

Standards Committee



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Monday 25th September 2023

A meeting of the **Standards Committee** of North Norfolk District Council will be held in the Council Chamber - Council Offices on **Tuesday, 3 October 2023 at 2.00 pm.**

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

Members of the public who wish to ask a question or speak on an agenda item are requested to arrive at least 15 minutes before the start of the meeting. It will not always be possible to accommodate requests after that time. This is to allow time for the Committee Chair to rearrange the order of items on the agenda for the convenience of members of the public. Further information on the procedure for public speaking can be obtained from Democratic Services, Tel:01263 516047, Email:Matthew.Stembrowicz@north-norfolk.gov.uk.

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so should inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed.

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

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A G E N D A

1. **TO RECEIVE APOLOGIES FOR ABSENCE**
2. **PUBLIC QUESTIONS**
3. **MINUTES** 1 - 20

To approve as a correct record, the minutes of the Standards Committee Hearings held on 23rd and 30th June 2023.
4. **ACTIONS ARISING FROM THE MINUTES**
5. **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.
6. **DECLARATIONS OF INTEREST** 21 - 26

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.
7. **EXCERPTS FROM THE MONITORING OFFICER'S ANNUAL REPORT** 27 - 30

To receive and note excerpts from the annual Monitoring Officer's Report for 2022-23 that relate to the Standards Committee and Code of Conduct complaints.
8. **DISPENSATIONS** 31 - 32

To receive and note an update from the Monitoring Officer on any dispensations granted under delegated authority.
9. **ANY OTHER BUSINESS (TO INCLUDE AN UPDATE ON RECENT STANDARDS COMPLAINTS)**

To receive an update on any current complaints from the Monitoring Officer.
10. **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 3 of Part I of Schedule 12A (as amended) to the Act”.

STANDARDS COMMITTEE

Minutes of the meeting of the Standards Committee held on Friday, 23 June 2023 at the Council Chamber - Council Offices at 10.00 am

Committee

Members Present:

Cllr G Bull (Chairman)	Cllr N Dixon
Cllr L Shires	Cllr A Fitch-Tillett
Cllr R Macdonald	Cllr P Porter

Officers in

Attendance:

Democratic Services and Governance Officer - Scrutiny (DSGOS), Assistant Director for Finance, Assets, Legal & Monitoring Officer (MO) and Solicitor (Investigator)

Also in

attendance:

Independent Person, Subject Member - Keith Bacon, Complainant - Raymond Read, Parishioner - Mr Snelling, Parishioner - Mrs Snelling

13 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr H Blathwayt.

13 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr H Blathwayt.

14 ITEMS OF URGENT BUSINESS

None received.

15 DECLARATIONS OF INTEREST

Cllr N Dixon stated that the Subject Member was known to him, but it was not relevant to the hearing in any way that would prejudice his judgement.

16 EXCLUSION OF THE PRESS AND PUBLIC

- i. The MO introduced the item and stated that the Committee were required to determine whether the meeting should be held in public or private session. She added that she would assist Committee Members with advice when deliberating, but would not seek to influence any decisions and gave an overview of the hearing process.
- ii. The Chairman sought the opinions of the Investigator, Independent Person and Subject Member on whether the meeting should proceed in public or private. The MO advised that the papers of the report did refer to third parties by name, and whilst some of those individuals were in attendance and had stated that they were happy for the meeting to proceed in public, other individuals referred to by name in the report should not be mentioned to protect their identity. The MO added that preference should always be for meetings to take place in public, unless there was a legally justifiable reason for information not to be disclosed. It was noted that the Complainant, two

witnesses, Investigator, Independent Person and Subject Member had all stated their preference for the meeting to proceed in public.

Members retired to determine whether to continue the meeting in public.

- iii. The Chairman stated that the Committee had agreed to continue the meeting in public session as the debate remained in the interest of the public. He added that those in attendance must refrain from mentioning any names of third parties that were not in attendance.

RESOLVED

To hold the Hearing in public.

17 CODE OF CONDUCT COMPLAINT

Investigator's Introduction

- i. The Investigator introduced their report and sought to outline key points including the legal position, a summary of evidence, their findings and recommendations. She added that the complaint contained two allegations, one relating to a comment from the Subject Member to a parishioner following a meeting, and the second relating to the Subject Member's conduct during that meeting. It was noted that the Investigator had not found enough evidence to support the second allegation, and therefore sought to focus on the first allegation, where supporting evidence had been found to determine a breach of the Catfield Code of Conduct.
- ii. The Investigator stated that the legal backdrop of the complaint included the principle of freedom of expression, which was a fundamental human right to uphold opinions and receive and impart information without interference by public authority, regardless of frontiers. She added that this was enshrined within article 10 of the European Convention on Human Rights and the Human Rights Act under English Law. It was noted that this was a qualified right however, which meant that it could be restricted to protect the rights and freedoms of others. The Investigator stated that this was relevant to the standards regime as it was underpinned by the Localism Act, which allowed a Councillor's freedom of expression to be restricted. She added that politicians were allowed an enhanced freedom of expression to enable to debate and challenge. However, personal abuse or false statements were not afforded enhanced protections, which meant that close and careful consideration should be given to the allegations to determine whether there had been a breach of the code.
- iii. The Investigator referred to the second complaint and noted that it was an accusation of inappropriate behaviour to a parishioner during a Parish Council meeting. She added that a potential breach had only been found on the first complaint, having reviewed the minutes and recording of the meeting and not found any evidence of actions outlined in the complaint. It was noted that none of the representations received had made reference to verbally abusive language, and consequently a breach had not been found.
- iv. On the first complaint, the Investigator noted that the Complainant had reported that an offensive statement had been made in reference to a parishioner's mother following a meeting of the Parish Council. The Subject

Member had admitted the statement, but stated that it was made during a private conversation between two adults, and the words used were common parlance used by public figures. It was noted that the Subject Member had also stated that the comments made had nothing to do with the parishioner's mother being female, and that his comments would have been the same regardless of who it was directed at. It was noted that the Subject Member had also stated that it was late and he was tired after chairing a four hour meeting, and he did not wish to speak to the parishioner.

- v. The Investigator stated that in order to make a finding against the Subject Member, Committee Members would need to be satisfied of the following; that at the time of the incident the Subject Member was acting in their capacity as a Councillor or as a representative of the Council, that on the balance of probability the alleged conduct occurred, and finally that the conduct comprised a breach of the Catfield Code of Conduct. She added that Committee Members also had to take into account the increased right to freedom of expression in political speech. It was noted that the second matter of probability did not need to be considered as the Subject Member had admitted the incident. On the issue of capacity, the Investigator stated that Catfield Parish Council's Code of Conduct made clear that there was an expectation to maintain acceptable behaviour when conducting the business of the Council, or when claiming to act or giving the impression of acting as a representative of the Council. She added that the legal position when considering capacity, was that it should be determined using ordinary English using a fact sensitive approach. It was noted that the guide to the Code of Conduct stated that it applied where the Councillor was acting in their capacity as a Councillor, which included carrying out official duties, such as considering or discussing local authority business, promoting and representing the authority in the community, and acting as a bridge between the public and the authority. The Investigator added that the guidance also stated that it did not solely apply during local authority meetings, or on local authority premises. As a result, it was the Investigator's recommendation that the incident had occurred when the Subject Member was acting in their capacity as a Councillor, as it took place immediately after a Parish Council meeting and outside the meeting venue. She added that the parishioner had approached the Subject Member to discuss Council business discussed at the meeting, even if the Subject Member did not wish to discuss it. Finally, the complaint related to comments made in reference to the actions of the parishioner's mother during the meeting, at which time the Subject Member was acting as Chairman. For these reasons, the Investigator determined that the Subject Member was acting in their capacity as a Councillor, and was still acting in this capacity when discussing the meeting with the parishioner, and therefore they were acting or giving the impression of acting as a representative of the authority when the incident occurred.
- vi. The Investigator stated that in order to consider whether the Subject Member's actions amounted to a breach of the Code of Conduct, it should be noted that whilst some shocking language may be acceptable in public life, purely personal abuse was not acceptable. She added that whilst the language used had become more acceptable in common parlance, in this instance it had been used to convey disdain to the parishioner's mother, which fell into the definition of personal abuse rather than political expression, and was therefore not afforded enhanced political protection. It was noted that the Subject Member's comments could also be considered

misogynistic, and the that the comments were unnecessary given that the Subjects Member's experience chairing meetings, as they should be able to adequately manage any unruly behaviour.

- vii. The investigator stated that the issue was compounded by the Subject Member refusing to accept any wrongdoing, and stating that their actions had been entirely appropriate despite several opportunities to issue a candid apology with a further opportunity to change their position once they had read the report. On this basis it was the Investigator's recommendation that the comments were entirely inappropriate and disrespectful, both to the parishioner and their mother, and amounted to a breach of the Catfield Code of Conduct.

Questions and Discussion

- viii. The Subject Member stated that he had not been made aware of submissions received by the Council in January 22 until August 22 when he had received the draft investigation report. The Investigator stated that it may help to outline the Standards process following the submission of a complaint. This would be followed by an initial assessment by the MO or deputy MO in accordance with criteria outlined in the Constitution, and it would then be determined whether a formal investigation was required, or alternately whether the matter could be dealt with by means of a simple resolution. In this particular instance, there was an opportunity to resolve the matter without proceeding to an investigation, whereby the Subject Member was given the opportunity to apologise but had refused to do so, thus proceeding the matter to an investigation. It was noted that at this early stage the actions taken were only influenced by the initial assessment of the complaint and the response from the Subject Member, with the views of others not taken into account until a formal investigation was commenced. The Investigator stated that it would take several months to undertake a full investigation and prepare a draft report, which would then be shared with the Subject Member to seek further representations. She added that this is why it took several months for the Subject Member to be advised of the allegations.
- ix. The Subject Member stated that accusations regarding conduct at the meeting were a separate allegation, and he had not been made aware of these allegations until the draft report had been shared him. He added that he should have been made aware sooner, even though he had not been found guilty of those allegations. It was suggested that if he had been found guilty, he would have been unaware until the point at which the draft report was shared. The Subject Member stated that these allegations looked as though they were part of a concerted effort, and asked how these accusations had come to the Council and whether they had been sought. The Investigator replied that she had not been a part of the investigation at this time, and could not provide a comprehensive answer, although she could confirm that the representations were sought and received as part of the investigation process by the officer responsible at the time. She added that these accusations only became apparent mid-way through the investigation, and this would explain why the Subject Member did not hear of the accusations until receiving the draft report.
- x. The Chairman noted that there were procedures in place that the Subject Member could pursue if they felt that the correct procedures had not been followed, however he had been given the opportunity to respond to the

comments when reviewing the draft report.

- xi. The Subject Member suggested that to provide balance the Investigator should have contacted two District Councillors to seek an opinion on his conduct at meetings, and asked whether this had been done. The Investigator confirmed that she had not done this because she had reviewed a recording of the meeting and read the minutes, and was satisfied that the Subject Member had not been verbally abusive or used inappropriate conduct during the meeting, which meant that there was no reason to question his chairing skills.
- xii. The Chairman noted that at his discretion, he would seek comments on the Investigator's report from the Complainant. The Complainant thanked Members for the opportunity to speak and stated that it had taken approximately two years to reach a Hearing, which was far too long and had been particularly draining and contributed to his health issues which had led him to step-down as a Parish Councillor and Chairman. He added that the Subject Member had made clear at a Parish Council meeting that he had no intention of apologising, and he did not feel the language used was appropriate for a Councillor to direct towards an individual. It was noted that the Complainant had been approached by those offended by the remarks, and the refusal of the Subject Member to apologise was why the issue had dragged on for so long.

Subject Member's Comments

- xiii. The Subject Member referred to p43 and stated that he had been involved in voluntary work for over forty years, equating to thousands of hours of unpaid work. He added that he had been born in Catfield and lived in the village twenty-two years, which was relevant as the issues discussed at the meeting in question related to social housing. It was noted that the Subject Member very rarely used bad language, and never in his capacity as a Councillor. The Subject Member stated that under the exceptional circumstances of chairing a stressful meeting for four hours he had unfortunately used expletive language. He added that he could have denied the accusation, suggested the Parishioner misheard him, or apologised. However, he stated that as a matter of principle he stood firm on his position, as he believed he was right, acting as a private individual and not in his capacity as a Councillor during the time of the incident. The Subject Member stated that it had been a pleasure to serve on Catfield Parish Council for 30 years, though the last two had been full of antagonism and stress. He added that in January 2021 he had made a complaint about a Councillor who had been bullying the Clerk, but stated that NNDC had refused to investigate on the basis that they were advised that Catfield did not have a Code of Conduct, though this was not the case as he had helped to implement it in 2012. It was noted that key issues were identified on p96, where the Subject Member had wanted to cut the meeting short, but hadn't to allow for full debate of the issues.
- xiv. The Subject Member stated that the key question related to capacity, and stated that the Catfield Code of Conduct referred to acting, which by definition required purposeful action, and was not simply existing. He added that when sitting in the meeting he was acting as Chairman, however when leaving the village hall he was no longer acting in his role as a Parish Councillor and was instead a parishioner trying to go home. It was noted that the Subject Member had also not claimed to be acting as a Parish Councillor

at the time of the incident, and no one had much such a claim. The Subject Member stated that he had not given any impression that he was acting as a Parish Councillor, and when approached made it immediately clear from his response that he was not acting in this manner by stating 'I don't want to talk to you'. He added that the comments made could have been made by any Parish Councillor regarding conduct during the meeting, and any other professional approached outside of their place of work should be assumed to be off-duty. The Subject Member suggested that being engaged by a member of the public should not mean that he would act as Parish Councillor in his response. He added that the Catfield Code of Conduct did not seek to regulate what Councillors do in their private and personal lives, but only when conducting Council business or carrying out their work. It was noted that the principles used to determine whether a Councillor was acting in their official capacity required the Councillor to be conducting the business of their authority, and the Subject Member stated that he was not acting as a Councillor at the time of the incident.

- xv. The Subject Member stated that his alternate defence was the Human Rights Act which stated that the right to freedom of expression was crucially important, and may only be interfered with when there are justifying and compelling reasons, no matter how offensive or burdensome the comments may be. He added that the burden was on the investigating authority to justify interfering with freedom of speech, taking into account the additional freedoms granted to political speech, which allowed for a degree of immoderate, offensive or shocking language. It was noted that there must therefore be a justifying and compelling reason for the Committee to claim that he had breached the Code of Conduct.

Questions and Discussion

- xvi. Cllr L Shires stated that the Subject Member had made clear that it was a very stressful meeting, and that they rarely used such language and would not change their position on the matter. She asked that given the issue was around capacity, whether it was for the public to determine when a Councillor was acting in their official capacity, taking into account that many District Councillors were often asked Council related questions when not in meetings. Cllr Shires stated that reference had also been to discussing the meeting, which she felt placed the Subject Member in a position to respond to an enquiry about that meeting whilst still on Council premises. She asked how a member of the public would be able to discern or anticipate that they were not acting in their capacity as a Councillor. The Subject Member replied that the circumstances would suggest that this was not an appropriate time to engage in conversation about the matters discussed at the meeting. He added that he was also approached outside of meetings, but had made clear that he did not wish to speak to the parishioner after a long and stressful meeting. Cllr L Shires stated that as Chairman of the Parish Council, he had engaged in a discussion regarding an individual's conduct at the meeting, but had not at any point made clear that he was not acting in his official capacity. The Subject Member replied that he had not stated that he was not acting in his official capacity, though he perhaps should have made this clear.
- xvii. The Chairman asked whether the Subject Member genuinely believed that they had behaved appropriately, and could not have dealt with the matter in a more professional manner and apologised for their conduct. The Subject Member replied that in hindsight he regretted making the comments which

were out of character, but stated that he was still adamant that he acted in a private capacity and was not acting as a Councillor once he had left the building.

- xviii. The Independent Person noted that the Subject Member suggested the incident took place during a private conversation, and asked whether the Subject Member regarded his comments as being offensive. The Subject Member replied that whilst it was rare for him to use this type of language, he did not regard it as being offensive or abusive.

Independent Person's Comments

- xix. The Independent Person noted that the Code of Conduct had outlined the requirement for Parish Councillors to be acting in their official capacity in order to be applicable. He added that it was his opinion that the Subject Member was acting as a representative of the Council outside of the meeting as he was approached directly to discuss Council business that had been debated during the meeting, and whilst he had said that he did not want to discuss the matter, he commented on conduct at the meeting, which related to official Council business. It was noted that even if not officially acting, he had given that impression to the parishioner, and therefore could not argue that he was not acting in his capacity as a Councillor. The Independent Person stated that the right to freedom of expression was also a qualified right, which did not provide the freedom to offend people, and should take into account treating people with respect. He added that Councillors should behave in the way a reasonable person would consider to be respectful, which was not the case in this instance, as the comments represented a clear personal attack. It was noted that members of the public should be treated with respect and decency in order to maintain trust in local politics. The Independent Person stated that in terms of mitigation, the meeting was chaired appropriately and there had been no similar evidence of disrespect during the meeting, despite provocation, with members of the public also expected to show Councillors respect. He added that a parishioner had accused the Subject Member of being a 'fibber' during the meeting, which whilst offering some mitigation, did not excuse the comments made. It was suggested that the Subject Member should have apologised at the first opportunity.

Questions and Discussion

- xx. Cllr L Shires stated that the comments made during the meeting were not comparable to the comments made by the Subject Member after the meeting. The Independent person replied that calling the Subject Member a fibber twice during the meeting did show a lack of respect, but he had handled it well during the meeting.

Closing Statements

- xxi. The Investigator stated that if Committee Members were satisfied that the Subject Member was acting in his capacity as a Councillor, that he did make the comments, and that they did amount to offensive behaviour, then it would amount to a breach of the Catfield Code of Conduct. She added that it was her submission that all three aspects were satisfied, and whilst she accepted comments that a Councillor was not 'switched-on' by a question from a parishioner outside of a meeting, the comments were in reference to a

meeting that had just taken place, in direct reference to his role as Chairman. The Investigator therefore recommended that the Subject Member was acting in their official capacity, and there was no dispute from the Subject Member of the words used, and these words were disrespectful to the parishioner and their mother.

- xxii. The Subject Member stated that he did not dispute the words used, but felt that he was not acting in his official capacity at the time of the incident, and despite the mitigating circumstances of a very long meeting, the altercation was between two adults.
- xxiii. The MO stated that there were two matters in the report, one relating to conduct in the meeting itself where no breach had been found by the Investigator, and Committee Member's should therefore focus on comments made immediately after the meeting to consider on the balance of probability whether they amounted to a breach of the Catfield Code of Conduct. It was noted that there was no dispute that the comments had been made, therefore consideration should be applied to the matter of capacity and the Subject Member's right to freedom of speech. The MO summarised the comments made by the Subject Member and stated that Members should consider all written and heard evidence when determining whether there had been a breach of the Catfield Code of Conduct.

Committee Members retired to consider the evidence

Findings

- xxiv. The Chairman noted that the Committee had considered all information and had found that on the allegation that the Subject Member had treated others with disrespect at a meeting, no breach had been found by the Investigator and the Committee had similarly found no breach. In regards to the other matter, the Committee had found a breach on the basis that on the balance of probability, the Subject Member was acting in their capacity as a Councillor. It was noted that whilst the Subject Member had disputed this, the time at which the comment was made, the location of the incident and the subject matter all linked the incident to the meeting that had just taken place. The Chairman stated that whilst the Subject Member had a right to freedom of speech, the comments made were not protected under that right as it was a personal and abusive comment that was not acceptable, and taken alongside the Committee's view on capacity, Members agreed that the Subject Member had breached the Catfield Code of Conduct. He added that the Subject Member had not behaved in a way that a reasonable person would consider respectful.

Sanctions

- xxv. The MO outlined available sanctions and stated that any sanctions agreed must be reasonable and proportionate to the breach identified, and be relevant to the Subject Member's behaviour. She added that any sanctions would need to be recommended to the Parish Council and could include a written report to the Parish Council, issuing of a formal censure, a request for the Subject Member to make a formal apology, removal from any committees, withdrawal of Parish Council facilities or exclusion from Parish Council property outside of any required meetings. It was noted that the last two options must not unduly restrict the Subject Member's ability to

undertake his duties as a Councillor.

Questions and Discussion

- xxvi. The Investigator reminded Members that the Subject Member had been given ample opportunity to apologise for his actions but had declined to do so, taking into account that it could have negated the need to undertake such a long and costly process. Despite this, she was of the view that the breach identified still fell within the scope of an apology to the parishioner and the parishioner's mother, and wondered whether taking into account the findings of the Committee, the Subject Member would be more inclined to accept that his actions were not appropriate. She added that whilst this may seem like a low level sanction, it should be noted that historical cases in the administrative court had been dealt with in similar ways. It was suggested that in addition to a formal apology, it may also be appropriate for the Subject Member to complete equality and diversity training.
- xxvii. The Independent Person stated that given that the Subject Member did not think their comments were abusive, that equality and diversity training was necessary for him to understand what was acceptable language.

The Committee retired to consider sanctions

- xxviii. The Chairman stated that the Committee had taken into account both aggravating and mitigating factors, the length of public service and subsequent surprise at the comments made. He added that the following sanctions would therefore be recommended to Catfield Parish Council; that a clear apology be given in writing within 28 days to Mr Snelling and Mrs Snelling which acknowledges that the comment was disrespectful, and secondly that code of conduct and equality and diversity training be completed within six months of the Standards Hearing. It was noted that a full written summary of the recommendations would be shared within five working days of the meeting.

RESOLVED

That the following be recommended to Catfield Parish Council:

- 1. That a clear apology be given in writing within 28 days to Mr Snelling and Mrs Snelling which acknowledges that the comment was disrespectful.**
- 2. That code of conduct and equality and diversity training be completed within six months of the Standards Hearing.**

The meeting ended at 12.58 pm.

Chairman

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STANDARDS COMMITTEE

Minutes of the meeting of the Standards Committee held on Friday, 30 June 2023 at the Council Chamber - Council Offices at 10.00 am

Committee

Members Present:

Cllr H Blathwayt (Vice-Chairman) Cllr N Dixon
Cllr L Shires Cllr P Porter
Cllr A Brown

Officers in

Attendance:

Democratic Services and Governance Officer - Scrutiny (DSGOS),
Assistant Director for Finance, Assets, Legal & Monitoring Officer
(MO) and Finance & Legal Assistant (Investigator)

Also in

attendance:

Complainant - Cllr L Withington
Complainant - Ms Price

18 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr A Fitch-Tillett, Cllr G Bull and Cllr R Macdonald, with Cllr A Brown in attendance as a substitute.

19 ITEMS OF URGENT BUSINESS

None received.

20 DECLARATIONS OF INTEREST

- i. Cllr N Dixon declared that the Subject Member was known to him from a previous administration when they were Members of the same party. He added that the Complainant Cllr L Withington was also known to him, but stated that neither of these relationships would impact his judgement as a Member of the Committee.
- ii. Cllr L Shires declared that she was a member of the Liberal Democrat Group at North Norfolk District Council and the Complainant Cllr L Withington was known to her, and she was also aware of the Subject Member through various political campaigns.
- iii. Cllr P Porter declared that both the Subject Member and Complainant were known to her, but not to a degree that would influence her objectivity on the Committee. She added that she was also a Member of the Conservative Party.
- iv. Cllr A Brown declared that the Complainant was known to him but he was in no way pre-determined on the case to be discussed.
- v. Cllr H Blathwayt declared that the Complainant was known to him though he did not know the Subject Member, but this would not impact his objectivity as Chair of the Committee.

21 EXCLUSION OF THE PRESS AND PUBLIC

The MO stated that the first matters to consider were whether the Hearing should proceed in public or private session, and whether the Hearing should proceed in the absence of the Subject Member. She added that the starting position of any Standards Committee meeting should always be in favour of a public Hearing, which should only be held in private under limited circumstances where there is justification in law for doing so. It was noted that this related primarily to where individuals are or are likely to be identified by information contained in the report clearly able to identify individuals involved in the investigation. The MO stated that Members should therefore consider whether the public interest fell on holding the meeting in public or private, and this could be determined by the public's interest in transparency or member conduct. Matters against the public interest were stated to include specific circumstances that would present a compelling reason to debate the matter in private, such as protecting individuals privacy rights. The MO noted that whilst the report did identify individuals, the Complainants were in attendance at the meeting, and both had confirmed that that they were content for the meeting to proceed in public session.

Questions and Discussion

- i. The Investigator stated that she had no objections to the Hearing taking place in public in the interest of transparency, so long as no reference was made to sensitive data, and no third parties were identified by referring to them by name.
- ii. The MO stated that the Independent Person had been contacted and was supportive of holding the Hearing in public. Similarly the Subject Member had been given the opportunity to provide his preference on holding the Hearing in public or private on at least two occasions, to which he had not responded. She added that previous tribunal cases had operated on the basis that elected Councillors should expect more public scrutiny on their actions, in so far as they were relevant to their public office, and members of the public would therefore have an interest in Councillor conduct as it may influence future elections.
- iii. The Chairman asked whether it could be evidenced that the Subject Member had been contacted for their view on whether the Hearing should proceed in public or private, to which the MO replied that she had emails to confirm this.
- iv. Cllr N Dixon stated that he saw no reason to move into private session and was therefore supportive of continuing the Hearing in public.
- v. Cllr L Shires stated that she was supportive of holding a public Hearing, given that the investigation covered matters which had taken place in public.
- vi. Cllr P Porter agreed that the events leading to the investigation had taken place in public and she was therefore supportive of holding the Hearing in public.
- vii. Cllr A Brown stated that he agreed that the Hearing should be held in public.
- viii. The Chairman agreed that the Hearing should proceed in public.

RESOLVED

To hold the meeting in public session.

22 CODE OF CONDUCT COMPLAINT

Preliminary Matters

- i. The Investigator stated that whilst the Subject Member was not present for the Hearing, he had been given every opportunity to provide a response to the draft and final investigation report. She therefore recommended that the Committee proceed with the hearing in the absence of the Subject Member to avoid any further delays or costs.
- ii. The MO advised the Committee that if the Subject Member was absent from the Hearing, Members would need to consider whether they could fairly proceed in their absence. She added that the Human Rights Act outlined that the Subject Member had a right to a fair hearing, and when considering whether it was fair to proceed, Members would need to consider whether the Subject Member was aware of the Hearing, whether they had responded to attendance requests, and the Subject Member's view on whether it should proceed in public, private or be postponed. The MO referred to correspondence with the Subject Member where they had been advised of the Hearing and their right to respond to the investigation, with advice given that the Hearing may proceed in their absence. She added that the Subject Member replied that they were unaware of the nature of the complaint and would likely not attend, suggesting that it may be best for the Hearing to proceed in their absence. It was noted that the Democratic Services Team had also contacted the Subject Member to share the Committee agenda, and were subsequently informed that they had not been contacted by the MO, with correspondence then being re-sent, causing the Subject Member to say that they were unaware of the complaint and were not likely to attend. On this basis, the MO advised the Committee that in order to proceed with the Hearing, they had to be satisfied that the Subject Member was aware the Hearing was taking place, and that it would be held in a fair and appropriate manner.

RESOLVED

Committee Members agreed that they were happy to proceed with the Hearing in the absence of the Subject Member, following discussion of correspondence.

Investigator's Introduction

- iii. The Investigator gave a summary of the investigation relating to five of six allegations, and noted that the fourth allegation had been considered outside of the scope of the Committee. The remaining five included a social media post criticising a local support group, a social media post with Baconsthorpe Castle including a threatening comment likely relating to a Complainant, a social media post which implied weedkiller had been thrown over the Subject Member's garden in a politically motivated attack, a social media post relating to parking issues, and allegations of the Subject Member encouraging removal of a Complainant as a Councillor. She added that she would focus on allegations one to three and five to six, where evidence of a breach of the Sheringham TC Code of Conduct had been found.

- iv. The Investigator stated that the legal backdrop of the investigation began with the European Convention on Human Rights, which provided a fundamental freedom of expression to uphold opinions, receive and impart information without interference regardless of frontiers. She noted that this was a qualified right, which could be restricted if prescribed by law. It was noted that it was necessary in a democratic society to protect the rights and interests of others, therefore it was the burden of the Council to justify interference with these fundamental rights. In this instance section 28 of the Localism Act and the Nolan Principles required conduct to be consistent with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These principles sought to ensure that conduct in public life did not fall below the minimum standard expected, whilst also taking into account the importance of freedom of political expression. It was noted the Sheringham TC had adopted a Code of Conduct in August 2021. The Investigator stated that in case law, freedom of speech for elected individuals allowed for a degree of immoderate, provocative, emotive and non-rational speech, and noted that even aggressive, offensive, and shocking speech may have a place in the cut and thrust of political life. She added that whilst article 10 protected honestly made statements, it did not protect those known to be false, and personal abuse or false statements did not therefore benefit from the enhanced protections given to political expression. It was noted that treating people with respect should be expected from any reasonable person, and failure to treat others with respect would occur when unfair, unreasonable or demeaning behaviour was directed at one person by another.
- v. The Investigator stated that in order to make a finding against the Subject Member, Members must be satisfied that each of the allegations met the following criteria; at the time of the allegations the Subject Member was acting as a Councillor or representative of Sheringham TC, that on the balance of probabilities the alleged conduct occurred, and that the conduct comprised a breach of the Sheringham TC Code of Conduct. On capacity, it was noted that whilst there was no formal description of what the role of a Councillor included, it was likely that this would include promoting and representing the local authority in the local community, and acting as a bridge between residents and the authority, including interactions with the public, fellow councillors and local authority officers. The Investigator stated that the comments made by the Subject Member could all be considered political in nature, and it was therefore her opinion that the Subject Member had acted in their official capacity as a Councillor. She added that she was satisfied that the Subject Member was conducting the business of Sheringham TC, and acting as a representative of the Council on social media. With respect to breaching the Code of Conduct, the Investigator stated that for incident one the comments were entirely unnecessary and created an environment that could discourage community involvement in political activity. On incident two it was stated that the beheading comments, which had been defended by the Subject Member as humour, went well beyond the scope of the increased protections given to political speech, and instead represented personal abuse and the threat of violence which should not be tolerated. With regards to incident three, where the Subject Member had made an unfounded accusation, they had deliberately sought to mislead the public. On incident five relating to parking, the Subject Member made reference to 'daft ideas which would cost thousands', and the frequency of fault finding and nitpicking was deemed to be malicious in nature, which

showed harassment toward the Councillor Complainant that was an attack on their ideas and integrity, which ultimately brought Sheringham TC in to disrepute. On incident six, which involved the Subject Member attempting to convince a member of the public to seek to remove the Complainant from office, the Investigator stated that this was a deliberate attempt to seek out a complaint with use of derogatory, offensive and misogynistic language that should not be used by a Councillor with such experience. The issues were compounded by the Subject Member refusing to accept any wrongdoing, and their insistence that their actions had been entirely appropriate, despite clear opportunities to make an apology or reconsider their position, which would have demonstrated a higher degree of integrity and remorse. The Investigator therefore stated that it was her recommendation that the complaints related to a Councillor that took place during their time in office, which fell within the scope of the Standards framework, and whilst some allegations may seem relatively minor, the cumulative impact had to be taken into account. She added that they amounted to dogged personal attacks that showed a failure to treat others with respect, bullying, and an attack on the Complainant's projects and integrity, which brought Sheringham TC into disrepute and represented a breach of the Council's Code of Conduct.

Questions and Discussion

- vi. Cllr N Dixon noted in respect of incidents of five and six that there was no date provided and asked why this was, and whether any clarification could be given. The Investigator replied that screenshots were provided as part of the complaint with no discernible dates provided.
- vii. Cllr L Shires referred to all allegations collectively and stated that the language and comments throughout were threatening, and asked the Investigator whether they felt it incited hatred and violence towards the Complainants. The Investigator replied that the comments were violent and inappropriate in nature, and this is why she had recommended that they were a breach of the Code of Conduct.
- viii. Cllr A Brown stated that considering all allegations collectively seemed to suggest a pattern of behaviour by the Subject Member that raised the possibility of the incidents amounting to harassment of an individual which could require Police action. He asked whether this had been considered and whether officers had consulted with the Police on the matter. The MO replied that whilst there separate ways of dealing with matters such as bullying and harassment, the Committee had to focus on the Standards process. She added that any Police action would be a separate consideration to the process undertaken by the Council, and it was noted that officers had not contacted the Police in relation to any matters outlined in the report.
- ix. The Chairman suggested that the incidents appeared to show a fixation on an individual, then stated that the Council should have a duty of care to elected Members and asked whether Sheringham TC had acted in respect of this. The Investigator stated that Sheringham TC had a responsibility to report inappropriate behaviour, but NNDC could only act when this was reported. The MO stated that Town and Parish Councils could not investigate issues themselves, and had to refer matters to the District Council.
- x. The Complainant - Cllr L Withington stated that the Independent Person described the case as a 'ramping up of a long campaign', however the issues

had been at the same level for two years. She added that since 2019, when nominated to stand for election, offensive, abusive and misogynistic comments had been received from the Subject Member, and he remained unrepentant despite being a Chair of NNDC, and a District and Town Councillor for many years. She added that many people in the town were surprised that the Subject Member had been able to behave in such a way whilst serving as a Councillor. The Complainant stated that the sole aim of the Subject Member had been to stop her standing for election and once elected to hinder her actions as a Councillor, which had a significant negative impact on the town and brought Sheringham TC into disrepute. As a result, there were four vacancies on the Sheringham TC immediately after the local elections in May. She added that the second allegation impacted the wider community as the Subject Member had encouraged others to join his campaign to encourage violence. It was noted that this had stopped the Complainant from being able to visit the town centre for much of 2020, as people would verbally abuse her in the street and in shops. The Complainant stated that the beheading post was also particularly concerning for her family, as it presented a very real threat of violence. She added that sticker campaigns throughout the town had also been highly offensive, with Police involvement having little effect. It was noted that it was only because of the resilience of the Complainant, and the support received from friends, family and residents that she kept her going, and this is why it was so important to recognise the behaviour as unacceptable, inappropriate and dangerous. The Complainant stated that something had to be done to ensure this behaviour was stopped, so that people could enjoy the town, be free to support community groups and feel safe to stand for election.

- xi. The second Complainant - Ms Price stated that she had complained as a result of the attacks made by the Subject Member against the HUGS group, which had discouraged her and others from being involved in community groups. She added that she had also complained about the beheading incident, as she knew vulnerable residents with mental health issues that would be significantly affected by this type of behaviour which was unacceptable. It was noted that anything the first complainant was involved in was attacked, which had significantly limited activities in the community, and discouraged many from standing for election.

Subject Member's Comments

- xii. The Chairman asked whether any written representations had been received from the Subject Member, to which the MO replied that whilst the Subject Member had been given the opportunity to respond, they had chosen not to do so. She added that despite this, the Hearing had to be as fair as possible, and she therefore directed Members to the Investigator's report where the views of the Subject Member had been outlined. It was noted that the Subject Member 'had not intended to offend, and was willing to apologise where offence had been caused', but he did not accept that he had acted in a such a way that could be deemed as harassment, offensive, bullying, or disrespectful to the Complainants.

Independent Person's Comments

- xiii. The MO stated that the Independent Person was unable to attend the meeting but had provided written comments on the allegations. The Independent Person had stated that the Sheringham TC Code of Conduct

applied to Councillors when acting as a Councillor, or when giving the impression of acting as a Councillor to members of the public. It was noted that in all circumstances, the Independent Person was of the opinion that the Subject Member had given the impression that they were acting as a Councillor. On incident one, it was noted that the Subject Member's response to the accusation admitted some degree of responsibility, but also showed a lack of respect for a fellow Councillor, with comments representing a personal attack on an individual that was insulting, offensive and a core breach of the code, which brought the Town Council into disrepute. On the second incident, the Independent Person had stated that the Subject Member did not dispute that the comments were made in reference to the Complainant, and it was purely personal abuse which sought to disparage those of opposing political views and represented another personal attack that was insulting and offensive. On incident three, the Independent Person stated this was a serious and unverified allegation of criminal damage that brought the Town Council into disrepute, and suggestions of political motivations were neither factual or fair. On incident five, the Independent Person stated that it demonstrated a clear lack of respect, and subjected individuals to attacks that were personal and offensive. Finally on incident number six, it was stated that efforts to remove the Complainant as a Councillor included offensive personal comments and hearsay. Overall, the Independent Person had stated that the allegations did represent a breach of the Sheringham TC code of Conduct based on a course of actions and behaviour. He also stated that the cumulative effect amounted to a failure to treat others with respect, bullying, and an attack on the Complainants' personal integrity, and he therefore recommended that the Subject Member offer an unfeigned written apology to the Complainants and complete training on bullying, harassment and social media. It was stated that the Independent Person had also noted that the Subject Member's actions amount to borderline offences under the Protection From Harassment Act, not withstanding the greater tolerance allowed for elected officials. Furthermore, the Subject Member did not appear to be acting with law or reason which might allow him a defence. The Independent Person had stated that despite this, the need for Sheringham TC to make a referral to the Police would be strongly mitigated by the Subject Member making a full apology to the Complainant, backed by no further incidents.

The meeting was adjourned for a ten minute break

Closing Statements

- xiv. The Investigator stated that she was satisfied that the Subject Member was acting in his role as a Councillor during the incidents outlined, and had cumulatively breached the Sheringham TC Code of Conduct. She added that the Subject Member had been given ample opportunity to engage with the standards process and apologise, which may have helped to mitigate some of the breaches. It was noted that the Investigator found it surprising that a Councillor of the Subject Member's experience was not more astute to what could be considered good conduct.
- xv. The MO summarised the five allegations levelled against the Subject Member that fell within the scope of the Committee, and stated that the Committee needed to consider whether on the balance of probability they breached the Sheringham TC Code of Conduct. The incidents included a social media post criticising the HUGS group, a social media post with a

photo with comments relating to a beheading, a social media post about use of weedkiller, a social media post about parking over double yellow lines, and encouraging a member of the public to seek to remove one of the Complainants from her position as a Councillor. The MO stated that the Committee needed to consider whether the Subject Member was acting in their official capacity as a Councillor, to be determined by whether they had discussed the business of or represented the Council in the community, or acted as a bridge between residents and the Council. She added that the Committee would then need to consider on the balance of probabilities, whether the incidents outlined in the allegation occurred, taking into account the comments received from the Subject Member and Complainants. It was noted that Members would also need to balance the right to freedom of expression with the enhanced protection offered to politicians, though it was noted that clear personal abuse did not afford not any protection. Finally, Members would need to consider whether the Subject Member had breached the Sheringham TC Code of Conduct, with attention paid the outlined expectations for respectful behaviour. The MO stated that section 2 of the Sheringham TC Code of Conduct also outlined the definition of bullying, harassment, and offensive behaviour, which Members would need to take into consideration, alongside section 5 on bringing the Council into disrepute.

The Committee retired to consider the allegations

Findings

- xvi. The Chairman stated that the Committee had considered all information including written and verbal evidence and had made the following findings; that the Subject Member was a Councillor at the time of the incidents and was acting his official capacity as a Councillor as evidenced by his references to the Town Council, Town Councillors, and the business of the Council in his statements. Taking the incidents both separately and collectively, it was determined that the Subject Member was acting in his official capacity as a Councillor, and that at the time Sheringham TC had a Code of Conduct in place. It was stated that on the balance of probabilities, the allegations did occur, taking into account that none were denied by the Subject Member. The Chairman stated that having determined that the incidents had occurred, it had been determined that individually and collectively the allegations did amount to a breach or breaches of the Sheringham TC Code of Conduct. He added that collectively the incidents showed intentional disrespect over a protracted period that was repeated, and that the conduct showed victimisation of a particular individual with inappropriate, offensive, and violent language. It was noted that whilst their was enhanced protections for freedom of expression in political life, the statements used went beyond common decency and were abusive in tone and subject. The Chairman stated that whilst the Subject Member had claimed that the beheading comments were said in jest, he was a retired policeman, and taking into account violent and fatal attacks on Members of Parliament, it was in no way humorous. He added that the Subject Member had been a Councillor for many years at both Town and District level, and the inappropriate nature of his actions should be clear to him. It was noted that collectively the actions showed that the Subject Member had breached the Sheringham TC Code of Conduct by failing to treat others with respect, and as a result, had brought the Council into disrepute.

Sanctions

- xvii. The MO stated that where a breach of the Code of Conduct had been found the Committee could consider making recommendations on sanctions to the relevant Council, whilst ensuring that any sanctions were reasonable, proportionate, and relevant to the Subject Member's behaviour. She added that the sanctions could include recommendation of one or more of the following; a report outlining the Committee's findings made to the relevant Council, issuing a formal censure, request for a formal apology, removal from any or all Committees, removal from outside appointments, to undertake specified training, for the Council to withdraw facilities from the Subject Member, and that the Subject Member be excluded from Council premises (except for necessary meetings). It was noted that any sanctions should not restrict the Subject Member from undertaking their duties as a Councillor.

Questions and Discussion

- xviii. The Investigator stated that following the findings of the Committee, any recommended sanctions must meet the minimum standards required to maintain public trust in the Council. She added that despite this, she believed that the breaches fell within the scope of an apology to the Complainants concerned, and suggested that the findings of the Committee may render the Subject Member more willing to accept the inappropriate nature of their actions. It was suggested that the Committee should also consider recommending that the Subject Member undertake training on general standards matters, social media, bullying, and harassment, with an emphasis on social media. The Investigator stated that whilst these sanctions could be considered weak, it was evident in caselaw that in the case of offensive comments, the issuing of a public apology had often been the recommended course of action.
- xix. The MO stated that the Independent Person had recommended that the Subject Member offer a clear and unfeigned apology to the Complainants, and that they complete training on bullying, harassment, and social media.
- xx. It was noted that the Subject Member had not provided any comment on possible sanctions.
- *The Committee retired to consider sanctions.*
- xxi. The Chairman stated that having found multiple breaches, the Committee had considered all options and took account of mitigating and aggravating factors. He added that in terms of aggravating factors, the conduct was protracted and repeated, whilst being targeted towards a single individual with misogynistic overtones, alongside a comment on beheading which was completely inappropriate. It was noted that the impact of this conduct on others was also considered, and it was suggested that it had the potential to negatively impact upon individuals on the Town Council and in the Community, including those who may be vulnerable, as well as the Subject Member's political party and local democracy. On mitigating factors, it was noted that the Subject Member had suggested that he would offer an apology to the second complainant, however this mitigation was considered to be minimal, as it was a qualified offer.
- xxii. The Chairman stated that the Committee would recommend the following sanctions to Sheringham TC; a report of the Committee's findings be shared

with Sheringham TC, a formal censure outlining disapproval of the Subject Member's conduct, a personal apology be made by the Subject Member to both Complainants at the next Sheringham TC Full Council meeting, removal of appointments to committees until training is completed on standards, code of conduct, bullying, harassment, social media, equality and diversity, within six months of the date of the hearing. It was noted that the training would need to be approved by Sheringham TC, and only considered to be complete once the Town Council were satisfied and had provided confirmation of this to the Subject Member. The Chairman stated that it was also recommended that Sheringham TC adopt the Debate Not Hate campaign and toolkit from the LGA.

RESOLVED

To recommend the following to Sheringham Town Council:

- 1. A report of the Committee's findings be shared with Sheringham TC.**
- 2. A formal censure outlining disapproval of the Subject Member's conduct.**
- 3. That a personal apology be made by the Subject Member to both Complainants at the next Sheringham TC Full Council meeting,**
- 4. Removal of Subject Member's appointments to committees until training is completed on standards, code of conduct, bullying, harassment, social media, equality and diversity, within six months of the date of the hearing.**
- 5. That Sheringham TC adopt the Debate Not Hate campaign and toolkit from the LGA.**

The meeting ended at 2.30 pm.

Chairman

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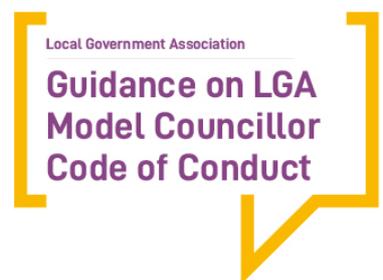
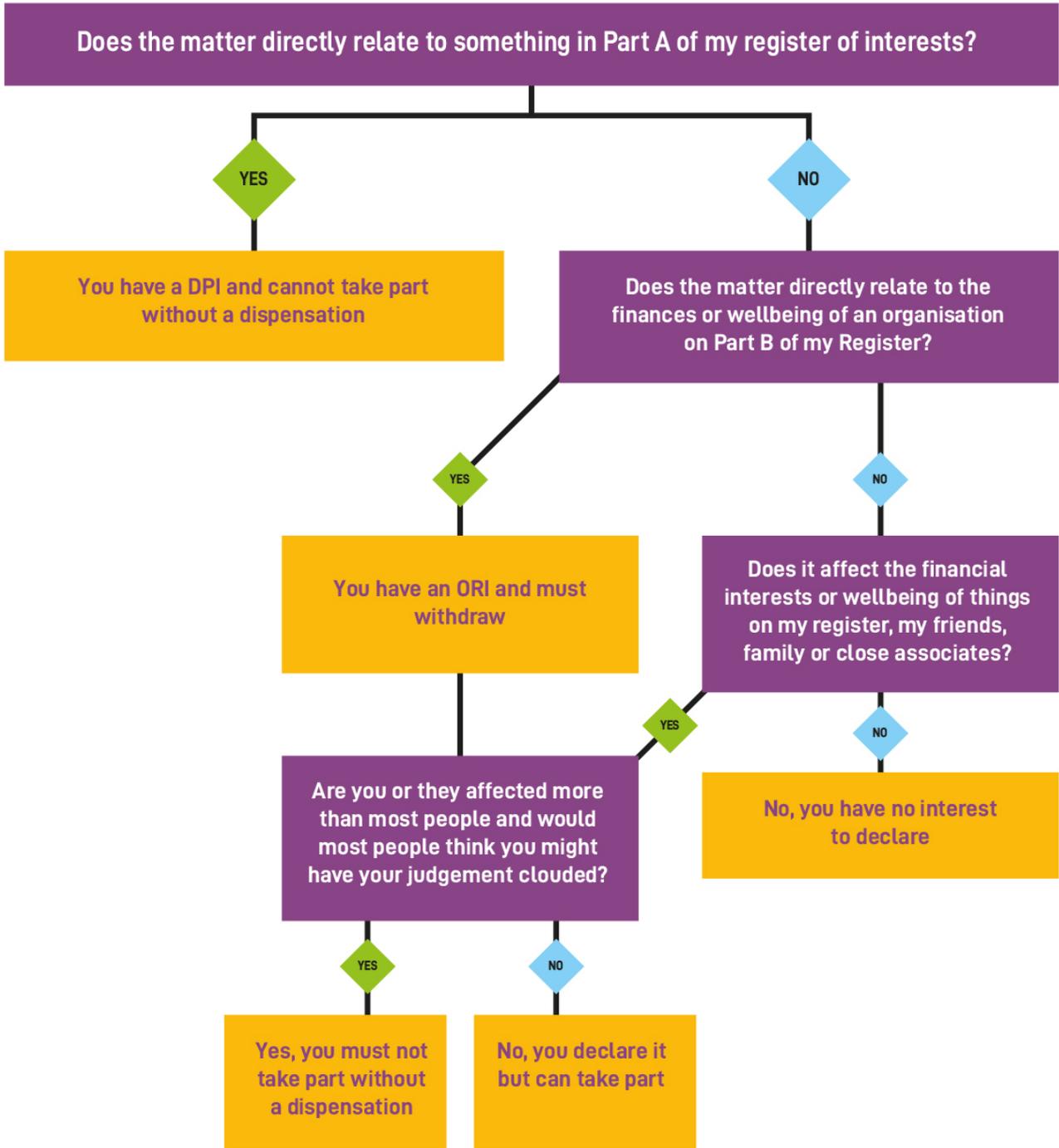
* 'director' includes a member of the committee of management of an industrial and provident society.

* '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

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- 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
 - (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)



Monitoring Officer Report - Code of Conduct Complaints

1 April 2022 to 31 March 2023

APPENDIX F

Key

Cllr	Councillor
MoP	Member of the public
DC	District Council
TC	Town Council
PC	Parish Council
DN	Initial Assessment – Decision Notice

Complaint Date	Complaint Reference	Complainant Councillor/ MoP /Other	Member	Authority	Allegation	Progress/ DN sent	Assessment Outcome	Hearing	Outcome
27.04.2022	020041	Cllr (A)	Cllr (i)	Sheringham TC	Abusive behaviour and harassment	DN sent 15.8.2022	Refer for Investigation	Yes	Standards Committee Hearing in June 2023. Breaches found
28.04.2022	020123	MoP (B)	Cllr (ii)	North Norfolk DC	Abuse of power, defamation & intimidation	DN sent 24.8.2022	No Further Action	No	Closed
02.05.2022	020132	MoP (C)	Cllr (iii)	North Walsham TC	Disrespectful and offensive behaviour	DN sent 15.8.2022	No Further Action	No	Closed

03.05.2022	020145	MoP (D)	CLlr (i)	Sheringham TC	Disrespectful behaviour	DN sent 15.8.2022	Refer for Investigation	Yes	Standards Committee Hearing in June 2023, breaches found
03.05.2022	020151	MoP (E) & (F)	CLlr (iv)	Briston PC	Disclosing personal and confidential information/ threatening behaviour	DN sent 30.6.2022	No Further Action.	No	Closed
23.05.2022	020296	MoP (G)	CLlr (v)	Cromer TC	Alleged financial impropriety	DN sent 5.8.2022	No Further Action	No	Closed
23.05.2022	020305	MoP (H)	CLlr (v)	Cromer TC	Alleged unlawful activity re charity	DN sent 18.7.2022	No Further Action – informal advice	No	Closed
23.06.2022	020512	MoP (J)	CLlr (v)	North Norfolk DC	Misuse of position as a councillor	DN sent 6.7.2023	No Further Action	No	Closed
24.06.2022	020525	MoP (K)	CLlr (vi)	Great Ryburgh PC	Alleged disrespectful behaviour	DN sent 15.8.2022	No Further Action	No	Closed
04.07.2022	020573	MoP (L)	CLlr (vii)	Aldborough & Thurgarton PC	Alleged disrespectful behaviour	DN sent 12.10.2022	No Further Action	No	Closed

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18.07.2022	020651	MoP (N)	Cllr (viii)	Sheringham TC	Alleged disrespectful behaviour	DN sent 06.10.2022	No Further Action	No	Closed
27.09.2022	021119	MoP (O)	Cllrs (ix) & (x)	Brinton PC	Alleged unreasonable and dishonest behaviour and non-accountability	ND sent 13.12.2022	No Further Action	No	Closed
05.10.2022	021166	MoP (P)	Cllr (xi)	Fakenham TC	Alleged bullying, coercion and threatening behaviour	DN sent 1.11.2022	No further Action	No	Closed
25.10.2022	021277	MoP (P)	Cllr (xi)	Fakenham TC	Alleged malpractice on the handling of employment related matters	DN sent 2.11.2022	No further action	No	Closed
25.10.2022	021281	MoP (P)	Cllr (xii)	Fakenham TC	Alleged malpractice on the handling of employment related matters	DN sent 2.11.2022	No further Action	No	Closed
25.10.2022	021279	MoP (P)	Cllr (xiii)	Fakenham TC	Alleged malpractice on the handling of employment related matters	DN sent 2.11.2022	No further Action	No	Closed

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25.10.2022	021280	MoP (P)	Cllr (xiv)	Fakenham TC	Alleged malpractice on the handling of employment related matters	DN sent 2.11.2022	No Further Action	No	Closed
25.10.2022	021283	MoP (P)	Cllr (xv)	Fakenham TC	Alleged malpractice on the handling employment related matters	DN sent 2.11.2022	No Further Action	No	Closed
21.12.2022	021584	MoP (Q)	Cllr (ii)	North Norfolk DC	Alleged lack of openness and not providing information when requested	DN sent 3.3.2023	No Further Action	No	Closed
15/03.2023	022087	MoP (S)	Cllr (vii)	Aldborough & Thurgarton PC	Alleged lack of communication for electors and not performing tasks expected of councillors	DN sent 7.6.2023	No Further Action	No	Closed

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Note:

A complaint from year 21/22 relating to a Cllr of Catfield PC was also referred for investigation in year 2022/23, with a Standards Hearing in June 2023 where a breach of the Code was found.

Agenda Item 8

Determination Notice for request for dispensation

Date of Request for Dispensation	18 May 2023
Committee Members	Cllr Bull (Chair); Cllr Blathwayt; Cllr Shires; Cllr MacDonald; Cllr Dixon; Cllr Porter; Cllr Fitch-Tillett
Monitoring Officer	Ms Jordan
Member requesting dispensation	Cllr V Holliday

Committee(s) or decision-making body from which a dispensation is requested	Overview & Scrutiny Committee; Full Council; Planning Policy and Built Heritage Working Group
Details of Membership of that body	Member of Overview & Scrutiny Committee; Member of Full Council; Substitute for Planning Policy and Built Heritage Working Group
The business for which a dispensation is requested	Debate and vote on Council Tax Discounts (including a change to discount on second homes) at Full Council on 16 November, and subsequently as detailed above, on debates and decisions on second homes and holiday homes in the District
What is the member's interest	The owner of a holiday let in Cley. This is declared on the register of interests as a pecuniary interest
Is dispensation to participate, vote or both?	Both
Reasons for allowing or refusing the dispensation	<p>This application is allowed.</p> <p>Cllr Holliday was previously granted a like dispensation for the period 11/10/22 to 23/05/2023 and the reasons for allowing this dispensation remain valid and are repeated.</p> <p>The information provided by the councillor has been considered. Members have been consulted, considering her interest, the need to maintain public confidence in the conduct of the Council's business, the possible consequences and the need for efficient, effective and transparent conduct of the Council's business.</p> <p>The village and ward represented by the Member has a high percentage of second homes and holiday lets. The Member is conversant with the issues this causes. Some constituents are disadvantaged by, and some benefit from second homes and holiday lets. There are those who hold strong views on holiday lets – such as those who have holiday lets, and those who are or who have family wanting to buy or rent property in the area.</p> <p>It is considered that given the high number of second homes and property lets in the District, this Councillor's voice is important to bring balance to these matters and grants this dispensation as it is considered that it is in the interests of persons living in the authority's area, as set out in section 33(2)(c) Localism Act 2011.</p> <p>The Member must declare the nature and existence of the dispensation before the commencement of any business to which it relates.</p>
Period covered by the dispensation	18/05/23 until 17/05/27

Signed: Monitoring Officer  Date.....22 May 2023.....

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