the parish council withdraws facilities provided to the Subject Member for a limited time
- (viii) That the Subject member be excluded from the parish Council's offices other than when attending formal meetings

With regard to (vii) and (viii) above, any such sanction must not unduly restrict the Member's ability to perform his duties as an elected member.

6. Financial and Resource Implications

None, save that North Norfolk District Council is responsible for considering a Code of Conduct complaint relating to a town or parish councillor and bears the cost of so doing.

7. Legal Implications

The District Council has a duty under s.27 Localism Act 2011 to promote and maintain high standards of conduct by Members.

8. Risks

None. Statutory responsibility to promote high standards and to consider complaints.

9. Net Zero Target

Not applicable

10. Equality, Diversity & Inclusion

The Council has a responsibility to consider complaints. The Code of Conduct of each Council should be based on the Nolan principals and the Standards regime looks to promote high standards. Equality training may be considered as a possible recommended sanction in appropriate cases.

11. Community Safety issues

None.

12. Conclusion and Recommendations

That the Committee considers the written and oral evidence at the Standards Committee Hearing and does

- (i) Make findings on relevant agreed and disputed facts**
- (ii) Determine, whether the Sheringham Town Council Code of Conduct was breached by the councillor subject of the allegations (“the Subject Member”)**
- (iii) Where there is a finding of breach or breaches of the Code of Conduct, consider whether any sanction should be imposed, and if so, make such recommendations to the Sheringham Town Council as appropriate**

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank