

STANDARDS COMMITTEE

Minutes of the meeting of the Standards Committee held on Thursday, 19 December 2024 at the Council Chamber - Council Offices at 11.30 am

Committee

Members Present:

Cllr J Boyle (Chairman)
Cllr L Shires

Cllr P Porter

Officers in Attendance:

Assistant Director for Legal and Governance & Monitoring Officer
Trainee Solicitor (Investigating Officer)
PA to the Corporate Leadership Team.

Also in attendance:

Independent Person
Complainant

33 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr Blathwayt, Cllr Dixon, Cllr Housden, Cllr Macdonald

34 ITEMS OF URGENT BUSINESS

None received.

35 MINUTES

The minutes of the meeting on 03 October 2023 were confirmed as a true and accurate record by Cllr Pauline Porter, who was in attendance.

36 DECLARATIONS OF INTEREST

None declared

37 EXCLUSION OF THE PRESS AND PUBLIC

The Monitoring Officer stated that the first matter to consider was whether the Hearing should proceed in the absence of the Subject Member.

She advised that members would need to consider whether they could fairly proceed in the Subject Member's 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.

Questions and Discussion

- i. The Monitoring Officer advised the Committee that the Subject Member had been asked for his availability for the hearing and was informed within 3 working days that Thursday 19 December 2024 would be the date for the

- Hearing.
- ii. The Subject Member responded within the hour to say that he was no longer available on this date as the person he wished to accompany him was no longer available and he had transport issues.
 - iii. The Subject Member was made aware that his responses to the Monitoring Officer's email would be shared with the Committee.
 - iv. The Subject Member was asked if he would be attending and if not whether he would have a view on the Hearing continuing in his absence and whether he had a view as to the matter being held in public or private and he failed to respond on any of these points.
 - v. The Monitoring Officer offered assistance both in terms of alternative transport and for third party support at the Hearing.
 - vi. The Subject Member did not engage until the morning of the Hearing.
 - vii. The Independent person stated that he felt that the Subject Member's inability to bring his son with him to the hearing would not materially affect the information to be presented as his son was not a witness to the matter. The Subject Member's son was therefore needed to provide transport for the Subject Member; however, the correspondence clearly shows that alternative methods of transport were available. The third area of having someone in attendance would be to provide support to the Subject Member but this has not been expressed as a particular reason as to why the Subject Member wanted to have his son in attendance.
 - viii. The Independent Person therefore stated that he felt that on balance the hearing should continue in the Subject Member's absence.
 - ix. The Investigating Officer stated that the Subject Member had been provided with opportunities to provide a response to both the draft and final investigation and chose not to do so. The investigation report does take in to account the Subject Member's submission to the initial investigation.
 - x. The Investigating Officer advised that she felt the Hearing should proceed to avoid further cost and use of resources.

The Committee considered the question of whether to adjourn the Hearing or to proceed in the Subject Member's absence.

The Committee recognised the need to consider fairness to all persons involved, including the Subject Member.

The Committee noted the following that:

1. The Subject Member was asked for his availability and provided dates including 19 December 2024 on 28 November 2024.
2. The Subject Member was informed on 03 December 2024 that he needed to hold 19 December 2024 for the Hearing.
3. An hour later the Subject Member said that he was no longer available on this date.
4. The Subject Member was asked for the reason and informed the Monitoring Officer that the person who was going to accompany him was no longer available.
5. The Monitoring Officer wrote and informed the Subject Member that this did not appear to provide sufficient reason to rearrange the Hearing but gave the Subject Member the opportunity to provide further detail.
6. The Subject Member was also asked for information around his attendance, any witnesses he wished to put forward and his views as to whether the hearing should be heard in public or private.
7. Further information was provided around transport difficulties, assistance was provided as to how the Subject Member could attend and the Hearing

was given a later start time to accommodate any travel difficulties and the possibility of arranging an alternative person to accompany him was explained.

8. The Committee read the correspondence and considered that no good reason to not attend has been provided especially as the Subject Member identified this date as suitable so close to notification of the hearing date.
9. The Committee have heard from the Independent person and the Investigating officer and note their comments. The Committee have also considered correspondence sent to the Committee from the Subject Member today and earlier this week.
10. The Decision of the Committee was to proceed with the Hearing in the absence of the Subject Member.

RESOLVED

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

The Monitoring Officer stated that the next matter to be considered was whether the Hearing should be held in Public or Private. 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 Monitoring Officer 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 Monitoring Officer noted that whilst the report did identify individuals, the Complainant was in attendance at the meeting, and had confirmed that that he was content for the meeting to proceed in public session and the witness had been contacted prior to the meeting and had agreed to the information being made public.

The Independent person felt that the hearing should proceed in public, provided addresses and identifying information was removed from the documentation.

The Investigating officer felt that provided sensitive data was removed from the report the Hearing could be held in person.

The Committee noted:

1. The Monitoring Officer's comments and that the complainant and witness were content with the matter being held in public.
2. The Investigators and Independent person's comments. Both consider the matter can be held in public, subject to some further redaction of personal information in the papers.
3. The Subject Member's email of 18 December 2024 where he informed Members of the Committee that he wanted the hearing to be held in public. Whilst the Committee noted that it is not appropriate to contact the Committee directly, this nevertheless goes to support the hearing being in public.
4. On balance, although the investigation does contain information that identifies or is likely to identify individuals, there is public interest in this

matter and so this matter will proceed in public.

RESOLVED

To hold the meeting in public session.

38 DETERMINATION OF CODE OF CONDUCT COMPLAINT IN RESPECT OF CLLR ROCKETT OF FAKENHAM TOWN COUNCIL

Investigator's Introduction

- i. The Investigator advised the Committee that the investigation involved one incident on Friday 22 March 2024 at 10.00am. The Subject Member, Complainant and Witness met at Aldiss Park, Fakenham to discuss the boardwalk. The Complainant and the Witness reported that the Complainant had said that the Boardwalk needed some immediate repairs. The Subject Member immediately commented to the Complainant, "Who the fucking hell do you think you are? I've had enough I'm leaving." The Complainant responded that the subject member should leave the meeting having used foul language. The Subject member then responded with "No I'm not fucking leaving you can fucking leave." To which the complainant responded that he was not leaving and reiterated that the Subject Member needed to leave. The Subject Member responded by saying "No I am not leaving and what are you going to do about it." The Complainant reported that the subject member was verbally and physically adopting an aggressive stance. The witness to the incident reported that the Subject Member stepped towards the Complainant, before two groundsmen arrived and de-escalated the situation, after which the Complainant left.
- ii. The Investigating Officer stated that the Subject Member does not refute this account and states when providing the account for the initial assessment that the incident was accurately recorded, except for saying that the Complainant had barked at him, "I want it repaired for next week's race meeting".
- iii. In addition to the complaint received by the Council, the Subject Member allegedly shared the confidential complaint made by the Complainant to all of Fakenham Town Council via email on 09 April 2024.
- iv. The Subject Member became aware of the complaint made against him in the contents of the draft report and was provided with an opportunity to respond but did not do so.
- v. The Investigating Officer also made the Committee aware that the Subject Member again shared a section of the confidential report on 07 December 2024 via email with Fakenham Town Council. This occurred after the publication of the final report and so as such has not

been included within the papers for today's Hearing.

- vi. The Subject Member failed to co-operate with the Investigating Officer throughout the investigation process and this is why the final report does not include any information from the Subject Member besides that included in the initial assessment.
- vii. The Investigating officer went on to outline the legal principles underpinning the investigation. The first being Article 10 of the Human Rights Act 1998 which articulates that everybody has the right to freedom of expression which includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This is a qualified right, meaning it may only be restricted if the restriction is prescribed by law and is necessary in a Democratic society for the protection of rights and interests of others. Therefore, it is important to note that the burden lies with the Council to justify any interference with these fundamental rights.
- viii. The second legal principle is the **Localism Act 2011** section 28 which outlines the more commonly known Nolan Principles. These principles require a Councillor to act with:
 - a. Selflessness
 - b. Integrity
 - c. Objectivity
 - d. Accountability
 - e. Openness
 - f. Honesty
 - g. LeadershipThese principles provide guidance to ensure that conduct in public life does not fall below the minimum level expected whilst also bearing in mind the importance of freedom of political expression.
- ix. The Investigating Officer summarised the legal principles to assist the Committee in making a finding. The Committee must therefore be satisfied that at the time of the alleged incident the Subject member was acting as a Councillor or Representative of Fakenham Town Council. Secondly that on the balance of probability the alleged conduct occurred. Thirdly that the conduct complained of comprises a breach of the Fakenham Town Council Code of Conduct.
- x. The Investigating Officer then went on to discuss her findings. The use of the word "Fuck" and the variances there of, was entirely inappropriate in the setting of a meeting and no less in a public place where a Councillor is representing their Town Council and constituents. The use of this language, adopting an aggressive stance and stepping towards another Councillor in such a way amounts to disrespect and personal abuse. The behaviour and actions exhibited by the Subject Member creates a hostile environment and discourages participation in Community and Political Activity.

- xi. The Independent Person's stated in his initial assessment that the Subject Member's actions could amount to an offense which attests to its seriousness.
- xii. The Subject Member offered some explanation namely that the Complainant was self-interested. Further to this the Subject member mockingly compared the Complainant to a schoolboy and suggested that he should grow up. Which further exaggerated the matter.
- xiii. The Investigating Officer explained that there had been a number of opportunities for the Subject Member to offer an apology for their behaviour and actions on 22 March 2024. Further opportunities were provided when the Subject member was presented with the draft report. This issue has been further compounded by the Subject member's denial of any wrongdoing.
- xiv. The Investing Officer summarised by saying that the complaint relates to a service Councillor and therefore their conduct falls within the scope of the Standards Framework, on the balance of probability it can be confirmed that the conduct occurred and finally the complaint details blatant disrespect, bullying and abusive behaviour to a fellow Councillor which constitutes a breach of the Fakenham Town Council code of conduct. The Councillor also shared confidential documents via email which constitute a further breach of the Fakenham Town Council Code of Conduct.
- xv. The Investigating Officer therefore asked the Committee to find in favour of a breach of Code.

Questions from members of the Committee

- xvi. Cllr Shires thanked the Investigating Officer for her work and asked her to confirm that other than the initial investigation response there has been no further correspondence from the Subject Member, other than to criticise the methodology of the investigation.
- xvii. The Investigating Officer confirmed that this was the case.
- xviii. Cllr Shires asked if the Monitoring Officer could confirm the process that is undertaken when looking at Standards Complaints as the Subject Member seems to have shown a complete lack of respect for the Investigation.
- xix. The Monitoring Officer explained that under the Localism Act 2011 there is an obligation on the District Council and Monitoring Officer to maintain standards in regard to Councillor Conduct. District, Parish and Town Councils are required to have in place a Code of Conduct which members of the authority sign up to and agree to adhere to. If anyone believes an elected member has breached the code of

conduct, they would need to submit a complaint to the Monitoring Officer of the District Council. Once a complaint is filed, an initial assessment is carried out to determine whether the matter needs further investigation, the Subject Member would be given the opportunity to apologise. The opportunity to apologise was given in this matter but was not taken up. This means that the matter proceeded to an investigation. Once the investigation is complete the committee is convened to determine if there has been a breach of code of conduct.

- xx. Cllr Brown focused on the three issues to be determined. The first where the Subject Member was acting in his capacity as a member of Fakenham Town Council. It is clear from the investigation that he was. The conduct described clearly established the need for an investigation and there is a prima facie case for a breach having occurred.

Questions from the Monitoring Officer on behalf of the Subject Member

- xxi. The Monitoring Officer asked questions on behalf of the Subject Member. She asked why the Subject Member was not informed of the complaint made against him on 09 April 2024.
- xxii. The Investigating Officer responded that the Subject Member was provided with exhibit EX2, showing the confidential information shared with the Town Council in the draft report and was provided with an opportunity to raise any queries or detail inaccuracies but he chose not to. The Subject Member has since received the final report and again there has been no further correspondence.
- xxiii. The Monitoring Officer also asked on behalf of the Subject Member why there were redactions in the final report as the Subject Member did not consider this to be fair.
- xxiv. The Investigating Officer explained that the final report was redacted for third party data in line with the Council's data protection policy.
- xxv. The Monitoring Officer asked one final question on behalf of the Subject member, as to why the representations from the complainant had not been included as exhibits in the final report.
- xxvi. The Investigating officer explained that although representations were received, they were not used when making a decision on the complaint and this was why they were not included in the final report.
- cxvii. The Members of the Committee were provided with copies of these representations but were asked to keep in mind that the Subject Member had not seen these and therefore had an opportunity to comment on them.

Questions from the Independent Person

- xviii. The Independent person had no questions for the Investigating Officer.

Complainant's Comments

- xxix. The Complainant thanked the Investigating Officer for her thorough report and apologised that the matter had taken up so much time for so many people. He stated that had the Subject Member apologised this would have been accepted, but it has been made very clear that the Subject Member has no intention of apologising. The Complainant is angry that confidential information was shared, which put other Members of the Town Council in an awkward position.

Independent Persons Comments

- xxx. The Independent Person confirmed that in this investigation the Subject Member confirmed that the report gave a good representation of what he had said, he did however dispute some of the Complainant's responses, but this has little to do with the issue at hand. The Complainant has tried to put his language in context of being in the army and that it wouldn't have offended someone who had been in the army. The Subject Member has however since apologised to the clerk so recognised that his language was inappropriate. It can be safely said that most people looking at the code would deem that the language is not respectful and is language liable to cause offence, intimidate, bullying and in fact coupled with the invitation to step outside verges on the threatening.
- xxxi. The Independent Person confirmed his view that there had been a Code of Conduct breach.

Closing Statement from the Investigating Officer

- xxii. The Investigating officer confirmed that she was happy the Subject Member was acting in his role as a Town Councillor and had breached the Fakenham Town Council Code of Conduct. There had been every opportunity for the Subject Member to apologise which would have mitigated the alleged breaches. She also stated that she was surprised that the Subject member was not more astute to what is considered good conduct.

Advice from the Monitoring Officer

- xxiii. The Monitoring Officer advised the Committee to take into account everything they had read in the papers and everything that they had heard during the hearing. The alleged Code of Conduct breaches, relate to one initial incident of disrespectful and bullying behaviour and two other incidents relating to sharing confidential papers. The Subject Member had concerns that he was not informed earlier of the latter two matters.
- xxiv. She stated that when considering the matter, the Committee must be satisfied that the Subject Member was an elected or co-opted member. That at the time of the Subject Member was acting in his capacity as an elected or co-opted member. It is also necessary to consider

whether the words used by the Subject Member are protected by the enhanced right of freedom of expression or were the words and the conduct purely personal abuse which would not be subject to the enhanced protection under Article 10. The Committee was also requested to look at the balance of probabilities as to whether the alleged behaviours occurred and if they did whether they constituted a breach in the Fakenham Town Council Code of Conduct.

- xxv. The committee were advised that:
- a. If NO BREACH is found this is the end of the matter.
 - b. If any BREACH is found the Committee would need to discuss what if any sanctions are applicable.

The Committee retired to consider the allegations

Findings

- xxvi. The hearing was to determine whether or not the Subject Member breached the Fakenham Town Council Code of conduct with regard to alleged behaviour relating to an original allegation on 22 March 2024 which relates to disrespectful and bullying behaviour and a further two matters on 9 April 2024 and 7 December 2024 concerning sharing confidential information.
- xxvii. The Committee considered two preliminary issues: whether (i) the matter should proceed in the absence of the subject member; and (ii) whether the matter should be held in public or private session were determined earlier in this session.
- xviii. It was determined that the matter should be heard in public session and should proceed in the absence of the Subject Member.
- xxix. In summary, three alleged breaches were considered:
- i. That during a visit to the Aldiss Park with a fellow councillor, the Subject Member used disrespectful and bullying behaviour by swearing and his physical demeanour.
 - ii. Sharing confidential information by email with Fakenham Town Council on 9 April 2024
 - iii. Sharing confidential information by email with Fakenham Town Council on 7 December 2024

Evidence Heard

- xl. The Panel members:
1. Read all the documents before them, including the Investigator's report and appendices.
 2. Heard oral submissions from the Investigating Officer
 3. Heard representations from the complainant
 4. Heard from the Independent Person who gave his views
 5. Considered letters and emails sent by the Subject Member who was not present.

- xli. The Investigating Officer's report considered that there were breaches in regard to the Subject Member's conduct at the meeting relating to Town Council business at Aldiss Park, and further that the Subject Member shared confidential information with others. She presented her report and addressed the Committee on the issue of capacity and freedom of speech. The Subject Member, whilst having some differing views on circumstances surrounding the behaviour alleged, he agreed that it occurred, with regard to the initial allegation. He made no comment, via email as he was not present, in regard to the sharing of information other than relating to the investigation procedures.

Independent Person

- xlii. The Independent Person provided his views, in writing, following the Final Investigation report, and at the hearing.

Findings

- xlili. The Committee considered all of the information before them, including the written and oral evidence. With regard to the two allegations, and then an additional allegation before them at the committee, it made the following, findings:
- xliv. With regard to all matters, the committee find that the Subject Member was an elected or co-opted Member, and was acting in his capacity as a member at the time

Allegation 1 - BREACH

- xlvi. Disrespectful and bullying/ intimidatory behaviour on 22 March 2024.
- xlvi. The Committee considered that the town clerk broadly supported what the complainant had alleged in regard to disrespectful and intimidatory behaviour at Aldiss Park. The Subject Member, in his initial comments during the process did not dispute the main facts but mocked the complainant. The Subject Member was given an opportunity to apologise to the complainant but refused to do so, as he is permitted to do.
- xlvi. This however, would have resolved the matter, but instead it has come before us today. The Committee considers that the language towards the complainant was purely personal abuse and his physical demeanour aggravated this. Having heard from everyone at the meeting, and having considered the papers before them, including correspondence from the Subject Member, the Committee found the behaviour to have occurred, and there to be A BREACH of the Fakenham Town Council Code of Conduct on this matter.

Further Breaches

- clviii. The Committee also found that the Subject Member breached obligations (1) to (5) of the Fakenham Town Council Code of Conduct by the behaviours displayed. He acted disrespectfully to members of staff involved in the investigation. By sharing emails with the town

councillors, and directly with the Members of the Standards Committee prior to the hearing, the Committee considered that this breaches paragraph 3 of the Member obligations as it was seeking to improperly confer an advantage. This was also done using the Fakenham Town Council email, which was considered to be inappropriate use of council resources, contrary to paragraph 4.

- xlix. Finally, the committee found that confidential information was disclosed to members of the town council who were not involved in the standards process. This would contravene paragraph 5 of the code. Further, this had the potential to compromise the process and was not respectful to the complainant.

Decision

- i. **The Committee considers that the Subject Member did breach the Fakenham Town Council Code of Conduct in respect of the initial allegation regarding disrespectful and intimidating behaviour at Aldiss Park. Further that there are breaches of paragraphs 1-5 of the Fakenham Town Council Code of Conduct for the reasons outlined above.**

Sanctions

- ii. The Monitoring Officer 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.

Investigating Officers Comments on Sanctions

- iii. The Investigating Officer stated that following the decision from the Committee that the Subject Member breached the Fakenham Town Council Code of Conduct, 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 a written or public apology. It was suggested that the Committee should also consider recommending that the Subject Member undertake training on general standards matters, bullying, and harassment and data protection.

Independent Persons Views on Sanctions

- liii. The Independent person agreed with what the Investigating office

proposed, especially with regard to the training.

The Committee retired to consider sanctions.

- liv. The Chairman stated that having found multiple breaches, the Committee had considered all options and took account of mitigating and aggravating factors. She added that in terms of aggravating factors, the Subject member was given opportunities to make an apology which would have resolved the matter, but he failed to do so. The Subject member has also shown consistent disrespectful behaviour throughout the investigation towards officers and sharing information inappropriately. On mitigating factors, it was noted that the Subject member apologised to the Clerk who was present although not to the complainant.
- lv. It was noted that the Subject member was not present to provide any comment on the possible sanctions but that the advice from both the Investigating Officer and Independent Person.
- lvi. The Committee considered what recommendations should be made to Fakenham Town Council in respect of sanctions. It considered, with reference to its findings and the aggravating and mitigating factors, that the following sanctions would be appropriate:
 - 1. A report of the Committee's findings made to the Fakenham Town Council
 - 2. Issue of a formal censure detailing the displeasure of the behaviour
 - 3. The Committee considers that the Subject Member be required to make a clear and unreserved public apology relating to his behaviour at Aldiss Park on 22 March 2024. Such apology needs to acknowledge that the comment made was disrespectful towards the complainant and should be made by the Subject Member the next Fakenham Town Council that he attends (following any resolution to adopt these recommendations by the Fakenham Town Council).
 - 4. Removal from the Leisure and Environment Sub Committee, any other committees and outside appointments, until such time as the training below is recorded as completed by the Fakenham Town Council and the apology has been carried out.
 - 5. The Committee recommends to Fakenham Town Council that the Subject Member be required to undertake and complete appropriate training in:
 - Code of Conduct
 - Data protection and GDPRwithin 6 months of the date of the hearing (19/12/24). Such training will be considered 'appropriate' where it is approved in writing by the Fakenham Town Council and will be considered as 'completed' where the Fakenham Town Council is satisfied that it has been completed and provides such confirmation in writing to the Subject Member.It is recommended to the Fakenham Council that it does arrange

such training within this period.

39 EXCERPTS FROM THE MONITORING OFFICER'S ANNUAL REPORT

The Monitoring Officer introduced the item and informed members that appendix F contained information relating to the Code of Conduct matters for 2023/24.

Between April 2023 and March 2024, a total of 33 Code of Conduct complaints were received. Thirty complaints related to parish/town councils and three related to the District Council. This compares to 20 complaints from the previous year relating to district, parish, and town councils.

On receipt of a complaint about Member Conduct, the Monitoring Officer conducts an initial assessment to determine if the matter warrants any further action, such as a formal investigation. The Monitoring Officer liaises with one of the Council's Independent Persons in this process.

The most common reason for complaints continues to be alleged disrespectful behavior. The majority of complaints were assessed as requiring no further action. Sometimes this has been accompanied by some informal recommendations or guidance to improve governance. Nothing was referred for investigation during the year 2023/2024.

It was noted that GRAC had received the full report, which contained information on members' registers of interest, and the register of gifts and hospitality.

The Committee received and noted the report.

40 ANY OTHER BUSINESS

Independent person

The Monitoring officer introduced this item, explaining that currently the Council has 2 independent persons. However, the Monitoring Officer's team have not been able to contact one of them for a considerable number of months.

The Monitoring Officer proposed to write to the individual to see if they still wished to hold the position and if not proposed to go out to recruitment for a new independent person.

Members approved this course of action.

The meeting ended at 4.00 pm.

Chairman