

Standards Committee Minutes

The minutes of the Standards Committee meeting of Wyre Borough Council held on Wednesday, 14 March 2018 at the Civic Centre, Poulton-le-Fylde.

Standards Committee members present:

Councillors Marge Anderton, Lady Dulcie M Atkins and Sue Catterall

Present to advise the Committee:

Helen Kay (Independent Person), Mary Grimshaw (Senior Solicitor and Deputy Monitoring Officer), and Roy Saunders (Democratic Services and Scrutiny Manager).

Also present:

Liesl Hadgraft (Investigating Officer), Barry Parsonage (Independent Person) and seven members of the public.

14 Election of Chairman

Resolved that Councillor M Anderton be elected to Chair the meeting

15 Declarations of Interest

None.

16 Code of Conduct: Alleged breach by Cllr Evelyn Stephenson

Cllr Anderton explained the purpose of the hearing, the procedures to be followed and the documents to be considered, as set out on the agenda.

Cllr E Stephenson explained that she had asked Cllr B Stephenson (her husband) to be her representative and to help present her case. She confirmed that she did not intend to call any witnesses, but said Fleetwood Town Councillor Mary Stirzaker had come with her to the meeting and was sitting in the public gallery.

The Investigating Officer, Liesl Hadgraft, said that she had indicated during the pre-hearing process that she had intended to call Garry Payne (Wyre Council's Chief Executive) as a witness but, as Cllr Stephenson had accepted that she had made the comments referred to in paragraph 4.3 of her investigation report, she did not now think it would be necessary to call him as a witness.

The Investigating Officer, Liesl Hadgraft, presented her report and findings. In doing so, she made the following points:

- Following a planning meeting in July last year, she had received a total of 4 complaints from members, who had expressed concerns about Cllr Stephenson behaviour at the Planning Committee meeting on 5 July 2017.
- Two of the complainants were members of the Planning Committee who had been at the meeting in question in that capacity and two had been there to observe the meeting.
- The preliminary test she and the Independent Person (Barry Parsonage) had concluded that, as Cllr Stephenson was a member of the Planning Committee, she had clearly been acting in her capacity as a Cllr at the time of the alleged behaviour and, therefore, that the complaints should be investigated further
- She had met with Cllr E Stephenson in October 2017, who had been accompanied by Cllr Beavers and her husband, Cllr Brian Stephenson.
- There had been an acknowledgement from all three Councillors that, at the planning meeting, Cllr E Stephenson had made comments after the vote had taken place on the Fleetwood Pier application.
- Cllr E Stephenson had admitted to saying at the Planning Committee meeting *"it's a stitch up"* and both Cllr Beavers and Cllr B Stephenson had acknowledged that they had also heard this
- Cllr E Stephenson had also admitted to saying *"you've got no backbone"* Cllr Beavers and Cllr B Stephenson had stated that they did not hear her say those words.
- Cllr E Stephenson had denied saying *"you're all a shower of shites"*, and both Cllr Beavers and Cllr B Stephenson had also said she did not say that.
- During the meeting, a lot of emphasis had been put on the last comment and in particular the words used.
- Whilst this was perhaps unpleasant terminology, as Monitoring Officer, this was not her concern.
- The main issue was around Cllr E Stephenson's behaviour towards her fellow committee members, the perception that those comments would give to members of the public and to all those present at the meeting (including applicants and objectors) and, ultimately, the impact that this would have on the council's reputation. As such, she regarded the comments made by Cllr E Stephenson to be a breach the code of conduct.

- Ms Hadgraft said that Councillors' must have regard for their conduct and how this was likely to be perceived. Part 5.01/2 of the Councils Constitution (appendix 10) stated that "*when acting in your capacity as a member/co-opted member....you must promote and support high standards of conduct when serving in your public post*". In addition, particular care needed to be taken at forums such as the Planning Committee, where the rules of natural justice applied.
- There had been an admission by Cllr Stephenson that she had made derogatory comments about fellow planning committee members. That was not being questioned.
- The IP had been of the same view and an informal resolution had therefore been sought by way of a written apology to be read out at the next planning committee meeting on behalf of Councillor E Stephenson.
- Due to the differing views of the comments made, reference to them had not been include in the suggested apology.
- After some consideration, Cllr E Stephenson had declined to make the apology. As Investigating Officer, she had been left with no option, other than to submit her findings to a standards hearing.

Cllr E Stephenson said that she did not wish to ask any questions to Ms Hadgraft and acknowledged that the contents of her presentation had been accurate.

Cllr B Stephenson made an initial presentation in support of Cllr E Stephenson during which he emphasised the following points.

- The Code of Conduct comprised "general guidelines" for councillors and there was a degree of subjectivity about what constituted "inappropriate behaviour".
- It was the part of the role of an elected councillor and an essential element of free speech in a democracy, to argue passionately for the things they believed in.
- "Shite" was not a swear word and was used frequently on the television and in regular conversation.
- Cllr E Stephenson did not remember using the word "shite" and a number of people present at the Planning Committee meeting in July 2017, including Cllr Beavers and Terry Rogers and Mary Stirzaker (from Fleetwood Town Council) had stated that they had not heard that word used.

Ms Hadgraft was invited to make comments or ask questions on the case made by Cllr B Stephenson. Ms Hadgraft stressed that:

- As she had stated in her investigation report and in her initial presentation at this hearing, the use of the word “*shites*” was not the main issue. Her concern was about the impression given to the applicants, objectors and other members present, that the decision made by the Council’s Planning Committee improperly because it had been “*a stitch up*” and that some members of the Committee had “*no backbone*” – terminology which Cllr E Stephenson had admitted using.

The Committee retired (at 2.40pm) with the Deputy Monitoring Officer, the Independent Person (Helen Kay) and the Democratic Services Manager, to consider in private session, the information that had been presented to them. They returned (at 3.00pm) and the Chairman announced the Committee’s findings, as follows:

“The Panel, having considered all the evidence presented, had accepted the Investigating Officer’s findings and had concluded that the behaviour of Councillor Evelyn Stephenson at the Planning Committee meeting on 5 July 2017, at which applicants, objectors and members of the public were present, had failed to meet her requirement to “*promote and support high standards of conduct when serving in your public post*” and that she had therefore breached the Council’s Code of Conduct.”

The Chairman then asked the Investigating Officer and the Subject Member if they wished to make any further representations before the Committee considered the sanctions to be imposed.

Ms Hadgraft said that she considered that an apology from Cllr E Stephenson should be submitted to and read out at the next Planning Committee meeting.

Cllr E Stephenson said that she had felt very strongly about the matters discussed at the Committee meeting and had been very emotional when she had made her comments. She would have to reflect on the findings of this hearing.

The Committee then retired again (at 3.05pm) with the Deputy Monitoring Officer, the Independent Person and the Democratic Services Manager, to consider in private session, what sanctions to impose.

They returned (at 3.20pm) and the Chairman announced that the Committee had **RESOLVED**:

To recommend to Cllr E Stephenson that she agree to the following wording being included on the agenda for a future meeting of the Planning Committee:

“At the Planning Committee on 5 July 2017 I made some comments in relation to the Fleetwood Pier application. As you will no doubt recall, it was a very controversial meeting which was noisy, heated and emotional. I was very much aware of the strength of public feeling in Fleetwood about the

impact the proposed development would have and having heard the debate felt passionately that it should have been refused. However, a Panel of Standards Committee Members has now informed me that some of my behaviour at that meeting amounted to a breach of the Councillors Code of Conduct.

I apologise for that breach.”

The Chairman informed Cllr E Stephenson that a written decision letter would be sent to her as soon as possible.

Cllr E Stephenson indicated that she would be willing to agree to comply with the sanction imposed.

The meeting started at 2.00 pm and finished at 3.22 pm.