

Standards Sub-Committee – 23 October 2017

Minutes of the meeting of the **Standards Sub-Committee** held on **23 October 2017** when there were present:-

Cllr Mrs J R Lumley
Cllr Mrs C A Weston

Cllr Mrs C M Mason

INDEPENDENT PERSONS

Mr P Scott
Mr S Shadbolt

OFFICERS PRESENT

A Law - Monitoring Officer
R Hurst - Deputy Monitoring Officer
M Power - Democratic Services Officer

ALSO PRESENT

I Hunt - Legal Advisor to the Sub-Committee

1 APPOINTMENT OF CHAIRMAN

Cllr Mrs C A Weston was appointed Chairman of the Sub-Committee.

2 DECLARATIONS OF INTEREST

Cllr Mrs C M Mason advised that she had received a telephone call from the Member but had not discussed the matter with him. She declared a non-pecuniary interest by virtue of knowing both the complainant and the member against whom the complaint is being made but is capable of making an impartial and objective decision with regard to the complaint.

Cllrs Mrs J R Lumley and Mrs C A Weston each declared a non-pecuniary interest by virtue of knowing both parties to the complaint but were capable of making an impartial and objective decision with regard to the complaint.

3 PROCEDURE FOR STANDARDS HEARING

The Sub-Committee noted the procedure to be followed during the hearing.

The Sub-Committee was advised of a strongly worded email from Councillor Hookway submitted in response to the hearing in which he stated that he would not be having any involvement with the process and would not be present at the Hearing. It was concluded that Cllr Hookway was not likely to attend at a later date if this Hearing were to be adjourned and rescheduled.

The Sub-Committee adjourned to consider whether it was appropriate to continue in his absence. The Sub-Committee's conclusion was that, having regard to the email from Cllr Hookway, it would be appropriate to continue with the Hearing in his absence.

4 REPORT OF THE MONITORING OFFICER ON A STANDARDS HEARING RELATING TO SC0047

The Sub-Committee considered the allegation presented and the papers before them, together with the representations from the Monitoring Officer. In response to questions, the following was noted:

- There was no indication of the size of the Great Wakering Group.
- The Council was not aware of evidence that the complaint had been made to any other organisation.

The Sub-Committee retired to consider the evidence.

5 DECISION

The Sub-Committee has reviewed the allegation presented. It has had regard to the strongly worded email from Councillor Hookway submitted in response to the hearing and considered that it was appropriate to continue in his absence. The Sub-Committee had carefully considered the papers before it, together with the representations from the Monitoring Officer.

The Sub-Committee concluded that there was a clear indication that Cllr Hookway was acting as a Councillor. It was clear from the comments that he was responding to a request from the Complainant for Councillors to comment; in addition he made reference to his role as a Councillor and the Code of Conduct. His profile on Facebook clearly refers to his status as a Councillor.

The Sub-Committee has carefully considered which role he was undertaking, that of the District and that of the Parish. The Sub-Committee is mindful that there was no direct reference by him as to which role he was undertaking and, in reviewing the materials, it was of the view that the majority of the issues related to local Parish issues and the business of the Parish Council. For this reason the Sub-Committee was of the view that Councillor Hookway was acting in his capacity as a Parish Councillor but not as a District Councillor.

Turning firstly to the issue of treating others with respect under Section 3(1) of the Code of Conduct, the Sub-Committee is of the view that the tone and language of the responses from Councillor Hookway were unacceptable and inappropriate. This was particularly the case in the comments which questioned the integrity of the Complainant. The terms of the responses did not reflect the standard that is expected of a Councillor, particularly in a public forum.

The Sub-Committee has carefully considered the comments from Councillor Hookway relating to how he perceived the provocation of the Complainant as justifying the comments. The Sub-Committee concluded that some of the

comments did invite a response; however there was insufficient justification not to maintain a breach of the Code of Conduct.

The second issue related to an allegation of bullying under Section 4(b) of the Code of Conduct. The Sub-Committee has carefully considered the allegation, and concluded that the pattern and content of the comments were very close to that which would be regarded as bullying, but in the full consideration just fell short of that which was required to maintain a breach.

The Sub-Committee wishes to express its concern that a Councillor was this close to the line and recommends that Councillor Hookway carefully considers his interactions with the Complainant in future, particularly in a public forum such as this.

The third area of the Code of Conduct which relates to this hearing is that of bringing the Parish Council into disrepute under Section 4(e) of the Code of Conduct. The Sub-Committee is of the view that this element of the Code of Conduct is not demonstrated. The Sub-Committee felt that the comments may well have diminished the standing of Councillor Hookway, but were not sufficient to diminish the standing of Councillors in general or that of the Parish Council in particular.

The Sub-Committee has had regard to the process set out in the papers relating to considering the representations on sanctions of the Monitoring Officer and Councillor Hookway. However, in the circumstances that Councillor Hookway is not present, the Sub-Committee has considered sanctions itself. The Sub-Committee concludes that, having carefully considered the complaint and the findings above, it instructs the Monitoring Officer to make arrangements for training for Councillor Hookway. The training is to include particular reference to the Code of Conduct and the use of Social Media and the Social Media policy.

In the event that Councillor Hookway does not undertake the recommended training within 3 months (or within such longer period as the Monitoring Officer decides) then the Sub-Committee instructs the Monitoring Officer to report this failure to the District Council's Standards Committee and Great Wakering Parish Council.

The Sub-Committee instructs the Monitoring Officer to report its finding to Great Wakering Parish Council and to include a copy of this Decision.

The meeting closed at 2.55 pm.

Chairman

Date

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