



Standards Committee Agenda

Wyre Borough Council
Date of Publication: 6 March 2018
Please ask for : Roy Saunders
Democratic Services and Scrutiny Manager
Tel: 01253 887481

Standards Committee meeting on Wednesday, 14 March 2018 at 2.00 pm in the Civic Centre, Poulton-le-Fylde

The Panel for the hearing will comprise: Cllr Marge Anderton, Cllr Lady Dulcie Atkins and Cllr Sue Catterall.

The Panel will be advised by the Deputy Monitoring Officer (Mary Grimshaw). Helen Kay, Independent Person, will also sit with the Panel in a non-voting capacity.

- 1. Election of Chairman**
- 2. Introduction and Apologies for Absence**
- 3. Declarations of Interest**

Members will declare any pecuniary or significant other interests they have in relation to the items on this agenda.

4. Code of Conduct: Alleged breach by Cllr Evelyn Stephenson

- (a) Purpose of the meeting
This meeting of the Standards Committee has been convened:
 - To consider an investigation report and its findings;
 - To hear representations from the Investigating Officer and the Subject Member;
 - To decide, on the basis of the evidence submitted and the representations made, whether the Subject Member has breached the Code of Conduct; and, if so,
 - To decide which, if any, of the available sanctions to impose.

- (b) Procedures to be followed
This hearing is being conducted under the procedures for dealing with alleged breaches of the Code of Conduct agreed by Wyre Borough Council on 7 July 2016 and included in Part 5.02 of the Council's

(Pages 1 - 12)

Constitution, attached.

The procedures to be followed at this stage in the process are set out in the Hearing Procedures in Annex B.

- (c) Documents to be considered (Pages 13 - 46)
The following documents are submitted for consideration by the Committee

- (i) Investigation report, compiled by the Council's Monitoring Officer, Liesl Hadgraft, attached.

The Monitoring Officer will present her report and will be accompanied by Barry Parsonage (Independent Person) who has been involved at earlier stages in the process of dealing with this complaint.

The Monitoring Officer has indicated that she intends to call Garry Payne (Chief Executive) as a witness.

- (ii) Councillor Evelyn Stephenson has confirmed that she will be attending the hearing.

She has indicated that she will be accompanied by Councillor Brian Stephenson, but that she does not intend to call any witnesses.

Councillor Stephenson has not submitted any written evidence in response to the Monitoring Officer's investigation report or specified any disagreement with the findings of fact in the investigation report.

- (d) Hearing - Stage 1: Consideration of evidence and representations on findings of fact and whether or not there has been a breach of the Code
The Chairman will invite the Committee to follow the steps, set out in paragraphs 10 to 14 of the Hearing Procedures, subject to any variations made in accordance with paragraph 5 of the procedures.

When those steps have been completed, the members of the Committee will withdraw, with the Independent Person and the Deputy Monitoring Officer, to consider the evidence presented and reach their conclusions in private on whether or not there has been a breach of the Code (paragraphs 15 and 16 of the procedures).

When they have done so, they will return to the Chamber and the Chairman will announce the Committee's findings.

If the Committee decides that there has been no breach of the Code the Committee will decide if it wishes to make any comments or recommendations on any issues arising from the hearing and then close the meeting.

- (e) **Hearing - Stage 2 : Consideration of Sanctions**
If the Committee has decided under stage 1 of the hearing that there has been a breach of the Code, the Chairman will invite the Committee to follow the steps relating to possible sanctions, set out in paragraphs 18 of the hearing procedures

When any representations by the Investigating Officer and the Subject Member have been made, the members of the Committee will withdraw again to consider in private, with the Independent Person and the Deputy Monitoring Officer, what sanctions, if any to impose.

When they have done so, they will return to the Chamber and the Chairman will announce the Committee's decision.

The Chairman will then close the meeting.

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AGENDA ITEM 4(b)

PROCEDURES FOR DEALING WITH ALLEGED BREACHES OF THE CODE OF CONDUCT BY COUNCILLORS

Explanatory Notes

1. Introduction

The arrangements governing standards of behaviour by local councillors are established in Section 28 of the Localism Act 2011, and specified in regulations made under the Act. .

The Council is required by the Act to approve a Code of Conduct for Councillors and agree procedures for dealing with any alleged breaches of that Code.

Parish and Town Councils within the Wyre area are also required either to adopt the Wyre Code or to approve their own Code of Conduct. Any complaints about breaches of such Codes by Parish or Town Councillors have to be submitted to Wyre Borough Council's Monitoring Officer and, will be dealt with under the procedures set out in these notes.

2. What is the Code of Conduct?

Part 1 of the Code specifies that Councillors must have regard to the following general principles and obligations when acting as a Councillor:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

Part 2 of the Code specifies arrangements for the registration and declaration of financial and other interests which must be followed by Councillors.

A full copy of the Wyre Code of Conduct is included in Part 5 of the Council's Constitution, which can be seen on the Council's web-site, wyre.gov.uk .

Alternatively, you can obtain a copy from:

Democratic Services
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

3. How to make a complaint

If you wish to make a complaint, please submit it to the Council's Monitoring Officer, in writing or by e-mail, using the attached form, or setting out the information requested in the form. Please make clear, in particular, which of the requirements of the Code of Conduct you think the Councillor(s) has breached.

Anonymous complaints will not be considered.

Any Councillor who is the subject of a complaint (the subject member) will be informed by the Monitoring Officer of the complaint either during or at the conclusion of stage 1 of this process. The Monitoring Officer will normally tell the subject member the name of the complainant and the details of the complaint, unless he/she considers that there are special reasons for keeping that information confidential.

4. How will your complaint be dealt with?

A flowchart which shows, in diagrammatic form, how your complaint will be dealt with and by whom, is attached to these notes.

The process is also described below:

Stage 1: Preliminary tests/initial consideration and conclusions

Your complaint will be dealt with, in the first instance, by the Council's Monitoring Officer. The Council is required by the Local Government and Housing Act 1989 to designate a senior officer to undertake this role, which has various responsibilities relating to complaints. He/she will consult with one of the Independent Persons, appointed by the Council for this purpose, under the provisions of the Localism Act.

The preliminary questions addressed will include the following:

- Was the subject Member acting in their capacity as a Councillor at the time of the alleged misconduct?
- Is the complaint very minor or trivial?
- Is the complaint vexatious or malicious?
- Is the complaint about or related to historical issues?
- Is any additional information needed before deciding what initial action to take?
- Is there a potential breach of the Code of Conduct?
- Is it in the public interest to investigate or take action on the complaint?

The options available to the Monitoring Officer, at this stage in the process, are:

- To reject the complaint or to decide to take no action – in which case he/she will state the reason for doing so;

- To seek an informal resolution (including, for example, an apology, or mediation);
- To seek further information, usually from the complainant, to clarify the particulars of the complaint;
- To investigate, or appoint another officer or an external person to investigate the complaint under stage 2 of this process;
- To refer the complaint to the Police or other investigatory body (e.g. the Department of Work and Pensions), if a criminal offence has, potentially, taken place.

If the Monitoring Officer's attempts to reach an informal resolution are unsuccessful, he/she can reconsider the complaint and pursue any of the other options available under stage 1 of this process.

The Chairman of the Standards Committee will be informed when a complaint is received, but will not be involved in the first stage of the process.

The Monitoring Officer will submit a summary report to each scheduled meeting of the Standards Committee, listing any complaints received since the previous meeting of the Committee and summarising the current position on complaints being dealt with under this process. Information about the names of individuals or specific details of complaints will not generally be made available at this stage in the process.

No Councillor should reveal any information to the media or in public about a complaint which is currently being dealt with or is not upheld.

Stage 2: Formal Investigation and report

Any investigation, under Stage 2 of this process, will be conducted either by the Monitoring Officer or a person appointed by him/her. (If the Monitoring Officer himself/herself conducts the investigation he/she will not be able to act as the advisor to the Standards Committee at any subsequent hearing relating to that complaint)

The investigating officer will examine any available evidence of the alleged Breach and will interview the complainant, the subject member and, if appropriate, any witnesses. He/she will prepare a report setting out:

- Established/agreed facts;
- Facts which are not agreed and corresponding conflicting evidence;
- His/her conclusion on whether or not there has been a breach of the Code of Conduct.

If the conclusion of the investigation is that there has been no breach of the Code of Conduct, the Monitoring Officer will inform the complainant and the subject member of that finding and tell them either that no further action is to be taken or, if applicable, that he/she intends to take some other action outside of the complaints process. The Monitoring Officer will inform the Standards Committee of the outcome of the investigation in his/her next summary report to the Standards Committee.

If the conclusion of the investigation is that there has been a breach of the Code of Conduct, the Monitoring Officer can still seek to resolve the issue without a hearing, for example, by the subject member admitting the breach and apologising. However, if the Monitoring Officer cannot reach a suitable resolution or he/she considers such an approach to be inappropriate, he/she will arrange a hearing of the Standards Committee.

Stage 3 – (Standards Committee Hearing)

If a hearing is held, under Stage 3 of this process, it will be conducted by the Standards Committee, usually at a special meeting convened for the purpose.

The purpose of a hearing will be to reach a final decision on whether or not a Councillor has breached the Code of Conduct and, if so, to decide whether or not any available sanction should be applied.

If a complaint has reached this stage, the hearing will normally be held in public, in order to promote public confidence and ensure fairness and transparency. The Committee will, however, be able to resolve to exclude the public and press whilst any confidential or exempt information is considered and will usually do so when reaching its decision.

Arrangements for the hearing will be made in accordance with the pre-hearing procedure attached as Annex A.

The procedures to be followed at the hearing are set out in Appendix 3.

The decisions available to the Committee are:

- to take no further action
- to reach an informal resolution between the complainant and the subject member (if agreed by both parties)
- if it finds that there has been a breach of the Code, to impose one or more sanctions listed in paragraph 20 of the Hearing Procedure attached as Annex B.

5. Appeals

There is no right of appeal available either to a complainant or a subject member against conclusions reached or actions taken by the Monitoring Officer or decisions made by the Standards Committee at any stage in this process.

6. Additional help and contact details

In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you, if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form or, if you need any further clarification of the complaints process please contact the Monitoring Officer on 01253 887605 or the Democratic Services and Scrutiny Manager on 01253 887481.

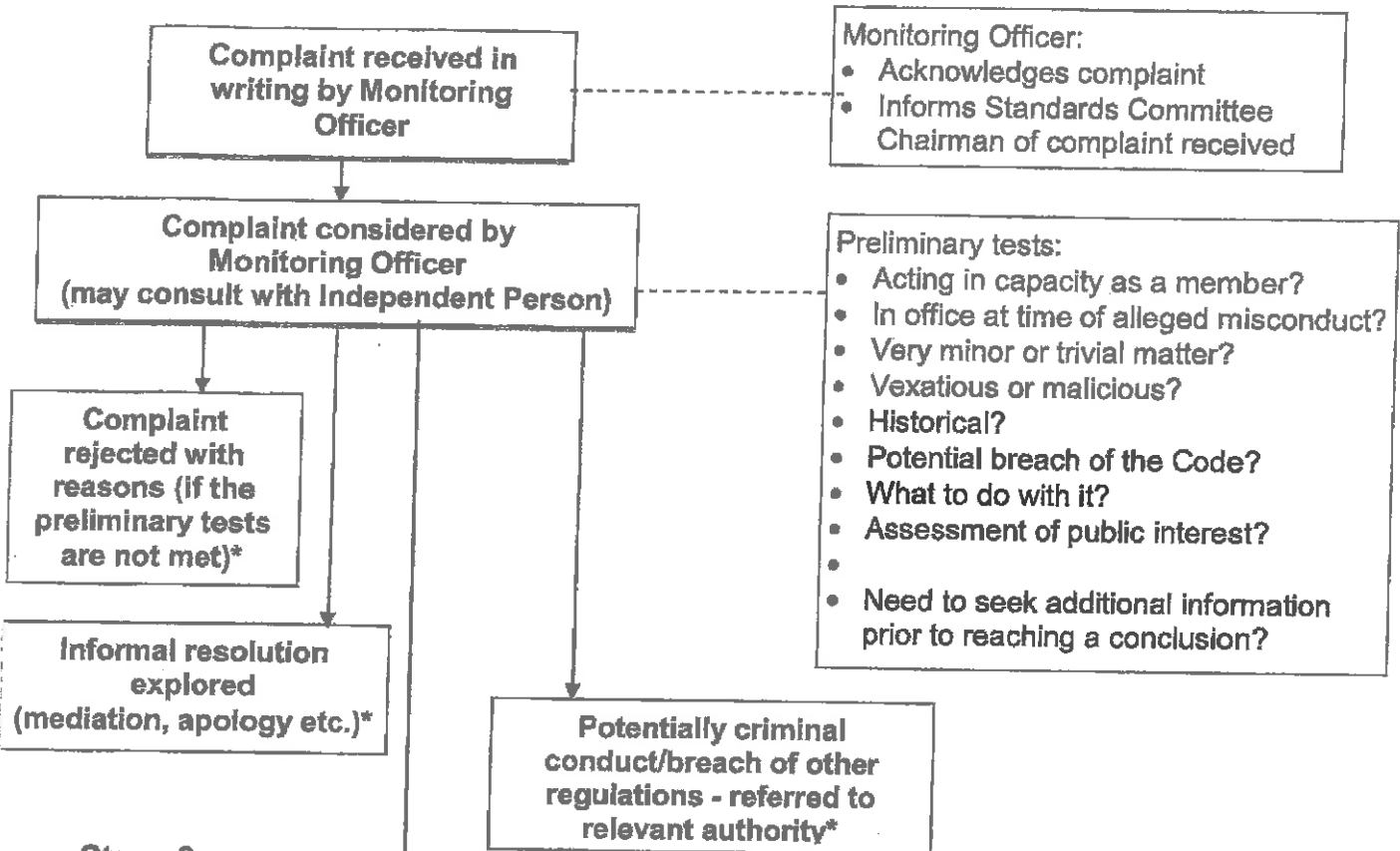
When you have completed the attached form, please send it to:

The Monitoring Officer
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

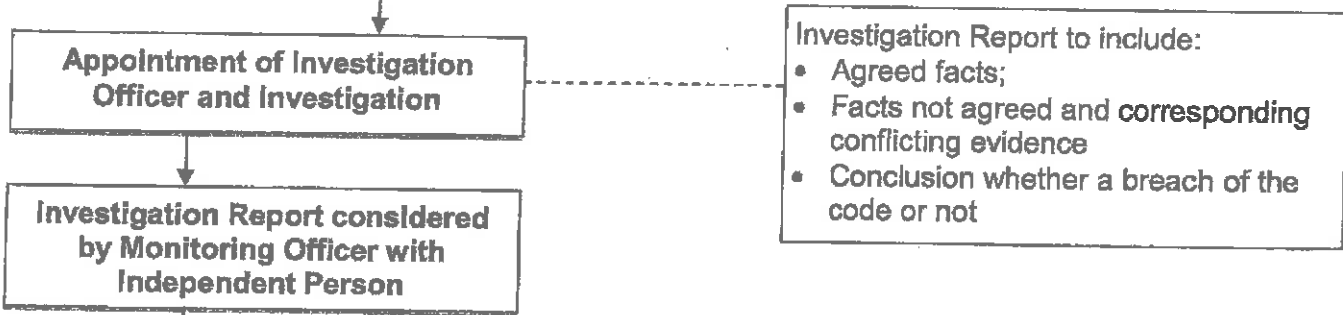
Or email to: monitoringofficer@wyre.gov.uk

Complaints Procedure Flowchart

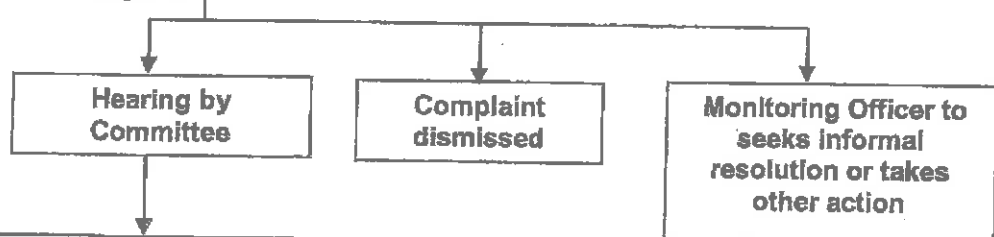
Stage 1



Stage 2



Stage 3



Outcome:
 1. No further Action
 2. Informal Resolution (if agreed)
 3. Formal Decision (sanctions)
 4. Recommendation of action

* The Chairman of the Standards Committee will be informed by the Monitoring Officer of the outcome of the first stage of the process at the same time as the complainant and the subject number

The Monitoring Officer will submit summary information on each complaint to each scheduled meeting of the standards Committee.

ANNEX A

**STANDARDS COMMITTEE
PRE-HEARING PROCEDURE**

1. Where an investigation report has found that there has been a breach of the Code of Conduct, and the matter cannot otherwise be resolved by local resolution, for example by the Subject Member admitting the breach and apologising, a hearing will be arranged. The hearing will generally be a meeting of the Committee convened specifically for that purpose.
2. A copy of the investigation report will be sent to the Subject Member, the complainant, the clerk to the town/parish council if the complaint relates to the Subject Member's conduct as a parish councillor, and to the Independent Person.
3. The Subject Member will be asked for a written response within ten working days. The response should set out the Subject Member's reply to the Investigating Officer's report and state whether he/she disagrees with any of the findings of fact in the report, giving the reasons for any disagreement. The response must also state if he/she:
 - wishes to be represented or accompanied by another person;
 - wishes to give evidence to the Committee, either orally or in writing;
 - wishes to call relevant witnesses to give evidence to the Committee;
 - wishes any part of the hearing to be held in private;
 - wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the public.

The Subject Member may seek the views of the Independent Person who has not been involved in the consideration of the earlier stages in the complaints process.

4. The Subject Member will be informed that if, at the hearing by the Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.
5. Upon receipt of the Member's response, the Investigating Officer will be invited to comment on it within ten working days, and to say whether or not he/she:
 - wishes to call relevant witnesses to give evidence or submit written or other evidence to the Committee
 - wishes any part of the hearing to be held in private
 - wishes any part of the report or other relevant documents to be withheld from the public
6. Upon receipt of the Investigating Officer's response, the person advising the Committee at the hearing (either the Monitoring Officer or if he/she has carried out the investigation, the Deputy Monitoring Officer) will consider the responses of the Subject Member and the Investigating Officer and set a date for the hearing in consultation with the chairman of the Committee.

7. The Subject Member and the Investigating Officer will be entitled to request that any witnesses they want should be called. However, the Chairman of the Committee may limit the number of witnesses to be called, if he/she believes the number requested is unreasonable and that some witnesses will simply be repeating the evidence of earlier witnesses, or else not providing evidence that will assist the Committee to reach its decision.
8. Nothing in this procedure shall limit the Chairman of the hearing from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Committee to reach its decision.
9. The Monitoring Officer, in consultation with the Chairman and the Independent Person, will:
 - confirm a date, time and place for the hearing
 - confirm the main facts of the case that are agreed
 - confirm the main facts that are not agreed
 - provide copies of any written evidence to the relevant parties
 - confirm which witnesses will be called by the parties
 - provide the parties with copies of the proposed procedure for the hearing, specifying which parts of the matter, if any, may be considered in private

ANNEX B

**STANDARDS COMMITTEE
HEARING PROCEDURE**

1. The Hearing Committee will decide, on a balance of probabilities, on the evidence presented to it, whether the complaint is upheld.
2. All matters will be decided by a simple majority of votes cast. If there are equal numbers, the Chairman shall have a second and casting vote.
3. The Independent Person will attend the hearing in an advisory, non-voting capacity.
4. The meeting will be open to the press and public unless confidential or exempt information is likely to be disclosed and a resolution is passed to exclude them.
5. The Procedure for the hearing shall be as follows, but the Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.
6. The Subject Member may be represented or accompanied during the meeting with the permission of the Committee. It is the responsibility of the Subject Member to arrange any representation.
7. The Committee may take advice from the Monitoring Officer/Deputy Monitoring Officer (provided that they have not conducted the investigation) at any time during the hearing or during its deliberations. The substance of any advice given to the Committee will be shared with the Subject Member and Investigating Officer if they are present at the hearing.
8. At the start of the hearing, the Chairman will introduce each of the members of the Committee, the Independent Person, the Subject Member (if present), the Investigating Officer (if present) and any other officers present, and shall then explain the procedure which the Committee will follow in the conduct of the hearing.
9. The Committee shall then confirm that it is quorate, and deal with any disclosures of interests.
10. If the Subject Member is not present at the start of the hearing:
 - The Chairman will ask the Monitoring Officer/Deputy Monitoring Officer whether the Subject Member has indicated his/her intention not to attend the hearing.
 - The Committee will then consider any reasons which the Subject Member has provided for not attending the hearing and will decide whether it is satisfied that there is sufficient reason for such failure to attend.
 - If the Committee is satisfied with such reasons, it will adjourn the hearing to another date.
 - If the Committee is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Committee will decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the hearing to another date.

11. After the preliminary procedures, the Committee will consider whether or not there are any significant disagreements about the facts contained in the Investigating Officer's report.
12. If there is disagreement, the Investigating Officer will present the evidence which is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Subject Member, the Committee members and the Independent Person may ask questions of the Investigating Officer or any witness.
13. The Subject Member or his/her representative will then present the evidence that is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Investigating Officer, the Committee members, the Independent Person and the Monitoring Officer/Deputy Monitoring Officer, may ask questions of the Subject Member or any witnesses.
14. If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it before the hearing. After considering the Subject Member's explanation, the Committee may continue with the hearing, relying on the information in the report, may allow the Subject member to make representations about the issue and invite the Investigating Officer to respond and call any witnesses as necessary, or may postpone the hearing to arrange for appropriate witnesses to be present.
15. Having usually considered the evidence submitted in public the Committee will consider in private, with the Independent Person and the Monitoring Officer (or the Deputy Monitoring Officer), its findings of fact, and its conclusion on whether there has been a failure to comply with the Code of Conduct. Depending on the complexity of the case, this may be done in two stages, with the Committee first hearing evidence and making findings of fact, and then hearing representations as to whether, on those facts, there has been a failure to comply with the Code of Conduct and making a finding on that issue.
16. At any stage in the consideration of the matter, the Committee may return to ask further questions of the Investigating Officer or the Subject Member or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.
17. At the conclusion of the Committee's deliberations, the Chairman will advise the Subject Member and the Investigating Officer of their findings.
18. If the Committee concludes that the Subject Member has failed to comply with the Code of Conduct, the Chairman will invite representations from the Investigating Officer and the Subject Member as to what action, if any, it should take, and will take advice also from the Independent Person. The Committee may ask questions of the Subject Member and the Investigating Officer. The Subject Member will be invited to make any final relevant points.
19. The Committee shall then consider in private, with the Independent Person and the Monitoring Officer or Deputy Monitoring Officer) whether to impose a sanction, and, if so, what sanction to impose and when that sanction should take effect.

20. The sanctions open to the Committee are:
- to censure the subject member
 - to report its findings to full Council
 - to recommend the subject member's Group Leader (or in the case of an ungrouped member to recommend to the Council) the removal of the Subject Member from any or all Committees
 - if the subject member is a member of the Cabinet, to recommend the Leader of the Council to remove them from the Cabinet or to relieve them of particular Portfolio Holder responsibilities (in some circumstances this might be for a limited period of time)
 - to recommend to the subject members Group Leader that he/she be removed from some or all outside appointments to which he/she has been appointed by the Council
 - to instruct the Monitoring Officer to request the subject member to attend training
 - to withdraw any equipment or privileges provided to the subject member by the Council for a specified period of time as deemed appropriate by the Committee
 - to exclude the subject member from the Council's offices with the exception of meeting rooms as necessary for attending Council, Committee or Task Group meetings, for a specified period of time.
21. If the finding relates to the Subject Member's conduct in his/her capacity as a town/parish councillor, the Committee will report its findings to the town/parish council, and may make recommendations to the town/parish council on the imposition of sanctions.
22. In deciding to impose a sanction, the Committee will consider all the relevant circumstances.
23. The Chairman will announce the decision of the Committee. Written notice of the findings of the Committee will be given as soon as is reasonably practicable to the Subject Member. If the complaint was against the Subject Member as a town/parish councillor, written notice of the findings of the Committee will also be sent to the Town/Parish Clerk.
24. The Committee may consider making any recommendations to the authority concerned with a view to promoting higher standards of conduct among its members.
25. The decision of the Committee, whether or not there has been a finding of breach of the Code of Conduct, will be made public.



Investigation Report

Complaint Submitted by Cllr R Greenhough
Cllr D Henderson
Cllr P Ingham
Cllr P Murphy

Investigating Officer

Liesl Hadgraft

Head of Business Support and Monitoring Officer

February 2018

1. Purpose of the report.

- 1.1 To report on the findings following four complaints that were submitted by the above named Councillor's regarding the behavior of Cllr Evelyn Stephenson at a Planning Committee 5 July 2017.

2. Background.

- 2.1 On the 5 of July 2017 a scheduled meeting of Wyre Councils Planning Committee took place. Item 01 on the agenda, (Appendix 1) was to consider the application for the erection of 15 apartments, for persons aged 55 and over together with retail unit and car parking at Fleetwood Pier, the Esplanade, Fleetwood, Lancashire.
- 2.2 It is alleged that after the vote had taken place on the above agenda item, Cllr E Stephenson, a member of the Planning Committee commented "*it's a stitch up*" and "*you're a shower of shites*" to members of the committee in front of applicants, objectors and members of the public. The application had aroused a lot of public interest and as such there was a large number of members of the public present during and immediately after the decision had been made.
- 2.3 Cllr Greenhough is Chair of the Planning Committee and Cllr Ingham a member of said committee. The other two complainants; Cllr Henderson and Cllr Murphy were present at the meeting but were not actively participating in it.
- 2.4 All four members have claimed that such behavior constitutes a breach of the Councillor's Code of Conduct.

3. Process of the investigation.

- 3.1 All four complainants have completed a complaint form (appendices 2, 3, 4, 5) and provided an independent account of what they heard and saw on the day in question.
- 3.2 The content of each submission provides a similar account and an initial assessment of these carried out separately by the Monitoring Officer (MO), Liesl Hadgraft and Barry Parsonage, Independent Person (IP) (Appendix 6), concluded that Cllr E Stephenson had been acting in her capacity as a Councillor at the time of the alleged incident and as such the matter should be investigated further to determine whether a breach of the code had occurred.
- 3.3 In addition, around a similar time to these submissions, the MO was also approached by an officer of the Council who had been in attendance at the meeting in an official capacity. They reported that they had also heard Cllr E Stephenson make inappropriate comments at the Planning

meeting. The MO advised the officer that should there be a need for the matter to go to a Standards Hearing they may be asked to make a statement outlining what they had observed.

- 3.4 Following this decision of the initial assessment, Cllr E Stephenson was asked to attend a meeting (Appendix 7) with the MO and the IP to allow her the opportunity to give her account of events on the day of the Planning Committee. This initial request was made on the 1 August 2017 and a number of possible dates to attend a meeting were proposed.
- 3.5 The Democratic Services Manager spoke to Cllr E Stephenson on the 6 September 2017 (in the presence of Cllr B Stephenson) reminding her of the MO's request that she attend a meeting. However, no response to either the email or conversation was received and a further letter (Appendix 8) was sent on 22 September 2017 advising Cllr E Stephenson that failure to attend a meeting would result in the matter being taken directly to a Standards Hearing.
- 3.6 Following receipt of this letter, a meeting was arranged for the 23 October 2017.
- 3.7 Prior to this meeting taking place, Cllr L Beavers contacted the MO via email (Appendix 9) on 20 October 2017 advising that she had been in attendance at the Planning Committee and stated that she had not heard Cllr E Stephenson swear at the meeting. She also advised that she was aware that a number of Labour Colleagues who sat on the Planning Committee would also testify to that effect and would no doubt be willing to submit statements if required.
- 3.8 On the 23 October 2017 Cllr E Stephenson attended a meeting with the MO and IP, also in attendance for the whole of the meeting was Cllr L Beavers; Cllr Brian Stephenson attended for the first part of the meeting.

4. Findings and Outcome of Stage 1 of the Procedure

- 4.1 Prior to the interview commencing Cllr Beavers reiterated the point she had made in her email of the 20 October 2017 and asked whether it would be useful to obtain the statements from Labour colleagues on the Planning Committee. The MO advised that she did not feel this was necessary at that stage. However she did advise that in addition to the complaints that had been received from Members, an officer of the Council had also come forward as a witness and should there be a need to take the matter to a hearing she stated that she would ask the Officer to put in writing what they had observed.
- 4.2 In her account of events that day, Cllr E Stephenson explained that the vote regarding the Fleetwood Pier site had created an emotive atmosphere in the Council Chamber and when the decision was announced there was a lot of noise in the room.

- 4.3 She admitted openly that at the time of the decision she did say the words *"it's a stitch up"*, she also added that she said at a similar time *"you've got no backbone"*. She categorically denied however the allegation relating to the other comment *"you're a shower of shites"*.
- 4.4 Both Cllr B Stephenson and Cllr Beavers confirmed that they had heard Cllr E Stephenson say *"it's a stitch up"*, however both stated that they didn't hear her say either *"you've got no backbone"* or *"you're a shower of shites"*.
- 4.5 The IP raised the question that given both Councillor's had only heard Cllr E Stephenson say one of the above comments, was it possible that they had not heard all of her comments given the emotion and noise in the Council Chamber at the time of the meeting.
- 4.6 Both Cllr Beavers and Cllr B Stephenson were adamant that Cllr E Stephenson had not made the alleged comment.
- 4.7 The MO raised the issue of public perception and the need for Councillors' to behave appropriately. She advised that during the initial assessment stage of the process the MO and IP had already established that Cllr E Stephenson being a member of the Planning Committee, had been acting in her capacity as Councillor at the time of the incident.
- 4.8 Councillors' must have regard for their conduct and how this is likely to be perceived. Part 5.01/2 of the Councils Constitution (appendix 10) states 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 needs to be taken at forums such as the Planning Committee, where the rules of natural justice apply.
- 4.9 Taking this into consideration, as well as her position on the Planning Committee, and the platform used to make the comments. Both the MO and the IP formed the view, that despite the discrepancy in words, the comments that Cllr E Stephenson had admitted to saying were in appropriate, not acceptable and had created a slur on the rest of the members of Planning Committee.
- 4.10 They therefore agreed that a breach of the code had taken place and that, in this instance, an informal resolution should be sought.

5. Informal Resolution and Conclusion

- 5.1 Both the MO and IP were of the opinion that the matter could be resolved by way of either a verbal or written apology. Given the comments that had been made about fellow members of the Council, in a public arena, it was considered appropriate that the apology should take place at the next Planning Committee.

- 5.2** Cllr E Stephenson advised that she would need to consider this carefully before she agreed and would want to discuss this with the rest of the Labour group. It was therefore agreed that the MO would provide some wording and once in receipt of this Cllr E Stephenson would confirm whether she was prepared to make the apology as requested.
- 5.3** The MO also advised her that if the apology was not made there would be no alternative than to take the matter to a formal hearing of the Standards Committee.
- 5.4** On the 24 October 2017 the MO emailed the proposed apology (Appendix 11)
- 5.5** On the 27 October 2017 Cllr E Stephenson emailed the MO to advise that she did not intend to make the apology as requested (Appendix 12)
- 5.6** The MO advised the officer who had been present at the meeting that the matter was likely to go to a formal Standards Hearing and requested that they now provided her with a witness statement (Appendix 13)
- 5.7** At the scheduled Standards meeting on the 16 November 2017, the MO advised the committee that in her and the IP opinion a breach of the code had occurred , but as the subject member had refused to apologise, the matter would need to be taken to a Standards Hearing (Appendix 14).



Planning Committee Agenda

Wyre Borough Council
Date of Publication: Tuesday 27 June 2017
Please ask for: Democratic Services
Tel: (01253) 887444

**Planning Committee meeting on Wednesday 5 July 2017
at 2pm in the Council Chamber, Civic Centre, Poulton-le-Fylde**

1. Apologies

2. Declarations of interest

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters under consideration.

3. Confirmation of Minutes

To confirm as a correct record the minutes of the meeting of the Planning Committee held on Wednesday 7 June 2017 (already circulated by email).

4. Appeals

Schedule of Appeals lodged and decided between 15 May – 15 June 2017 (attached pages 1 – 8)

5. Planning Applications

Background Papers:

In preparing the following reports on this agenda the following documents have been used:

1. The Wyre Borough Local Plan (1999)
2. Wyre Borough Core Strategy Preferred Options document (March 2012)
3. Wyre Local Plan Issues and Options (June 2015)
4. Joint Lancashire Minerals and Waste Local Plan
5. Statements of Government Policy/advice (NPPF, NPPG, Circulars etc.).
6. Supplementary Planning Documents and evidence base documents specifically referred to in the reports.
7. The application file (as per the number at the head of each report).
8. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
9. Any additional information specifically referred to in each report.

These Background Documents are available either on line, or for inspection by request at Planning Services, Civic Centre, Breck Road, Poulton-le-Fylde, FY6 7PU

- (a) Schedule of applications to be considered (page 9)
- (b) Reports of the Head of Planning Services:-
 - Item 01, Outline application for the erection of 15 apartments for persons aged 55 and over together with retail unit and car parking (re-submission 16/00407/OUTMAJ) – Fleetwood Pier, The Esplanade, Fleetwood, Lancashire – 17/00126/OUTMAJ (pages 10 - 36)
 - Item 02, Part retrospective application for the erection of a detached dwelling – Rear of Former Saracens Head Hotel, 200 Park Lane, Preesall, Poulton-Le-Fylde, Lancashire, FY6 0NW – 17/00472/FUL (pages 37 - 50)

PLEASE NOTE:

Transport for the members will leave the Civic Centre for the two Site Visits at 10.30am.

arm/rg/pla/ag/050717

APPENDIX 2
Ref 2017/04 (iv)

ALLEGED BREACHES OF THE COUNCILLORS CODE OF CONDUCT: COMPLAINT FORM

Your Details

1. Please provide us with your name and contact details:

Title (Mr/Mrs/Ms/Other): MR JELLER
 First Name: RON
 Last Name: GREENKOUGH
 Address: 4 WHARFDALE COURT, CHESTER AVE, POOLTOFTON, WYRE FY6 7SQ
 Daytime Telephone:
 Evening Telephone: 01253 891026
 Mobile Telephone: 07778308348
 Email Address: ron.greenkough@wyre.gov.uk

(Please see attached notes explaining who this information will be given to).

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- An independent member of the standards committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other (please specify)

3. Please state the name of the Councillor(s) you believe have breached the Code of Conduct and the name of their Council:

First Name	Last Name	Council Name
<u>Paul Evelyn</u>	<u>ANDERSON</u>	<u>WYRE COUNCIL</u>

(Please note that if your complaint relates to a Wyre Borough Councillor who is also a Lancashire County Councillor or a Member of a Parish Council within the Wyre area, then the information on this form may be shared with that other Council).

4. Please explain in this section what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Assessment Sub-Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

AT THE PLANNING COMMITTEE MEETING ON WEDNESDAY
5TH JULY 2017, HELD IN THE MAIN COUNCIL CHAMBER.
THE APPLICATION IN RELATION TO FLEETWOOD PIER
WAS BEFORE US FOR A PLANNING DECISION.

WHEN, AS COMMITTEE CHAIRMAN, ANNOUNCED THE
COMMITTEE DECISION TO APPROVE THE APPLICATION

ELLER EVELYN STEPHENSON CLEARLY SHOUTED ACROSS THE
CHAMBER "IT'S A SET-UP" FOLLOWED BY "YOUR A
SHOWER OF SHITE" I FOUND THIS LANGUAGE TOTALLY
UNACCEPTABLE. COUNCILLOR EVELYN STEPHENSON IS A

MEMBER OF THE PLANNING COMMITTEE AT THE
TIME OF THIS THERE WERE 33 MEMBERS OF THE

PUBLIC PRESENT, PLUS A REPORTER FROM THE
"FLEETWOOD WEEKLY NEWS"

I BELIEVE THIS TYPE OF LANGUAGE IS TOTALLY
AGAINST THE STANDARDS OF BEHAVIOUR EXPECTED FROM
AN ELECTED MEMBER.

OTHERS WHO WITNESSED THIS INCIDENTS ARE

- (1) COUNCILLOR TOM INGHAM
- (2) COUNCILLOR PETER MURPHY
- (3) COUNCILLOR PAUL MOON
- (4) COUNCILLOR DAVID HENDERSON

5. If you do not want your name to be revealed to the Council or you are complaining about, please say why here.

(Please see attached notes explaining how such requests will be considered).

Date: 21/7/17

Please send your completed form to:

The Monitoring Officer
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

Or email to: monitoringofficer@wyrebc.gov.uk

ALLEGED BREACHES OF THE COUNCILLORS CODE OF CONDUCT: COMPLAINT FORM

Your Details

1. Please provide us with your name and contact details:

Title (Mr/Mrs/Ms/Other): COUNCILLOR
 First Name: DAVID
 Last Name: HENDERSON
 Address: 14 VICARAGE ROAD HOUNSLEY WYRE
 Daytime Telephone: 8938330
 Evening Telephone: 890818 - OFFICERS ONLY
 Mobile Telephone: 07917194800 " "
 Email Address: DAVID.HENDERSON@WYRE.GOV.UK

(Please see attached notes explaining who this information will be given to).

2. Please tell us which complainant type best describes you:

- Member of the public
 An elected or co-opted member of an authority
 An independent member of the standards committee
 Member of Parliament
 Local authority monitoring officer
 Other council officer or authority employee
 Other (please specify)

3. Please state the name of the Councillor(s) you believe have breached the Code of Conduct and the name of their Council:

<u>First Name</u>	<u>Last Name</u>	<u>Council Name</u>
<u>EUKLYN</u>	<u>STEPHENSON</u>	<u>WYRE</u>

(Please note that if your complaint relates to a Wyre Borough Councillor who is also a Lancashire County Councillor or a Member of a Parish Council within the Wyre area, then the information on this form may be shared with that other Council).

4. Please explain in this section what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Assessment Sub-Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

AT THE PLANNING MEETING ON 5TH JULY
 WHEN THE VOTE WAS TAKEN ON THE
 FLEETWOOD PIER SITE I CLEARLY
 HEARD COUN. K. STEPHENSON SAY
 "IT'S A STICK UP, YOUR A SHOWER
 OF SHITE" WHICH I TOOK TO
 BE DIRECTED TO THE MEMBERS WHO
 VOTED IN FAVOUR OF THE APPLICATION.
 AT THE TIME I WAS SITTING ACROSS
 THE CHAMBER WHERE THE PRESS NORMALLY
 SIT.

- 5. If you do not want your name to be revealed to the Councillor you are complaining about, please say why here.

(Please see attached notes explaining how such requests will be considered).

Date:21-07-2017.....

Please send your completed form to:

The Monitoring Officer
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fyde
Lancashire
FY6 7PU

Or email to: monitoringofficer@wyrebc.gov.uk

Ref 2017/04(ii)

ALLEGED BREACHES OF THE COUNCILLORS CODE OF CONDUCT: COMPLAINT FORM

Your Details

1. Please provide us with your name and contact details:

Title (Mr/Mrs/Ms/Other): MR.
 First Name: PHILLIP DUNCAN THOMAS
 Last Name: INGHAM
 Address: 35 ROYLEN AVE CARLETON
 Daytime Telephone: 885760
 Evening Telephone: 07931720734
 Mobile Telephone: -
 Email Address: ~~tom.duncan@wyre.gov.uk~~ Tom.Ingham@wyre.gov.uk

(Please see attached notes explaining who this information will be given to).

2. Please tell us which complainant type best describes you:

- Member of the public
 An elected or co-opted member of an authority
 An independent member of the standards committee
 Member of Parliament
 Local authority monitoring officer
 Other council officer or authority employee
 Other (please specify)

3. Please state the name of the Councillor(s) you believe have breached the Code of Conduct and the name of their Council:

<u>First Name</u>	<u>Last Name</u>	<u>Council Name</u>
<u>EVELYN</u>	<u>STEPHENSON</u>	<u>W.B.C.</u>

(Please note that if your complaint relates to a Wyre Borough Councillor who is also a Lancashire County Councillor or a Member of a Parish Council within the Wyre area, then the information on this form may be shared with that other Council).

4. Please explain in this section what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Assessment Sub-Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

WHEN THE VOTE WAS TAKEN EVELYN
STEPHENSON SHOUTED ACROSS THE COUNCIL
CHAMBER: IT'S A STITCH UP, AND YOUR
A. SHOWER OF SHITE.

I FOUND HER REMARKS OFFENSIVE AGAINST
THE PLANNING AUTHORITY AND THE COUNCIL.

5. If you do not want your name to be revealed to the Councillor you are complaining about, please say why here.

(Please see attached notes explaining how such requests will be considered).

Date: / 19 - 7 - 17

Please send your completed form to:

The Monitoring Officer
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

Or email to: monitoringofficer@wyrebc.gov.uk

ALLEGED BREACHES OF THE COUNCILLORS CODE OF CONDUCT: COMPLAINT FORM

Your Details

1. Please provide us with your name and contact details:

Title (Mr/Mrs/Ms/Other): Mr
 First Name: PETE
 Last Name: MURPHY
 Address: 9 RAMSHILL AVE Poulton,
 Daytime Telephone: 01253 886753
 Evening Telephone: 07901 640256
 Mobile Telephone:
 Email Address: Pete.Murphy@wyre.gov.uk

(Please see attached notes explaining who this information will be given to).

2. Please tell us which complainant type best describes you:

- Member of the public
 An elected or co-opted member of an authority
 An independent member of the standards committee
 Member of Parliament
 Local authority monitoring officer
 Other council officer or authority employee
 Other (please specify)

3. Please state the name of the Councillor(s) you believe have breached the Code of Conduct and the name of their Council:

<u>First Name</u>	<u>Last Name</u>	<u>Council Name</u>
<u>EVERY</u>	<u>Stalhamson</u>	<u>WYRE</u>

(Please note that if your complaint relates to a Wyre Borough Councillor who is also a Lancashire County Councillor or a Member of a Parish Council within the Wyre area, then the information on this form may be shared with that other Council).

4. Please explain in this section what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Assessment Sub-Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

AS THE PLANNING COMMITTEE CONFIRMED THE FURTHER
 FUEL APPLICATION WAS APPROVED, EVILYN STEPHENSON
 SWOONED ACROSS THE COUNCIL "IT'S A
 STITCH UP! YOU'RE A SWONK OF SUITE!
 THIS WAS HEARD LOUDLY ACROSS THE COUNCIL

5. If you do not want your name to be revealed to the Councilor you are complaining about, please say why here.

(Please see attached notes explaining how such requests will be considered).

Date: 18th July 2017

Please send your completed form to:

The Monitoring Officer
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

Or email to: monitoringofficer@wyrebc.gov.uk

Saunders, Roy

From: Barry [REDACTED]
Sent: 28 July 2017 15:44
To: Saunders, Roy
Cc: Hadgraft, Liesl
Subject: Re: New complaint (Ref: 2017/04)

Hi Roy
 I'm more than happy with the proposal, and will wait to hear about dates.

Sent from my iPhone

> On 28 Jul 2017, at 15:35, Saunders, Roy <Roy.Saunders@wyre.gov.uk> wrote:

>
 > Hi Barry,

> Please see the attached complaints, submitted by 4 Councillors, about the behaviour of Cllr Evelyn Stephenson at the Planning Committee meeting held on 5 July.

> A preliminary tests checklist form is also attached for you to complete please.

> Unless you feel differently, there seems little point in you coming in to do the initial assessment jointly, because Liesl and I think we will inevitably need to ask Cllr Stephenson to come in to give her side of the story. If you agree with that course of action, it would be helpful if you could come in half an hour or so before we meet with her though, so that we can plan the interview.

> If you want any further information or, if you favour an alternative approach, please give Liesl or me a ring. If you are happy to proceed as suggested, I will contact Cllr Stephenson about possible dates.

> Thanks.

> Roy
 > Roy Saunders
 > Democratic Services and Scrutiny Manager Wyre Council
 >
 > Roy.Saunders@wyre.gov.uk
 > 01253 887481
 > Civic Centre, Breck Road, Poulton-le-Fylde, Lancashire, FY6 7PU Find
 > us online at: wyre.gov.uk, facebook.com/wyrecouncil, @wyrecouncil The
 > Wyre Council email disclaimer can be found at www.wyre.gov.uk/disclaimer.
 > Be prepared for flooding -
 > wyre.gov.uk/info/200462/flooding/382/prepare_for_flooding
 > <Complaint_2017_04i_Murphy.pdf>
 > <Complaint_2017_04ii_Ingham.pdf>
 > <Complaint_2017_04iii_Henderson.pdf>
 > <Complaint_2017_04iv_Greenhough.pdf>
 > <PRELIMINARY_TESTS__CHECKLIST_Stage_1_2017_04.doc>

Email secured by Check Point

Saunders, Roy

From: Saunders, Roy
Sent: 01 August 2017 09:40
To: Cllr Stephenson, Evelyn
Subject: Code of Conduct complaint

Tracking:	Recipient	Read
	Cllr Stephenson, Evelyn	
	Hadgraft, Liesl	Read: 01/08/2017 10:07

Dear Evelyn,

I have to inform you that the Monitoring Officer (Liesl Hadgraft) has received complaints about your behaviour at the Planning Committee meeting on 5 July.

Liesl has asked me to arrange a meeting with you and the Council's independent person for standards issues (Barry Parsonage), to enable her to inform you of the nature of the complaints and to hear your view of the events referred to.

I have identified the following possible dates for such a meeting in Liesl's office at the Civic Centre next week or the week after:

Monday 7 August, at any time from 11am onwards

Wednesday 9 August, at any time, except between 2.30pm and 4.30pm

Wednesday 16 August, at any time

Thursday 17 August, at any time except between 1pm and 3.00pm.

Would you please contact me as soon as possible, by email or telephone, to tell me which of these dates is most convenient for you?

Thanks.

Roy

Cllr E Stephenson
73a Mount Road
Fleetwood
Fy7 6QZ

Please ask for: Roy Saunders
Extension No. 7481
Our Ref: 2017/04

Date: 22 September 2017

Dear Cllr Stephenson

Planning Committee Meeting 5 July 2017: Code of Conduct complaint

Further to my email to you dated 1 August 2017 and our subsequent conversations on 2 August and 6 September, Liesl Hadgraft has asked me to give you a final opportunity to meet with her, in her capacity as Monitoring Officer, to discuss the complaints made about your behaviour at the Planning Committee meeting held on 5 July 2017. Details of the complaints made are attached.

Such a meeting would enable you to give your explanation of the events which took place at the Planning Committee meeting in July and to comment on the complaints made against you. The meeting with Liesl would be relatively informal and take place in a private setting. Either Barry Parsonage or Helen Kay (the two independent persons appointed by the Council for ethical standards issues) would also be present and you would have the option of bringing someone with you, if you wish. The discussion would help to clarify the facts and might enable Liesl to identify a resolution without escalating the complaint further.

However, if you decline to attend the meeting, Liesl will have no option but to convene a Standards Committee Hearing under the Council's Procedures for Dealing with Code of Conduct Complaints, set out in Part 5.02 of the Constitution (a copy of which is also enclosed). That would be a formal hearing, which would more than likely be held in public. You would be asked to attend, but if you declined to do so it could proceed in your absence. The Standards Committee would have to consider the information presented to them, decide whether your behaviour amounted to a breach of the Code of Conduct and, if so, whether to impose any of the available sanctions.

Would you please let me know by 5pm on Monday 2 October whether you want me to arrange the requested meeting with Liesl? If you do not respond to me, or contact Liesl direct by that date, I will have to start making arrangements for a Standards Hearing.

Yours sincerely



Roy Saunders
Democratic Services and Scrutiny Manager

*Sent 22/9/17, with copy of
Code of Complaints process
enclosed.*

Saunders, Roy

From: Hadgraft, Liesl
Sent: 20 October 2017 09:23
To: Lorraine Beavers LCC
Cc: Saunders, Roy
Subject: RE: Allegations of misconduct

Dear Lorraine,

Thanks for your email, I have a meeting next week with Evelyn, which I understand you are attending, I think it would probably be beneficial to have this in the first instance.

Kind regards
 Liesl

Liesl Hadgraft
 Head of Business Support
 01253 887316
 Room 204

From: Lorraine Beavers LCC
Sent: 17 October 2017 13:37
To: Hadgraft, Liesl
Cc: Saunders, Roy
Subject: Allegations of misconduct

Dear Liesl,

On reading the allegations against Councillor Evelyn Stephenson.

I would like to add that I was present at the Planning meeting on 5th July and spoke against the proposed building on Fleetwood beach.

I did hear Councillor Stephenson say "it's a stitch up"

I didn't however hear Councillor Stephenson say "you're all a shower of shite"

If I did I can assure you I would remember it.

I have had conversations with numerous other people who were present at the Planning meeting regarding these allegations and no one can recall hearing Councillor Stephenson saying the second sentence.

I was sitting in the chamber nearer to Councillor Stephenson than Councillors Murphy and Henderson, so how they heard this and I didn't is a mystery.

I have spoken to my Labour colleagues on planning and not one of them heard either.

I am in the process of speaking to Fleetwood Town councillors who were present at this meeting and up to press they never heard Councillor Stephenson either.

Please let me know if you would like written statements of individuals about this matter.

Yours Lorraine
 Wyre Labour Group Leader

County Councillor Lorraine Beavers

APPENDIX 10.

**COUNCILLORS CODE
OF CONDUCT**

(New Wyre Code of Conduct
adopted by the Council on 6 September 2012
in compliance with the Localism Act 2011).

COUNCILLORS CODE OF CONDUCT FOR WYRE FROM 1 JULY 2012

Part 1:

General Provisions and Obligations

1.1 You are a member or co-opted member of the Wyre Borough Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member:

- You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in Part 2 below.
- You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Saunders, Roy

From: Hadgraft, Liesl
Sent: 24 October 2017 17:20
To: Cllr Stephenson, Evelyn
Cc: Cllr Beavers, Lorraine; Saunders, Roy
Subject: Proposed Wording

Dear Cllr Stephenson,

Thank you for meeting with the Independent Person and myself yesterday. Following our discussion, as agreed I have set out some words for you to consider, which are as follows:

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 I have since been informed by the Monitoring Officer that some of the words I used amounted to a breach of the Councillors Code of Conduct.

I apologise for that breach.

The words in red would need to be included in the statement to satisfy the process.

I have also given some more thought as to the best way to deal with this matter should you agree. I am of the view that the simplest and least contentious way would be for the statement to be included in the form of a letter from yourself which could be added as an Agenda item on the Planning Committee. This would be duly noted and therefore avoid the need for you to speak on the issue.

I would appreciate it if you could let me know if you are in agreement so that I know how to proceed with this matter.

Regards

Liesl Hadgraft
Head of Business Support
01253 887316
Room 204

Hadgraft, Liesl

From: Hadgraft, Liesl
Sent: 30 October 2017 07:58
To: Saunders, Roy
Cc: Barry Parsonage [REDACTED] Grimshaw, Mary
Subject: FW: Apoligy

[REDACTED]

-----Original Message-----

From: Brian Stephenson [mailto:brianstephenson@hotmail.com]
Sent: 27 October 2017 19:26
To: Hadgraft, Liesl
Subject: Apoligy

Hi Liesl. Thanks for your advice and guidance?

However, as the complaint is so petty, I have decided to go to Standard's if necessary. Regards Evelyn.
SeHnt from my hudl

Hadgraft, Liesl

From: Payne, Garry
Sent: 01 November 2017 11:31
To: Hadgraft, Liesl
Subject: RE: Standards hearing

Sensitivity: Confidential

Hi Liesl, due to ill health reasons [REDACTED] was unable to take the Planning Committee meeting on the 5th July 2017 and as the agenda for the meeting included planning applications which by their nature had attracted considerable public interest, including planning application 17/00126/OUTMAJ an outline application for the erection of 15 apartments for persons aged 55 and over together with retail unit and car parking Fleetwood Pier, The Esplanade, Fleetwood, the then Development Manager, [REDACTED] requested that I attend site visits and the Planning Committee meeting to provide advice and guidance to elected Members.

I agreed to attend site visits and to provide advice and guidance to Members of the Planning Committee held on the 5th July 2017.

In respect of planning application 17/00126/OUTMAJ there was a significant number of objectors at both the site visit and at the Planning Committee meeting. At both the site visit and in the Council Chamber objectors were very well behaved and I would actually describe their conduct as exemplary.

During the Member debate the tension between Members intensified and as the debate continued I clearly heard Cllr Evelyn Stephenson say to the Conservative Members of the Committee who were sitting opposite her "You lot are a shower of shits". Whilst there was an increased tension in the planning committee meeting in my opinion the language used by Cllr Evelyn Stephenson was inappropriate. It is, however, for Members of the Standards Committee to decide what actions, if any they consider to be appropriate and if required I will attend a meeting of the Standards Committee and give evidence.

Regards

Garry

Garry Payne
 Chief Executive
 01253 887500
 Room 180/181

From: Hadgraft, Liesl
Sent: 01 November 2017 09:35
To: Payne, Garry <Garry.Payne@wyre.gov.uk>
cc: Saunders, Roy <Roy.Saunders@wyre.gov.uk>
Subject: Standards hearing
Sensitivity: Confidential

ll,

See minute 12 (page 4)



Standards Committee

Minutes of the meeting of the Standards Committee of Wyre Borough Council held on 16 November 2017 at the Civic Centre, Poulton-le-Fylde.

Councillors present: Councillors I Amos, M Anderton, B Birch (Chairman), Lees and Moon (Vice Chairman).

Officers present: Liesl Hadgraft (Monitoring Officer and Head of Business Support), and Roy Saunders (Democratic Services and Scrutiny Manager).

Also present: Barry Parsonage (Independent Person).

Apologies for absence: Councillor Michael Vincent and Mary Grimshaw (Deputy Monitoring Officer and Senior Solicitor).

STA.08 Declarations of interest

Councillor Moon declared a significant non-pecuniary interest in agenda item 6 (Summary of Current Complaints) because he had been informed that he was the subject member in complaint Ref: 2017/06. He said that he would withdraw from the meeting should the complaint be discussed in any detail.

STA.09 Minutes

RESOLVED that the Minutes of the meeting of the Committee held on 22 June 2017 be confirmed as a correct record.

STA.10 Social Media Policy for Councillors

The Monitoring Officer submitted a report on a proposed media policy for councillors.

The Monitoring Officer reminded the Committee that there had been a discussion at its last meeting about the possibility of having a protocol for members on the use of social media. The proposed policy, attached as an appendix to her report, had been adapted for Wyre from a policy recently introduced at South Ribble District Council, where Barry Parsonage was also an Independent Person for standards issues. She said that she was having

to deal more frequently with issues arising from the use of social media which, if handled incorrectly, could get members into unnecessary hot water. The proposed policy would provide guidance to members and ultimately would also make it easier for this committee to decide, if necessary, whether or not there had been a breach of the Code of Conduct, when dealing with a complaint.

The Monitoring Officer said that there had also been discussion at the last meeting about training on this topic and other areas which tended to crop up as complaints from time to time. She said that it was now proposed to use one of the pre-council briefing slots, probably on 8 March 2018, to advise members on the new social media policy. The topics covered would, where appropriate, reflect areas where there had been complaints, in an effort to educate and remind members on do's and don'ts, which would hopefully reduce future complaints.

RESOLVED:

1. That the contents of the proposed Social Media Policy for Councillors attached as Appendix 1 to the Monitoring Officer's report be approved and that the Council be recommended to include it in Part 5 of the Constitution.
2. That the intention to provide information and advice on the new Social Media Policy and related standards issues at a pre-Council briefing session be supported.

STA.11 Consultation: Disqualification Criteria for Councillors

The Monitoring Officer submitted a report on a consultation process being carried out by the Department for Communities and Local Government (DCLG) about proposed additions to the criteria for the disqualification of Councillors.

The Monitoring Officer said that, when she had first read the title of this consultation she had hoped it was to consider a much broader remit, which might ultimately return more extensive powers to monitoring officers and standards committees. However, the aim of the consultation was quite specific and limited. There was currently legislation in place to address situations where councillors had been convicted in the UK of an offence and as a result received a sentence of imprisonment. This consultation proposed to update this area of legislation to include sex offenders and certain anti-social behaviour sanctions.

There were a total of 6 questions in the consultation, 2 relating specifically to the proposals relating to sex offenders, 2 in relation to anti-social behaviour and a further 2 general questions.

RESOLVED:

1. That the DCLG's proposals to introduce new rules prohibiting any individual who is subject to an Anti-Social Behaviour Injunction, a Criminal Behaviour Order or is added to the sex offenders' register from standing for election or holding office as a councillor, be supported.
2. That the Monitoring Officer be instructed to respond accordingly, i.e, answering "yes" to questions 1 – 4 and "no" to question 5 in the list of specific questions set out on page 16 of the consultation document.
3. That the Monitoring Officer also be instructed to inform the DCLG, in response to question 6 in the consultation document, that it was the Committee's view that a more comprehensive review of the local government standards regime, including the provision of a wider range of sanctions for breaches of the Councillors Code of Conduct, should be undertaken as soon as possible.

STA.12 Current Complaints: Summary

The Monitoring Officer submitted a schedule summarising complaints of alleged breaches of the Council's Code of Conduct which were currently being processed or had been completed since the last report to the Standards Committee. Ms Hadgraft said that brief details of each of the complaints were included in the schedule. She provided further information to the Committee at the meeting, as follows:

Ref:2016/18

The Committee had been informed at its' last meeting that this complaint was more or less concluded. Unfortunately, the subject member, having initially agreed to the make an apology, had subsequently refused to do so. They had been given two opportunities to make the apology at an appropriate public meeting, but had declined on both occasions. The Monitoring Officer therefore had no alternative but to recommend that the complaint be brought before a special Standards hearing.

Ref: 2017/01

This matter related to the wording of minutes. The Committee had been informed at its' last meeting that the subject member had acknowledged that some clarification to the wording of the minutes was required and that a mechanism to rectify that was being sought. Since then an electronic link has been added on the website against the minutes in question which, when clicked on, took the reader to a report of the Monitoring Officer which clarified the wording. This matter was therefore now closed.

Ref: 2017/04

A meeting between the Monitoring Officer, an Independent Person and the subject member had taken place. Having listened to the information provided the Monitoring Officer and the Independent Person had been of the view that a breach of the code had occurred and that an apology would be an appropriate way to deal with this matter. However, the subject member had declined that solution and a special Standards Committee Hearing would therefore need to be convened.

It was hoped that it would be possible to arrange the hearings for both this case and for case Ref: 2016/18 on the same day. Members would be informed as soon as possible of the date and detailed arrangements for each of the hearings.

Refs: 2017/05, 2017/06, 2017/07 and 2017/08

The Monitoring Officer said that these four fairly recent complaints had all been made by the same complainants and were related to a single event, but were about four different subject members.

No progress had yet been made on Ref: 2017/05, other than the preliminary tests having been being completed.

No progress had yet been made on Ref 2017/06, other than the preliminary tests being completed.

Complaint Ref: 2017/07 was not being taken further by the Monitoring Officer because the member who was the subject of the complaint had not been considered to be acting as Councillor when the alleged behaviour took place.

Complaint Ref: 2017/08 was also not being taken further by the Monitoring Officer because the member who was the subject of the complaint had again not been considered to be acting as Councillor when the alleged behaviour took place.

RESOLVED:

That the summary of current complaints submitted by the Monitoring Officer and her verbal report on each of the complaints referred to, including the arrangements being made for two Standards Committee hearings, be noted.

STA.13 Next meeting

The Committee noted that its next scheduled meeting was currently due to be held at 6pm on Thursday 15 March 2018.

The meeting started at 6.00pm and finished at 6.50pm.

arm/rg/sta/mi/161117

ANNEX A

**STANDARDS COMMITTEE
PRE-HEARING PROCEDURE**

1. Where an investigation report has found that there has been a breach of the Code of Conduct, and the matter cannot otherwise be resolved by local resolution, for example by the Subject Member admitting the breach and apologising, a hearing will be arranged. The hearing will generally be a meeting of the Committee convened specifically for that purpose.
2. A copy of the investigation report will be sent to the Subject Member, the complainant, the clerk to the town/parish council if the complaint relates to the Subject Member's conduct as a parish councillor, and to the Independent Person.
3. The Subject Member will be asked for a written response within ten working days. The response should set out the Subject Member's reply to the Investigating Officer's report and state whether he/she disagrees with any of the findings of fact in the report, giving the reasons for any disagreement. The response must also state if he/she:
 - wishes to be represented or accompanied by another person;
 - wishes to give evidence to the Committee, either orally or in writing;
 - wishes to call relevant witnesses to give evidence to the Committee;
 - wishes any part of the hearing to be held in private;
 - wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the public.

The Subject Member may seek the views of the Independent Person who has not been involved in the consideration of the earlier stages in the complaints process.

4. The Subject Member will be informed that if, at the hearing by the Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.
5. Upon receipt of the Member's response, the Investigating Officer will be invited to comment on it within ten working days, and to say whether or not he/she:
 - wishes to call relevant witnesses to give evidence or submit written or other evidence to the Committee
 - wishes any part of the hearing to be held in private
 - wishes any part of the report or other relevant documents to be withheld from the public
6. Upon receipt of the Investigating Officer's response, the person advising the Committee at the hearing (either the Monitoring Officer or if he/she has carried out the investigation, the Deputy Monitoring Officer) will consider the responses of the Subject Member and the Investigating Officer and set a date for the hearing in consultation with the chairman of the Committee.

7. The Subject Member and the Investigating Officer will be entitled to request that any witnesses they want should be called. However, the Chairman of the Committee may limit the number of witnesses to be called, if he/she believes the number requested is unreasonable and that some witnesses will simply be repeating the evidence of earlier witnesses, or else not providing evidence that will assist the Committee to reach its decision.
8. Nothing in this procedure shall limit the Chairman of the hearing from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Committee to reach its decision.
9. The Monitoring Officer, in consultation with the Chairman and the Independent Person, will:
 - confirm a date, time and place for the hearing
 - confirm the main facts of the case that are agreed
 - confirm the main facts that are not agreed
 - provide copies of any written evidence to the relevant parties
 - confirm which witnesses will be called by the parties
 - provide the parties with copies of the proposed procedure for the hearing, specifying which parts of the matter, if any, may be considered in private