

Borough Council of  
**King's Lynn &  
West Norfolk**



# **Standards Committee**

## **Agenda**

**Friday, 3rd February, 2023**  
at 10.00 am

in the

**Council Chamber  
Town Hall  
Saturday Market Place  
King's Lynn**

Available to view on:

<https://www.youtube.com/user/WestNorfolkBC>



**King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX**  
**Telephone: 01553 616200**

26 January 2023

Dear Member

**Standards Committee**

You are invited to attend a meeting of the above-mentioned Committee which will be held on **Friday, 3rd February, 2023 at 10.00 am** in the **Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ** to discuss the business shown below.

Yours sincerely

Chief Executive

**AGENDA**

**1. Apologies**

**2. Minutes from previous meetings (Pages 4 - 30)**

- 31 January 2022 – Panel Hearing
- 1 February 2022 – Panel Hearing
- 3 November 2022 – Panel Hearing
- 30 November 2022 – Full Committee

**3. Declarations of Interest**

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on any item or simply observing the meeting from the public seating area.

**4. Urgent Business under Standing Order 7**

To consider any business which, by reason of special circumstances, the Chair proposed to accept as urgent under Section 100(b)(4)(b) of the Local Government Act 1972.

**5. Members present pursuant to Standing Order 34**

Members wishing to speak pursuant to Standing Order 34 should inform the Chair of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

**6. Chair's Correspondence (if any)**

**7. Updated Code of Conduct and Guidance on Complaint Handling**

(Pages 31 - 59)

**8. Standards Committee Decision Notices 2022 (Pages 60 - 76)**

**9. Date of Next Meeting**

To be convened as required.

To:

**Standards Committee:** B Ayres (Chair), Mrs J Collingham, S Collop, G Hipperson, C Manning (Vice-Chair), S Nash and T Parish

**Officers:**

Alexa Baker, Monitoring Officer

Kathy Wagg, Democratic Services Officer

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**STANDARDS COMMITTEE – PANEL HEARING**

**Minutes from the Meeting of the Standards Committee – Panel Hearing  
held on Monday, 31st January, 2022 at 9.30 am in the Assembly Room,  
Town Hall, Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:**

Councillors C Hudson, C Manning and S Nash

Councillor Mrs V Spikings – Subject Member's Representative

**Under Standing Order 34:**

In person

Councillor A Holmes

Councillor Mrs E A Nockolds

**Officers**

In person

Alexa Baker, Monitoring Officer

Via Zoom

Noel Doran, Investigator's Representative

Amanda Orchard, Independent Person

1 **APOLOGIES**

Apologies for absence was received from Councillor Patel

2 **DECLARATIONS OF INTEREST**

[Click here to view a recording of this item on You Tube.](#)

Councillor Nash declared an interest and explained that since the meeting of 15 December information had been supplied to him which in his opinion brought into question the quality of the investigation behind the hearing. Further he received on Friday 28 January a notification from Norfolk Constabulary that at his request they would be contacting the Executive of the Borough Council to discuss one of the allegations made in relation to this case. In view of the information supplied to him independently, he was of the opinion that his position on this Panel had

been significantly comprised and his continued involvement in this hearing would be inappropriate.

Councillor Nash was advised by the Monitoring Officer to vacate the seat on the basis that he had declared an interest and to allow the meeting to be quorate she invited Councillor Holmes to take the seat.

3 **APPOINTMENT OF CHAIR**

[Click here to view a recording of this item on You Tube](#)

**RESOLVED:**That Councillor Hudson be appointed Chair of the Standards Committee Panel Hearing

4 **TO CONSIDER THE LOCAL INVESTIGATION AS TO AN ALLEGATION AGAINST A BOROUGH COUNCILLOR**

[Click here to view a copy of this recording on You Tube.](#)

At the invitation of the Chair, Councillor Spikings (on behalf of Councillor Patel) addressed the Panel.

Following advice from the Monitoring Officer, Councillor Manning proposed that the hearing be adjourned, which was seconded by Councillor Holmes and agreed by the Panel.

**RESOLVED:**That the Panel be adjourned to allow the Monitoring Officer time to make enquiries of the Police and to await the outcome of their investigation.

**The meeting closed at 9.39 am**

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**STANDARDS COMMITTEE**

**Minutes from the Meeting of the Standards Committee held on  
Tuesday, 1st February, 2022 at 1.30 pm in the Assembly Room, Town Hall,  
Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:**

Councillors Miss L Bambridge, Mrs J Collingham and S Collop

**Also present:**

Investigating Officer:

Noel Doran

Subject Members Representative:

Councillor C J Joyce

Witness:

Councillor Parish

Under Standing Order 34 via Zoom:

Councillor Mrs Nockolds

Councillor A Ryves

Officers:

Alexa Baker – Monitoring Officer

Kathy Wagg – Democratic Services Officer

1 **TO APPOINT A CHAIR FOR THE HEARING**

**RESOLVED:** That Councillor Lesley Bambridge be appointed as Chair for the Hearing.

2 **APOLOGIES**

Apologies were received from Councillor Howland and Amanda Orchard (Independent Person)

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4 **EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Act.

5 **TO CONSIDER THE LOCAL INVESTIGATION AS TO AN ALLEGATION AGAINST A BOROUGH COUNCILLOR**

The Chairman welcomed everyone to the Hearing and introduced the Panel and Officers.

The Monitoring Officer ran through procedural matters. She explained that the Independent person was now not able to attend the Hearing but her views had been sought and included within the report. The Panel agreed to continue with the hearing.

The Monitoring Officer also asked the Panel to disregard pages 35-40 within the paperwork as she would be revisiting that decision notice. The Panel agreed to disregard the decision notice.

The Monitoring Officer also advised that the Subject Member's Representative had sent in submissions which had not been included within the paperwork and therefore she suggested that the Subject Member's Representative could provide a brief explanation of the issues before questioning the investigator.

At the invitation of the Chairman, the Investigating Officer presented his report.

The Panel was invited to ask questions of the Investigating Officer.

The Investigating Officer responded to questions from the Panel.

The Chair invited the Subject Member's Representative to summarise the defence that he was presenting today.

The Subject Member's Representative asked questions of the Investigating Officer.

At 2.00 pm during the Subject Member's Representative questioning of the Investigating Officer the Monitoring Officer proposed that the hearing be adjourned to investigate IT issues, which was agreed.

Upon reconvening at 2.05 pm, the Subject Member's Representative continued questioning of the Investigating Officer.

The Panel agreed that Standing Order 34 should be set aside for the purpose of the hearing.

The Chair then invited the Subject Member's Representative to present his case.

The Subject Member's Representative then called Councillor Parish as a witness and asked questions of him.

The Investigating Officer confirmed that he had no questions of the witness.

The Panel then asked a question of the Subject Member's Representative.

The Monitoring Officer provided advice to all parties relating to Freedom of Speech.

The Investigating Officer then summed up the complaint.

The Subject Member's Representative then summed up his case.

The Monitoring Officer outlined her role in the decision making process to all parties.

At 2.55 pm, the Panel retired to consider the decision in private.

The Panel reconvened at 3.30 pm.

The Chairman read out the Decision a copy of which is attached to the minutes.

**The meeting closed at 3.40 pm**



Borough Council of  
**King's Lynn &  
 West Norfolk**



**Borough Council of King's Lynn and West Norfolk**

**Standards Committee Hearing Panel**

**Date: 1 February 2022**

**Borough Councillor Michael Howland**

**DECISION NOTICE**

Standards Committee Members	Borough Councillor L Bambridge Borough Councillor J Collingham Borough Councillor S Collop
Council Officers	Kathy Wagg, Democratic Services Officer
Independent Person	Amanda Orchard
Investigator	Noel Doran
Complainant	Councillor Shimit Patel
Subject Member's Representative	Councillor C Joyce
Witness	Councillor T Parish
Monitoring Officer	Alexa Baker
Date of Investigator's Report	10 January 2022

## Decision Notice

**Standards Committee Hearing**  
**Borough Council of King's Lynn and West Norfolk**  
**Date: 1 February 2022**

### **1. Summary of the Complaint:**

It is alleged that Borough Councillor Michael Howland referred to the Complainant as "shitface" on several occasions in a text sent to another Councillor.

The Complainant has interpreted this to be a racially motivated term.

Additionally, the Investigator raised within his report that Cllr Howland had failed to engage appropriately with the investigation process.

### **2. Relevant sections of the Code of Conduct**

*As a member or co-opted member of the Borough Council of King's Lynn and West Norfolk I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all. In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.*

...

*OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.*

...

*ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*

*As a Member of the Borough Council of King's Lynn and West Norfolk my conduct will in particular address the statutory principles of the Code by:*

...

- *Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.*

...

- *Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.*

- *Always treating people with respect, including the organisations and public I engage with and those I work alongside.*

### **3. Summary of evidence considered and representations made**

The Investigation Report concluded the following:

- a. That Cllr Howland sent a text about Council matters involving the Complainant to a fellow Councillor;
- b. The term "shitface" was used in reference to the Complainant within that text message, which was disrespectful language;
- c. Cllr Howland failure to engage with the investigation properly, or at all;

- d. Cllr Howland DID breach the Code of Conduct;
- e. There was insufficient evidence to come to any finding on the intention of the Councillor in using the term “shitface” in reference to the Complainant.

Cllr Joyce made representations that Cllr Howland was not acting in his official capacity as a Councillor when he sent the text message.

Cllr Joyce also made representations and heard from the witness Cllr Parish that the term “shitface” did not have racial connotations.

The Investigator confirmed that in total Cllr Howland had been contacted 10 times in relation to the originating complaint and Investigation, and in the Investigator’s view there had been a failure by Cllr Howland to appropriately engage with the investigation process. The Investigator drew the Panel’s attention to an email from Cllr Howland on 5 January 2022 as being the first time that Cllr Howland acknowledged sending the text message.

#### **4. Facts and Conclusions**

The Panel, after carefully considering the Investigation Report and the representations made by Cllr Joyce and the Investigator, reached the following conclusions:

- a. The Panel was in no doubt that a communication to another Borough Councillor was written and sent by Cllr Howland which had been seen and read by other Councillors in which he referred to the Complainant as “shitface” and this was intended to be a disrespectful term about the Complainant;
- b. On the question of whether the Code of Conduct was engaged, the Panel accepted the submissions of the Investigator that the text message was sent by one elected Member to another with reference to Council business and therefore Councillor Howland was acting in the capacity of a Councillor and the Code of Conduct is engaged;
- c. The Panel considers that Cllr Howland failed to engage with the Code of Conduct complaint process in a transparent and accountable way; and
- d. Whilst the Panel understands why the Complainant perceived the term used to have racial connotations, the Panel does not consider that Cllr Howland intended it to have racial connotations.

#### **5. Decision**

**The Panel found that as a result of the Facts and Conclusions set out at paragraph 4 (a)-(c) above, Cllr Howland breached the terms of the Borough Council of King’s Lynn and West Norfolk’s Members’ Code of Conduct which are set out at section 2 above.**

#### **6. Sanctions**

The Standards Committee at the Borough Council of King’s Lynn and West Norfolk exists to maintain high standards of conduct amongst elected members in line with the Code of Conduct and the expectations that the public have of elected members.

The Panel found that Councillor Howland's conduct fell short of the standards expected. The Panel recommended that:

Cllr Howland undergo training in Ethics and Standards

Signed.......... Date: 1 February 2022

(Councillor Bambridge, Chair of the Standards Committee Panel Hearing)

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**STANDARDS COMMITTEE**

**Minutes from the Meeting of the Standards Committee held on Thursday,  
3rd November, 2022 at 9.30 am in the Council Chamber, Town Hall,  
Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:** Councillor B Ayres (Chair), Mrs J Collingham and S Squire

Alex Oram	-	Investigator
Mark Bridges	-	Assistant to the Investigator
Amanda Orchard	-	Independent Person
Alexa Baker	-	Monitoring Officer
Wendy Vincent	-	Democratic Services Officer

**1 WELCOME AND INTRODUCTIONS**

The Monitoring Officer welcomed everyone to the meeting and explained that the Panel was not quorate and that the Hearing would adjourn for 15 minutes for the third Panel Member to arrive.

The Panel Hearing adjourned at 9.30 am and reconvened at 9.45 am.

The Monitoring Officer explained that late correspondence had been received. At 9.46 am the hearing adjourned to consider the submission of late correspondence.

At 9.52 am the Panel reconvened.

**2 TO APPOINT A CHAIR FOR THE HEARING**

**RESOLVED:** Councillor B Ayres be appointed as Chair for the Hearing.

**3 APOLOGIES**

There were no apologies for absence.

**4 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**5 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely

disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act.

6 **TO CONSIDER THE LOCAL INVESTIGATION AS TO AN ALLEGATION AGAINST DOWNHAM MARKET TOWN COUNCILLOR DOUG LAWSON**

The Chair welcomed everyone to the Hearing and invited those present to introduce themselves.

The Monitoring Officer referred to the three items of late correspondence:

- Email from the subject Member dated 1 November 2022. **The Panel accepted this item of late correspondence.**
- Email from a Borough Councillor, personal reference for the subject member dated 2 November 2022. **The Panel accepted this item of late correspondence.**
- Submission from the Subject Member's representative dated 3 November 2022. **The Panel did not accept this item of late correspondence.**

At the invitation of the Chair, the Investigating Officer presented his report.

The Panel was invited to ask questions of the Investigating Officer.

The Investigating Officer responded to questions from the Panel, the Independent Person and the Monitoring Officer.

In the absence of the Subject Member, the Monitoring Officer presented the Subject Member's written submission.

The Panel was invited to ask questions of the Monitoring Officer.

The Monitoring Officer responded to questions from the Panel, the Independent Person and the Investigating Officer

The Investigating Officer summed up the complaint.

The Monitoring Officer outlined her role and the Independent Person's role in the decision making process to all parties.

At 11.52 am the Panel retired to consider the decision in private.

The Panel reconvened at 1.20 pm

The Chair read out the Decision.

The Monitoring Officer advised that as the Panel had determined that there had been a breach of the Code of Conduct, the Panel may wish to confirm that it had agreed to take the late correspondence received - personal reference from the Borough Councillor into account.

The Panel confirmed the personal reference had been considered.

The Chair invited the Investigation Officer to comment on the sanctions available.

The Investigating Officer commented on the sanctions available to the Panel.

The Monitoring Officer read out the full list of sanctions available.

The Panel retired at 1.28 pm to consider appropriate sanctions. The Panel reconvened at 1.45 pm and the Chair read out the sanctions which would be recommended to Downham Market Town Council.

The Chair confirmed that a formal decision notice (copy attached to the minutes) would be prepared by the Monitoring Officer and published within 7 working days following the Hearing. A copy would be sent to the complainant, and to the Member of the Town Council.

The Chair also confirmed that the decision notice would be made available for public inspection and reported to the next meeting of the Standards Committee.

**The meeting closed at 1.46 pm**

Borough Council of  
**King's Lynn &  
West Norfolk**



**Borough Council of King's Lynn and West Norfolk**

**Standards Committee Hearing  
(held in exempt session)**

**Date: 3 November 2022**

**Downham Market Town Councillor Doug Lawson**

**DECISION NOTICE**

Standards Committee Members	Borough Councillor B Ayres Borough Councillor J Collingham Borough Councillor S Squire
Council Officers	Wendy Vincent, Democratic Services Officer
Independent Person	Amanda Orchard
Monitoring Officer	Alexa Baker, Monitoring Officer
Investigator	Alex Oram



## Decision Notice

### **Standards Committee Hearing**

**Borough Council of King's Lynn and West Norfolk ("the Borough Council")**

**Date: 3 November 2022**

#### **1. Summary of the Complaints:**

This hearing was convened to consider three complaints against Cllr Lawson of Downham Market Town Council (DMTC). The complaints were submitted by three former Councillors of DMTC. One complaint was submitted by the former Mayor, pursuant to a resolution of DMTC on 22 September 2020 to make a collective complaint.

The three complaints centred around Cllr Lawson's comments on social media and in emails in which Cllr Lawson was accused of being insulting, offensive, intimidating, demeaning, undermining and/or bullying. This conduct was alleged to have been targeted towards fellow Councillors, officers and members of the public who did not agree with Cllr Lawson's views.

One of the central allegations was that of a targeted bullying campaign against the former DMTC Town Clerk by Cllr Lawson.

#### **2. Relevant sections of the Downham Market Town Council Code of Conduct**

The Code contains the following provisions that are relevant to these complaints:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

#### **3. Summary of evidence considered and representations made**

In addition to the papers that had been issued with the agenda, the Hearing Panel agreed to accept as late correspondence an email dated 1 November 2022 from Cllr Lawson with submissions to the Hearing Panel and a 'Personal Character Reference Statement' from a witness on behalf of Cllr Lawson.

The Hearing Panel decided not to accept as evidence before them a statement that had been received late the previous day from Cllr Lawson's representative, as it was considered that the content within it was more relevant to be raised with the police.

The Investigator presented their report and made representations addressing the following procedural and jurisdictional issues:

1. The former Mayor met the requirements of the Localism Act 2011 when submitting a Code of Conduct complaint as an individual which referenced collective complaints.
2. That when determining whether a Councillor was acting in an official capacity or not, the content of the comments made was the determining factor, and when posting or communicating about Council business, then Cllr Lawson was acting in an official capacity and was subject to the Code of Conduct. The investigator considered that Cllr Lawson was acting in an official capacity in relation to the social media posts contained in the complaints.
3. Decisions cannot be provided by the Investigator on the governance concerns Cllr Lawson raised and it was not the Investigator's role to do so – it was the way in which Cllr Lawson expressed his concerns rather than the validity of the concerns that was the subject of the investigation.
4. The Investigator cited the case of *R (Harvey) v Ledbury Town Council [2018] EWHC 1151 (Admin)* as demonstrating that DMTC did not have authority to convene their own Standards Committee to consider complaints against their own Councillors, as stated in their Code of Conduct. This was the Borough Council's responsibility under the Localism Act 2011.

The Investigator confirmed that in their view the following sections of the DMTC Code of Conduct were engaged:

- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

The Investigator drew the Hearing Panel's attention to the following parts of his report in relation to the conclusions reached:

5. The examples of conduct referred to at paragraphs 5.29 to 5.32 of the Investigation report were specifically referenced. Examples included (not an exhaustive list):
  - a. Cllr Lawson's email to DMTC Councillors, copying in two Borough Councillors and the former Town Clerk, dated 22 September 2020, in which he stated that DMTC's Bullying and Harassment policy was not engaged with regards to his conduct against the former Clerk as that policy did not explicitly provide for situations where the conduct related to alleged wrongdoing, and went on to list serious allegations and accusations against the former Clerk. An extract of the

email: *“Therefore, as none of these points in the list above is mentioned in the DMTC Bullying and Harassment Policy, then if the clerk has been implicated in any of these it cannot be bullying or harassment.”*

- b. Referring publicly on Facebook about the former clerk being on sick leave due to stress, posting *“poor little wee lamb, she’s off sick”* and referring to the absence as *‘self-inflicted’*.
- c. In an email dated 19 August 2020, Cllr Lawson suggested some of his colleagues were: *“self-serving councillors who are on the make or take, bombastic ego trippers and little dictators with delusions of power and I wish to distance myself from such disagreeable types.”*
- d. Within an email dated 19 April 2021 to multiple recipients, including all Town Councillors and to two journalists, Cllr Lawson attached a spreadsheet entitled: *‘DOWNHAM MARKET MAYORAL CANDIDATES – 2021-2022 – RUNNERS AND RIDERS’* in which Cllr Lawson said of two Councillors *‘Guilty of committing a petty criminal offence and DMTC does not want to be represented by a known crook.’*
- e. At various times in Facebooks posts, including when he referred to fellow councillors as *‘Dipstick’*, *‘the Mamba’*, *‘the beige nodding dog’* and *‘Tweedle Doo-Doo and Tweedle Dumber’*, likened the Town Council to a KKK Kangaroo Court, accused councillors of telling lies, referred to fellow councillors as *‘left leaning intellectually challenged types’* and likened them to Nazi’s.
- f. In a Facebook exchange about various Town Councillors, Cllr Lawson made the following comments to a member of the public:  
[to Ms X, a member of the public, who accused Councillor Lawson of insulting her intelligence] *“do you have any intelligence to insult?”* And after Ms X responded by accusing Councillor Lawson of resorting to abuse rather than evidence, *“[Ms X] if you had mental intelligence, you would know that operational intelligence is not something one can prove all the time, as it is often verbal from sources who do not wish to be identified in a public forum”*
- g. Making the following comment to a member of the public on Facebook (who happened to be a serving Councillor’s son):  
*“I realise that biologically you are a young male member of some community somewhere, but not from Downham Market and with no specific links to Downham Market apart from through some familial link through some feeble-minded relative. Have you ever had a job? Are you old enough to be on Facebook? Do you understand what social responsibility means? Do you understand what common decency means?”*
- h. In an email from Cllr Lawson to fellow Councillors dated 14 March 2020 in relation to LGBT awareness training proposed to be delivered by the Council, Cllr Lawson referred to the LGBT community as an *“optional lifestyle preferences grouping”* and went on to compare the LGBT community’s relevance to that of, *“morris dancers, Wee Frees, Goths, necrophiliacs, bestialists, Ipswich Town supporters, WI jam makers, ramblers, etc”*

6. The Investigator drew attention to the following paragraph of his report:

5.27 Councillor Lawson believes that his conduct is justified and that where it has offended, that offence has been deserved. To quote some of his responses as shown at Annex B: *“If a public sector employee acts knowingly and deliberately in a manner that contradicts the norms and / or agreed ways of working, the individual concerned has made himself / herself a target and deserves all the criticism that arrives.”* Indeed, Councillor Lawson expands on this, stating: *“Because the Clerk place herself as a target after acting unlawfully and unacceptably, everyone who supports such an individual becomes another target, quite legitimately. This is normal in every form of warfare.”*

7. The Investigator highlighted Cllr Lawson's use of the word '*warfare*' and expanded on this to explain that in the Investigator's view, Cllr Lawson believed that he was at war and that his intended ends justified all means to achieve success in his war and campaign against the perceived wrongdoing by the former Clerk and those Councillors he saw as being against him and/or his views.
8. The Investigator confirmed that in his view, Cllr Lawson did hold genuine concerns about the issues he had raised, yet Cllr Lawson appeared to have failed to follow any due process to properly advance these concerns such as making a grievance complaint against the former Clerk, opting instead to reach his own conclusions and to publicly convey these in emails and social media posts. Reference was made to the following paragraph of the Investigator's report:
 

"5.28 It is difficult to express quite the extent to which we disagree with Councillor Lawson. It is not the role of a Town councillor to repeatedly seek to challenge and undermine their professional officers. The Town Council has policies in place to ensure that any concerns around staff conduct and performance are dealt with professional and in a way that respects the rights of their employees. We understand that Councillor Lawson has been encouraged to pursue his grievances via this route and yet had consistently refused, instead preferring to express them in emails to all councillors or on Facebook. While we understand that Councillor Lawson's reticence is in part due to his own lack of trust in his colleagues on the Town Council to deal properly with his allegations, this does not allow him to publicly denigrate an officer within his own authority."
9. The Investigator commented that overall he found Cllr Lawson's response to any criticism is to attack, rather than reflect on his behaviour and objectively consider whether any of the criticism is justified. He was given the impression that Cllr Lawson believes the Code of Conduct has a caveat that states he is able to abuse and intimidate those who he disagrees with. The Investigator questioned what the point in having a Code of Conduct is if Members only have to abide by it towards those they already respect and agree with.
10. The Investigator considered that Cllr Lawson had brought his office into disrepute.
11. The Investigator concluded that even if, hypothetically, it was found that Cllr Lawson was correct in all the allegations of wrongdoing and all the governance issues he had raised, the Investigator would still have found a breach of the Code of Conduct due to the manner in which Cllr Lawson had gone about advancing his concerns.

The Investigator addressed the Panel on the following legal considerations:

12. Freedom of Speech – the Investigator referenced Cllr Lawson's Article 10 right to free speech and the enhanced protection of political free speech. The Investigator confirmed that this right extended to being offensive, however there are limits that can be legitimately applied under Article 10, and the right to free speech did not extend to protecting personal attacks, abuse and bullying. The Investigator confirmed that it was Cllr Lawson's conduct that extended beyond the protection afforded by the Article 10 right to free speech that amounts to a breach of the Code of Conduct.
13. The Investigator's report states there is no reason councillors should not be able to undertake a scrutiny role, represent the public and any constituents, or make a political point in a respectful, courteous, and appropriate manner without resorting to personal attacks, being offensive, abusive and / or unduly disruptive.

14. The Investigator stated that Councillors are required to adhere to their Authority's legal duty as an employer and its Public Sector Equality Duty under the Equalities Act 2010, subject to their Article 10 rights to free speech.

The Investigator confirmed they reached the following conclusions:

15. The investigation has evidenced multiple occasions where Cllr Lawson's conduct towards the former Clerk was blatantly disrespectful and undoubtedly amounted to bullying behaviour / failure to demonstrate leadership.
16. Cllr Lawson repeatedly strayed way beyond what they would consider acceptable within the 'rough and tumble' of local politics.
17. At times, Cllr Lawson's offensive comments have also been directed at members of the public, who councillors have a particular responsibility to treat with respect.
18. The Investigator was alarmed by the way in which Cllr Lawson chose to respond to the Equalities training that was offered. Town Councils, and by extension their councillors, have a duty to foster good relations between people who share a protected characteristic and those who do not. In the Investigator's view, Cllr Lawson's language and comparators were hugely offensive and perhaps demonstrated why there was such a need for him to have attended the training.
19. The Investigator considered that Facebook posts and emails gathered during the investigation evidenced multiple and serious breaches of the Town Council's Code of Conduct by Cllr Lawson which was most starkly demonstrated by Cllr Lawson's conduct towards and about the former Clerk, which represents a clear pattern of aggressive, intimidating behaviour that amounted to deliberate and persistent attempts to undermine and humiliate her.
20. The Investigator concluded Cllr Lawson's offensive and disrespectful comments are by no means limited to the former Clerk, with multiple examples of him making offensive and abusive comments to and about other councillors, former councillors and members of the public. Cllr Lawson seems to revel in failing to value his colleagues or staff, repeatedly treating them, members of the public with whom he disagrees in a disrespectful manner. While Cllr Lawson purports to be championing the interests of his community, the Investigator considered that the way in which he seeks to go about it demonstrates a complete lack of leadership and brings his office and authority into disrepute.

Cllr Lawson was not in attendance at the hearing and nor did he have a representative attend on his behalf. The Hearing Panel therefore went on to consider Cllr Lawson's defence of the complaints raised against him, which were set out in various parts of the hearing papers as follows:

21. Cllr Lawson had provided an annotated copy of the Investigation report with his comments in defence throughout, which was included in the Hearing Panel's papers.
22. Cllr Lawson had provided responses to pre-hearing questions from the Monitoring Officer in writing about whether he agreed with the Investigator's findings and conclusions, which were included in the Hearing Panel's papers.
23. Cllr Lawson's email of 1 November 2022 in which he set out various submissions to the Hearing Panel on procedure and governance was considered in detail by the Hearing Panel.

24. Cllr Lawson, in one of his responses to the Investigation report, stated as follows: *It is not possible to find a posting or any other record where I have made any personal remarks about the Clerk, as these do not exist. I have confined my remarks about the Clerk to her professional competence and her obligations as an office holder to the members and the electorate that pays the Clerk's salary. I have not called the Clerk's personal phone or contacted her at her home address and have limited my communications with the Clerk to matters pertaining to a clerk's job description. It is not possible to find a single remark concerning anything apart from in relation to the Clerk's ability to deliver against the job description of the role the Clerk accepted of her own free will. Employees in the public domain whose salaries are linked directly to the taxes collected locally are much more accountable to the public than others and therefore must work to a standard that stands up to examination at the local level.*

25. In relation to the email to fellow Councillors dated 14 March 2020 in relation to LGTB awareness training proposed, Cllr Lawson stated as follows in his responses to the Investigation report: *As the evidence shows, my efforts were focussed totally on protecting the council from adverse publicity and to prevent expenditure of taxpayer funds on minority interests. Further: I do not need more Equalities training, as I have received an ample quantity in the recent past and know the relevant rules and processes well. In my recent past Equality was a subject on which we as lime managers were tested on a regular basis and I never failed. I have run many multi-cultural, mixed race and mixed gender teams over many years in different countries, probably more than all of the rest of the members of DMTC combined.*

26. In response to the following question: *'Do you agree with the recommendations of the investigator, set out at section 6 of the Investigation Report which provisionally conclude that you breached the Code of Conduct? If not, state what you do not agree with and why (this can be in a separate document if you wish).'* Cllr Lawson responded:

*No – as the investigator failed to comply with his brief, previous case history in relation to social media, and my rights of freedom of speech and freedom of expression. Plus, there was nothing in breach on the Nolan principles in any other material that was not under the inadmissible social media content or that is not complete and utter nonsense or fabrication.*

*The investigator failed to perform his job in a consistent manner and failed to take account of any of the extenuating circumstances, meaning he did only part of the job.*

27. In response to the following question: *'If you will not be attending the hearing, are there any written submissions you would like to be taken account of, over and above the submissions you have already provided? If so please provide these.'* Cllr Lawson responded:

*I dispute the relevance and validity of this particular CoC charade on the grounds:*

- 1. That the CoC complaints are all politically motivated as an attempt to frighten me off and silence me while I was exposing all the malpractice and corruption that led finally to all the resignations*
- 2. That my rights of freedom of speech as a member of the public permit me to say almost whatever I like, providing it remains lawful and / or noting is criminal*
- 3. That for the most part the CoC complaints are works of fiction / fantasy or from exempted social media postings.*
- 4. That the end to end process from the lack of proper paperwork, the invalidated investigation process, and the failure to convene the Standards Board properly all render the CoC as a breach of proper procedures and therefore null and void.*

*As we know, many of the complainants were involved in unlawful and / or illegal activities, such as submission of false declarations or conspiring to present falsified witness statements, and I was the person who exposed much of this corruption.*

*It is not really in the interest of BCKL&WN to be seen to be trying punish the person who led the campaign to get rid of corruption, as this gives all the wrong signals to the electorate and the daily Red Top journalist who supported the campaign will be able to use it as a leader article to show how different parts of local government get things so wrong.*

28. Cllr Lawson also raised the following procedural points that had not been raised previously in his responses:

- a. The decision of Downham Market Town Council of 22 September 2022 which resolved to make a collective complaint was unlawful.
- b. That Downham Market Town Council had responsibility for its own Code of Conduct complaints and therefore the Hearing Panel had no jurisdiction to determine the three complaints made against Cllr Lawson. Cllr Lawson also raised there was no obligation on the Borough Council to follow up on Code of Conduct complaints.
- c. Some of the evidence in the bundle of papers for the hearing had not been seen by Cllr Lawson previously.

#### **4. Conclusions and Reasons**

The Panel carefully considered the hearing papers and submissions made, and reached the following conclusions:

1. In relation to the governance and procedural issues that had been raised:
  - a. The Hearing Panel found that all three complaints had been made legitimately and were valid, including the complaint submitted by the former Mayor as an individual. It is irrelevant to the determination of the complaints whether the decision of DMTC dated 22 September 2020 to make a collective complaint was unlawful or not as the complaint was ultimately made by the former Mayor in an individual capacity.
  - b. The Hearing Panel considered that when determining whether Cllr Lawson was acting in an official capacity in relation to the social media postings, it was the content of those postings that was determinative and not how Cllr Lawson identified his Facebook account. In relation to Cllr Lawson's public Facebook postings (including in groups) the Hearing Panel found that Cllr Lawson was acting in an official capacity (and therefore subject to the Code of Conduct) when he was discussing Council business and engaging with or about DMTC Councillors and officers in relation to Council business.
  - c. The Hearing Panel did not consider any prejudice had been caused to Cllr Lawson in respect of the section of the papers Cllr Lawson says he had not previously seen, because to the extent they were relied on within the Investigation report, the relevant sections of the papers are set out within the Investigation report (which Cllr Lawson had received in draft and final format) and/or Cllr Lawson was interviewed about them. The Hearing Panel therefore did not strike out any evidence before them in the hearing papers.
  - d. The Hearing Panel was not convened to determine the governance issues or allegations of wrongdoing made by Cllr Lawson. Its role was to consider

whether Cllr Lawson had met the standards expected of him when acting in an official capacity, even where he disagreed with others.

- e. It was the Borough Council that had authority to determine the complaints in accordance with the Localism Act 2011, which provides that the principal authority will appoint an Independent Person to provide views on allegations that have been investigated before making a decision.
  - f. The Independent Person was in attendance at the hearing and provided her views throughout to the Hearing Panel.
2. The Hearing Panel found that there were numerous examples of conduct that could have been relied on as falling below the required standards, but for the purposes of proportionality it relied on the following examples of conduct:
- a. Cllr Lawson's email to DMTC Councillors, copying in two Borough Councillors and the former Town Clerk, dated 22 September 2020, in which he stated that DMTC's Bullying and Harassment policy was not engaged with regards to his conduct against the former Clerk as that policy did not explicitly provide for situations where the conduct related to alleged wrongdoing, and went on to list serious allegations and accusations against the former Clerk. An extract of the email: *"Therefore, as none of these points in the list above is mentioned in the DMTC Bullying and Harassment Policy, then if the clerk has been implicated in any of these it cannot be bullying or harassment."*
  - b. Referring publicly on Facebook about the former clerk being on sick leave due to stress, posting *"poor little wee lamb, she's off sick"* and referring to the absence as *'self-inflicted'*.
  - c. In an email dated 19 August 2020, Cllr Lawson suggested some of his colleagues were: *"self-serving councillors who are on the make or take, bombastic ego trippers and little dictators with delusions of power and I wish to distance myself from such disagreeable types."*
  - d. Within an email dated 19 April 2021 to multiple recipients, including all Town Councillors and to two journalists, Cllr Lawson attached a spreadsheet entitle: 'DOWNHAM MARKET MAYORAL CANDIDATES – 2021-2022 – RUNNERS AND RIDERS' in which Cllr Lawson said of two Councillors *'Guilty of committing a petty criminal offence and DMTC does not want to be represented by a known crook.'*
  - e. At various times in Facebooks posts, including when he referred to fellow councillors as *'Dipstick'*, *'the Mamba'*, *'the beige nodding dog'* and *'Tweedle Doo-Doo and Tweedle Dumber'*, likened the Town Council to a KKK Kangaroo Court, accused councillors of telling lies, referred to fellow councillors as *'left leaning intellectually challenged types'* and likened them to Nazi's.
  - f. In a Facebook exchange about various Town Councillors, Cllr Lawson made the following comments to a member of the public:  
[to Ms X, a member of the public, who accused Councillor Lawson of insulting her intelligence] *"do you have any intelligence to insult?"* And after Ms X responded by accusing Councillor Lawson of resorting to abuse rather than evidence, *"[Ms X] if you had mental intelligence, you would know that operational intelligence is not something one can prove all the time, as it is often verbal from sources who do not wish to be identified in a public forum"*
  - g. Making the following comment to a member of the public on Facebook (who happened to be a serving Councillor's son):  
*"I realise that biologically you are a young male member of some community somewhere, but not from Downham Market and with no specific links to Downham Market apart from through some familial link through some feeble-minded relative. Have you ever had a job? Are you old enough to be on*



*Facebook? Do you understand what social responsibility means? Do you understand what common decency means?"*

- h. In an email from Cllr Lawson to fellow Councillors dated 14 March 2020 in relation to LGTB awareness training proposed to be delivered by the Council, Cllr Lawson referred to the LGBT community as an “*optional lifestyle preferences grouping*” and went on to compare the LGBT community’s relevance to that of, “*morris dancers, Wee Frees, Goths, necrophiliacs, bestialists, Ipswich Town supporters, WI jam makers, ramblers, etc*”
3. The Hearing Panel found that the above examples of conduct demonstrated breaches of the following parts of DMTC’s Code of Conduct:
    - Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government
    - Always treating people with respect, including the organisations and public I engage with and those I work alongside.
    - Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority’s policies, protocols and procedures, including on the use of the Authority’s resources.
    - Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.
  4. The Hearing Panel found that additional parts of DMTC’s Code of Conduct were engaged and had also been breached. These areas were as follows:
    - Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
    - Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
    - Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
  5. The reasons the Hearing Panel found breaches of these additional parts of the Code of Conduct are:
    - a. The theme running through the evidence before the Hearing Panel is that Cllr Lawson is only interested in championing the needs of those he agrees with. Cllr Lawson marginalises, belittles and disrespects the views and needs of those who do not agree with him or he does not consider worthy enough, for example the manner in which Cllr Lawson sought to draw correlation between the LGBT community and other identified groups in his email of 14 March 2020.
    - b. The above reason is linked to Cllr Lawson’s apparent inability to listen, take account of all relevant information and remain objective. Cllr Lawson almost universally within the papers failed to reflect on his behaviour at any time and consider the views of others, for example the impact of his behaviour on the former Clerk.
    - c. Cllr Lawson is entirely misguided in his views that a Bullying and Harassment policy would not apply to him if he is raising allegations of wrongdoing against fellow Councillors or officers. The Code of Conduct and policies such as this apply at all times when a Councillor is acting in an official capacity. There are no ‘get out clauses’ or caveats.

- d. Officers of the Council are not just 'fair game' because they work for the Council. Officers should expect to be subject to a higher level of scrutiny and accountability, but this does not justify a targeted, persistent public campaign to remove them by a Councillor. Grievance procedures are in place for a reason – and they should be used where serious concerns are raised by Councillors about officers.
- e. The papers show Cllr Lawson makes his own conclusions on his own allegations and broadcasts them widely and publicly, considering himself to have the right to do so. However, Cllr Lawson showed little regard to following a formal procedure where such allegations could be objectively determined, and equally was unwilling to follow informal procedures such as meeting with and speaking with the former Mayor about the very serious accusations he was making. This shows a total lack of accountability for the very serious accusations Cllr Lawson was happy to broadcast as if they were concluded facts.

## **5. Decision**

The Panel found that as a result of the 'Conclusions and Reasons' set out at paragraph 4 above, Cllr Lawson breached the identified parts of the Downham Market Town Council Code of Conduct.

The Hearing Panel observed that the style of conduct adopted by Cllr Lawson was the type of behaviour that will discourage others from standing for public office, and thereby undermines local democracy as a whole. The type of woeful behaviour evidenced in these complaints has no place in local government.

Cllr Lawson's intended ends did not justify the means. The Code of Conduct applies at all times, even where we disagree with those we work with. The Hearing Panel were most concerned with Cllr Lawson's belief he was engaged in 'warfare' with those he was supposed to work alongside. The Hearing Panel wholly disagrees with this view and considers that local government should be a place where, even when Councillors are in different groups and have differing views, all Councillors ultimately work together for the public interest and in compliance with the minimum standards expected.

## **6. Sanctions**

1. The Hearing Panel heard representations from the Investigator and noted the representations made on behalf of Cllr Lawson. The Hearing Panel observed that the evidence before it showed that Cllr Lawson's acumen had been used in a destructive way and the Hearing Panel hoped for the future that his behaviour is used for constructive means rather than destructive.
2. The Standards Committee at the Borough Council of King's Lynn and West Norfolk exists to maintain high standards of conduct amongst elected members in line with the Code of Conduct and the expectations that the public have of elected members.
3. In respect of Town and Parish Councils, the Hearing Panel can only make recommendations to the Town or Parish Council on action to be taken in respect of their Member. Town/Parish Councils will be under no obligation to accept any such recommendation. It is however expected by the Hearing Panel that due regard will be paid by DMTC to the outcome of the hearing and the recommendations.

4. The following sanctions are recommended to DMTC by this Standards Committee Hearing Panel in respect of Cllr Lawson's breaches of the Code of Conduct:
  - a. Removal of Cllr Lawson from all Committees and Sub-Committees to which he is appointed;
  - b. That a report to DMTC of this hearing outcome is made and that Cllr Lawson is censured by DMTC;
  - c. That DMTC resolves to remove Cllr Lawson as Deputy Mayor; and
  - d. That Cllr Lawson undergo ethics and standards training.
  
5. The Hearing Panel also recommend to DMTC that they amend their Code of Conduct to remove the reference that they establish a Standards Committee to hear breaches of the Code, as this is incorrect in law. This should refer to the Borough Council of King's Lynn and West Norfolk instead.
  
6. DMTC are requested to report back to the Borough Council's Standards Committee with their response to these recommendations.

Signed.  ..... Date: 11 November 2022  
(Councillor Ayres, Chair of the Standards Committee Panel Hearing)

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK****STANDARDS COMMITTEE**

**Minutes from the Meeting of the Standards Committee held on Wednesday,  
30th November, 2022 at 10.00 am in the Council Chamber, Town Hall,  
Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:** Councillor B Ayres (Chair)  
Councillors Mrs J Collingham, S Collop, G Hipperson, C Manning (Vice-Chair),  
S Nash and T Parish

**Officers:**

Alexa Baker, Monitoring Officer  
Wendy Vincent, Democratic Services Officer

**1 APOLOGIES**

There were no apologies for absence.

**2 MINUTES FROM THE PREVIOUS MEETING**

[Click here to view a recording of this item on You Tube](#)

The minutes of the meeting held on 27 October were agreed as a correct record and signed by the Chair.

**3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4 URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business.

**5 MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

There were no Members present under Standing Order 34.

**6 CHAIR'S CORRESPONDENCE**

There was no Chair's correspondence.

**7 REPORT FROM THE MONITORING OFFICER ON THE LOCAL GOVERNMENT ASSOCIATION'S MODEL CODE OF CONDUCT AND**

## **CONNECTED GUIDANCE**

[Click here to view a recording of this item on You Tube](#)

The Monitoring Officer explained that following the previous meeting when the Committee had considered the LGS Mode of Conduct and Members had provided feedback and input to areas of the Council's previous code which should remain in the new code and the Committee's attention was drawn to the proposed amendments to the LGA Code which would fit better for the Council's local purposes. The Monitoring Officer had prepared a further draft for Members to consider.

The Committee's attention was drawn to the supplement published entitled proposed additions to code of conduct document, a table which set out every single proposed change to the LGA Model Code and since a request to the LGA a word document of the Model Code of Conduct had been received and the proposed changes had been incorporated into the tracked document (highlighted in red) and a clean copy of the document had also been published.

The Monitoring Officer presented a revised flow chart which set out the process for declaration of interests.

The Monitoring Officer presented the proposed amendments to the Model Code highlighted in red on the tracked changes document.

The proposed changes/comments put forward by Members of the Committee set out below were agreed:

- Bullying, Harassment and Discrimination – add “behaviour likely to cause offence, etc.”
- Monitoring Officer to research if there was an available definition for the public interest test.
- 9.2 Interests – remove and/or the Council's interest, remove reference to impartial.
- 12 – Disclosure of other interests – remove and/or the Council's interest.

Councillor Nash requested that it be recorded in the minutes that he asked for a definition on the public interest test for the purpose of the Model Code of Conduct.

The Monitoring Officer explained that the complaints handling guidance/sanctions would be reviewed and presented to the Standards Committee at a future meeting.

The Committee was advised that the LGA had a training induction pack would be rolled out to all Borough and Parish/Town Councils.

The Monitoring Officer advised that a further meeting would be required towards the end of January in order that the recommendations could be considered by Cabinet on 7 February and to Full Council on 23 February 2023 for adoption.

**RESOLVED:** 1) The declarations of interest flow chart be published with all Council agendas with immediate effect.

2) Behaviours/Bullying, etc. – add work behaviour likely to cause offence to make clear the objective test.

3) The Monitoring Officer to research if there was an available definition for the public interest test.

4) Amendments set out above be incorporated into the Model Code of Conduct document.

8 **DATE OF NEXT MEETING**

Mid-end January 2023, date to be confirmed.

**The meeting closed at 10.55 am**

**STANDARDS COMMITTEE REPORT**

REPORT TO:	Standards Committee		
DATE:	25 January 2023		
MEETING DATE	3 February 2023		
TITLE:	Updated Code of Conduct and Guidance on Complaint Handling		
REPORT AUTHOR:	Monitoring Officer		
OPEN/EXEMPT		WILL BE SUBJECT TO A FUTURE CABINET REPORT:	Yes

**REPORT SUMMARY**

<b>PURPOSE OF REPORT/SUMMARY:</b>
To place before Members the revised draft Code of Conduct and draft Guidance on Complaint Handling pursuant to the Committee's requests at its previous meeting.
<b>KEY ISSUES:</b>
Updated Code of Conduct – this contains tracked changes in relation to a few identified areas discussed at the last meeting.  Revised Guidance on Complaint Handling – this is a re-draft of the Council's current guidance and is based on the Local Government Association's guidance.
<b>RECOMMENDATIONS:</b>
To recommend that Full Council adopts the attached Member Code of Conduct (with tracked changes accepted).  To adopt the attached Guidance on Complaint Handling.
<b>REASONS FOR RECOMMENDATIONS:</b>
To fulfil the Standard Committee's terms of reference.



# **THE BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK'S COUNCILLOR CODE OF CONDUCT**



## Definitions

For the purposes of this Code of Conduct, a “*Councillor*” means a member or co-opted member of a local authority or a directly elected mayor. A “*co-opted member*” is defined in the Localism Act 2011 Section 27(4) as “*a person who is not a member of the authority but who*

- a) is a member of any committee or sub-committee of the authority, or;*
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;*

*and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.*

For the purposes of this Code of Conduct, “*local authority*” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

**Council Body** means, as the context dictates: Full Council, Cabinet, all Panels/Committees/Boards contained in the Council’s Constitution including all sub-committees, task groups and informal working groups.

**Council Company/Companies** means any company registered with Companies House in which the Council is a shareholder (company limited by shares) or owner (company limited by guarantee)

**Disclosable Pecuniary Interest** means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

**Partner** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

## Glossary

The following terms in this Code shall be interpreted as follows:

**Must:** Mandatory on all occasions

**Require:** Mandatory on all occasions

**Should:** Mandatory unless an objectively justified reason not to

## Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

## **General principles of Councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. As a Councillor, you are required to uphold and comply with the Nolan Principles, which are set out in full at Appendix A. Failure to do so may be treated as a breach of this Code of Conduct.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are

encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **Standards of Councillor conduct**

This section sets out your obligations which, in addition to compliance with the Nolan Principles, are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

The Local Government Association has published full guidance in relation to their Model Code of Conduct, which this Code closely reflects. It is recommended that you review and consider this guidance. This guidance will be used as an interpretation tool in the consideration of any complaint that the Code of Conduct has been breached.

The full guidance can be accessed at the following:

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

## **General Conduct**

### **1. Respect**

**As a Councillor:**

**1.1 I treat other Councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Councillor-officer protocol.

### **2. Bullying, harassment and discrimination**

**As a Councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

### **2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

This will be assessed on an objective basis, i.e. would a fair-minded and informed observer conclude that the conduct complained of was likely to amount to bullying, harassment, etc.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. Impartiality of officers of the council**

**As a Councillor:**

### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

## **4. Confidentiality and access to information**

**As a Councillor:**

### **4.1 I do not disclose information given to me in confidence by anyone unless:**

- a. I have received the consent of a person authorised to give it;**
- b. I am required by law to do so;**
- c. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**

**d. the disclosure is:**

- i. reasonable and in the public interest; and**
- ii. made in good faith and in compliance with the reasonable requirements of the local authority; and**
- iii. I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**As a Councillor:**

**5.1 I do not bring my role or local authority into disrepute by behaviour which is considered dishonest, deceitful or physically harmful to another person.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a Councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

**As a Councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

## **9. Interests**

**As a Councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

**9.2 I will not act in my capacity as a Councillor when I have a conflict of interest or where a fair-minded and informed observer would conclude that I am biased towards an interest to such extent that it would impair my ability to make a decision in the public interest ~~and/or the Council's interest.~~**

The legislation and this Code set out requirements on declaring interests in advance on your published Register of Interests, which are confined to financial interests. These advanced published declared interests are, however, not the only interests that may arise when acting as a Councillor and which you will need to be alive to and take appropriate mitigating action on when they arise. For example, your best friend may have a 'premises licence' application going before a Licensing Committee on which you have been asked to sit, you have a very strong personal grievance with an applicant on a Planning Committee agenda, or you may be appointed to the Board of an outside body by the Council and a situation arises where your interests as a Councillor and your interests as a Board Member are competing.

Not every interest automatically generates a conflict of interest. In determining whether there is a conflict of interest and what action should be taken, you should refer to the 'Interest Flowchart' at Appendix C.

Public interest in this context means that the decision is taken to serve the benefit of the general public as opposed to primarily serving any personal or private interest.

## **10. Gifts and hospitality**

**As a Councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **11. Other Expected Behaviours**

- 11.1 Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.**
- 11.2 Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.**



## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Extended Registerable Interests)**.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a Disclosable Pecuniary Interest on a matter to be considered or is being considered by you as a member of any Council Body in exercise of your role on that Council Body, you must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### Disclosure of Extended Registerable Interests

6. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Extended Registerable Interests (as set out in Table 2), you must disclose the interest. You must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation by the Standards Committee. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

### Disclosure of Other Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Extended Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a fair-minded and informed observer would conclude that you are biased towards an interest to such extent that it would impair your ability to make a decision in the public interest and/or the Council's interest.

You must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where a matter arises at a meeting of a Council Body which relates to a Council Company of which you are a director or relates to an outside body to which you are appointed by the Council, you must declare your interest. You must assess and make clear in the discussions which capacity you are speaking in at the meeting, either as a Councillor or director/member of outside body. You may take part in the discussions as a member of the relevant Council Body or under your Member rights to speak, unless there is a conflict between any competing interests of the Council and the Council Company/outside body, or a fair-minded and informed observer would conclude that there was, in which case you must not take part in any discussion in your capacity as a Councillor and the Chair of the Council Body can determine if they wish you to remain in the room. You must not vote even where you remain and take part in the discussions.
11. If any other interest arises which makes you feel conflicted to act, such that you do not consider you could approach your duties in a fair, **impartial**, objective or open manner, then you have a conflict of interest and should not act or take any further steps in the matter apart from arranging for someone else to deal with it. If you are at a meeting you should declare your interest and not participate in the discussions or vote.
12. If any other interest that arises which you consider a fair-minded and informed observer would conclude that you are biased towards an interest to such extent that it would impair your ability to make a decision in the public interest ~~and/or the Council's interest~~, then you should not act or take any further steps in the matter apart from arranging for someone else to deal with it. If you are at a meeting you should declare your interest and not participate in the discussions or vote.
13. Where you have an Extended Pecuniary Interest or an applicable Other Interest on a matter to be considered or is being considered by you as a member of any Council Body in exercise of your role on that Council Body, you must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the
	Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

<b>Corporate tenancies</b>	Any tenancy where (to the Councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

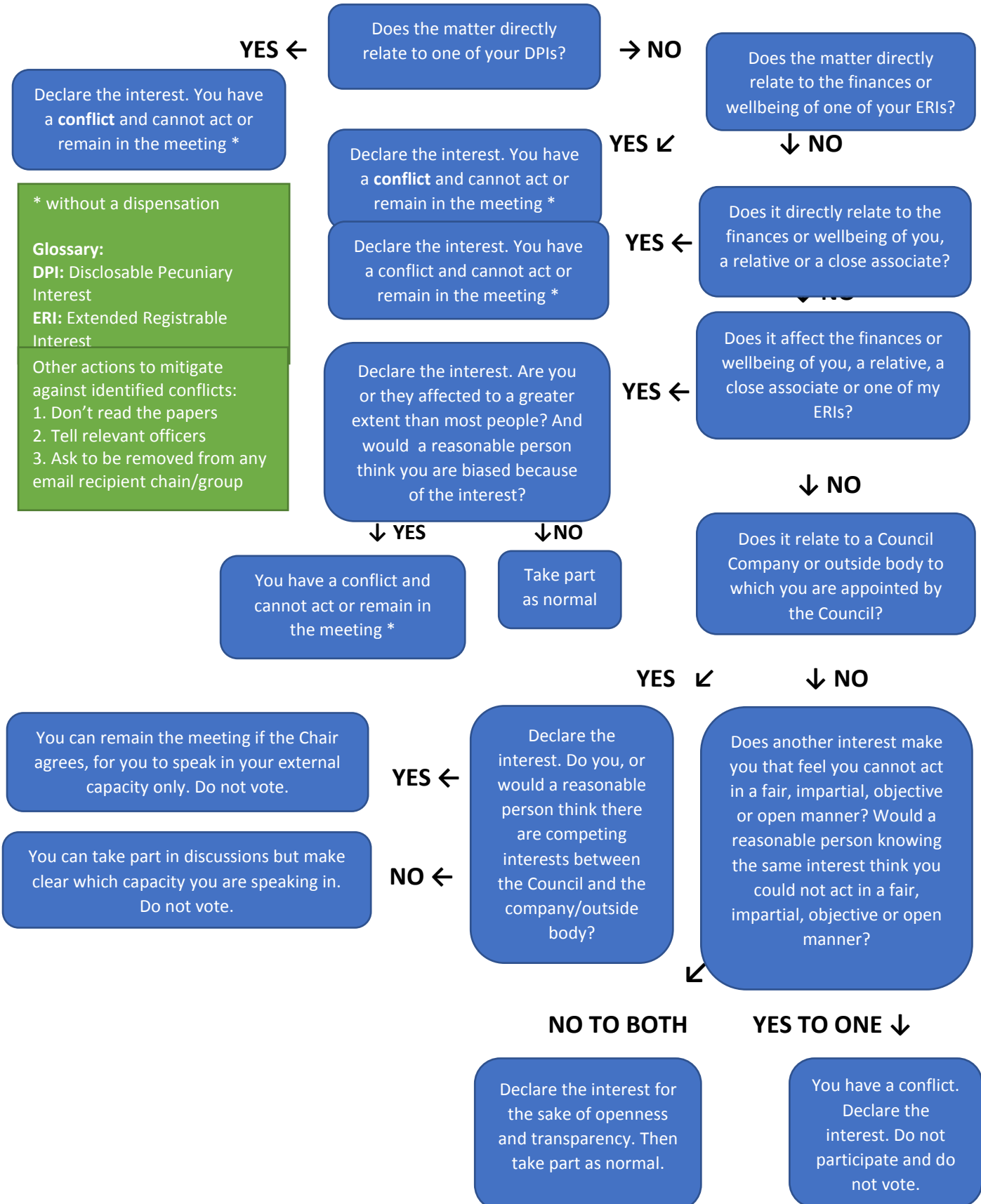
<p>You must register as an Extended Registerable Interest:</p> <ul style="list-style-type: none"> <li>a) any unpaid directorships (excluding the Council's Companies)</li> <li>b) any body <ul style="list-style-type: none"> <li>(i) exercising functions of a public nature</li> <li>(ii) directed to charitable purposes or</li> <li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management</li> </ul> </li> </ul>
--

**Appendix C – Interests Flowchart**

# DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



## START



Borough Council of  
**King's Lynn &  
West Norfolk**



## **Guidance on Member Code of Conduct Complaints Handling**

### **1. Introduction**

Under Section 28 of the Localism Act 2011, local authorities (other than parish and town councils) must have in place 'arrangements' under which allegations that an elected or co-opted councillor of the authority or of a town or parish council within the principal authority's area has failed to comply with the authority's Code of Conduct can be considered and decisions made on such allegations. This guidance sets out the Borough Council's 'arrangements'.

This guidance is directed towards those who are considering making a Code of Conduct complaint, but is equally intended to be used by subject members for their reference.

#### **1.1 Explanation of Roles:**

**Complainant:** if you make a Code of Conduct complaint, you will be the complainant.

**Independent Persons (IPs):** are people who are neither councillors nor officers of the authority but are appointed under Section 28 of the Localism Act 2011 to work with the authority to support them with Code of Conduct complaints and standards issues. Under the Localism Act their views must be sought and taken into account on any matter under investigation, the subject member may seek their views at any stage and the authority may also seek their views at any other stage of the process.

**Monitoring Officer:** is the officer employed by the Borough Council who has the responsibility for contributing to the promotion and maintenance of high standards of conduct by Councillors and has overall responsibility for the operation of the Code of Conduct regime

**Subject member:** is a reference to the councillor who is the subject of the allegation

**Parish Council:** means any parish or town council in the Borough of King's Lynn and West Norfolk

#### **1.2 Who can you complain about**

- Any Borough Councillor
- A Councillor of any Parish Council in the Borough

#### **1.3 Contact Details**



**Email:** [monitoringofficer@west-norfolk.gov.uk](mailto:monitoringofficer@west-norfolk.gov.uk)

**Address:** Monitoring Officer, Legal Services King's Court Chapel Street King's Lynn  
Norfolk PE30 1EX

**Tel:** (01553) 616200

## **2. Initial assessment of complaints**

### **2.1 Preliminary reporting to the Monitoring Officer**

If you wish to seek preliminary advice about your complaint from the Monitoring Officer in advance of making a formal written complaint, you can contact the Monitoring Officer using the contact details in section 1.3.

The Monitoring Officer will not provide a verbal conclusion to your complaint at this preliminary stage, for the sake of impartiality and fairness, however the Monitoring Officer will be able to discuss the generalities of the requirements of the Code of Conduct and how these are assessed.

An option to consider at this preliminary stage is whether any 'Informal Resolution' (see section 3) could be explored by agreement of the parties and without the need to commence the formal written Code of Conduct complaint process set out below.

If you remain dissatisfied, you will be advised to make a written Code of Conduct complaint (the Localism Act 2011 requires that formal complaints are made in writing).

Please note that where serious allegations against a Councillor are reported using this preliminary route, the Monitoring Officer may need to share the content of the allegation with other authorities or with the Council/Councillor concerned. The source of the allegation would not be shared unless the Monitoring Officer was compelled to do so by an order or rule of law.

### **2.2 Considerations before the submission of your Code of Conduct complaint**

If you have decided to progress with a written complaint, we ask that your complaint be made using the Councillors' Code of Conduct Complaint Form. The form can be found on the Borough Council's website at [https://www.west-norfolk.gov.uk/downloads/file/89/members\\_code\\_of\\_conduct](https://www.west-norfolk.gov.uk/downloads/file/89/members_code_of_conduct)

If you do not have access to the online form, a hardcopy form may be obtained by contacting the Borough Council Legal Services team on (01553) 616200.

If a disability prevents you from making your complaint in writing you may contact the Monitoring Officer for assistance.

If you have any questions about the form, please contact the Monitoring Officer in writing.

If you do not wish to use the Code of Conduct complaint form, complaints can be accepted in writing if, at a minimum, the following information is provided:

- your name, address and any other contact details for you e.g. email address, mobile number;
- who the complaint is about and the authority or authorities that the councillor belongs to;
- details of the alleged misconduct including, where possible, dates, witness details and other supporting information; and
- whether you wish your identity to remain confidential \*see below

\* Please note that only in exceptional circumstances would a complainant be granted confidentiality and that as a matter of fairness the complainant's identity would normally be disclosed to the subject member (see section 2.4 below on confidentiality).

If you wish to remain anonymous in the complaints process, then you can still report your complaint to the Monitoring Officer, and the Monitoring Officer will consider whether exceptional circumstances exist for you to remain anonymous as part of the Code of Conduct complaint process, or whether another route is available to address your complaint, for example by the Monitoring Officer using the Borough Council's Whistleblowing Complaint process.

If you cannot write your complaint in English, we can arrange to have the complaint translated for you.

### **2.3 Submission**

Please submit your completed complaint form/written details of your complaint together any documents/evidence that supports your complaint using one of the following methods:

- Email: [monitoringofficer@west-norfolk.gov.uk](mailto:monitoringofficer@west-norfolk.gov.uk)
- Address: Monitoring Officer, Legal Services King's Court Chapel Street King's Lynn Norfolk PE30 1EX
- Deliver in person to the above address.

If there is a reason you cannot submit your complaint using one of the above methods, please contact the Monitoring Officer to explain the reason. Reasonable adjustments will be made where necessary.

### **2.4 Anonymity & Confidentially**

As set out above, that only in exceptional circumstances would a complainant be granted confidentiality and that as a matter of fairness the complainant's identity would normally be disclosed to the subject member.

In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe that they have a right to be provided with a full copy of the complaint. We are unlikely therefore to withhold your identity or the details of your complaint unless the Monitoring Officer is of the opinion that it is in the public interest to do so. For example, where the disclosure of your personal details may result in the evidence being compromised or destroyed by the subject Member or if there is a real possibility of intimidation of the complainant or witnesses by the subject Member.

There may be exceptional compelling reasons why an anonymous complaint could be accepted without detriment to the process and where the allegation can be evidenced without reference to the complainant. For example, if an anonymous complainant submitted a video showing the councillor acting inappropriately, it may be considered that the public interest in investigating the allegation outweighed the issue of anonymity.

Please note that anonymity and confidentiality are different concepts. Anonymity means the complainant is not known whereas confidentiality means that the complainant is known to the authority but their identity has been withheld for a specific reason.

Complaints which identify criminal conduct or a breach of other regulations by any person may be referred to the police or any other relevant regulatory agency for consideration. In such cases the authority should consider pausing the assessment of the complaint pending action by the other body.

## **2.5 Data Protection**

The impact of the Data Protection Act 2018 and UK General Data Protection Regulation (GDPR) will be considered to ensure that any personal data is processed fairly and lawfully at every stage of the process. Reasonable expectations of privacy need to be balanced against the public interest.

## **2.6 Acknowledging receipt of a complaint**

When your complaint is received by, you will receive an acknowledgment along with a copy of this Guidance and a date by which the next step is to be taken.

We will also notify the subject member that a complaint has been received, provide a copy of the complaint to them and invite their comments on it within an identified timescale.

## **2.7 Pre-assessment enquiries and reports**

When we notify the subject member that a complaint has been made about them, and seek any relevant comments, the subject member will usually be given 10 working days in which to submit their comments. This can be extended or shortened where the circumstances support this, in the view of the Monitoring Officer. The subject member will have the right to seek the views of the Independent Person at this stage.

Where a complaint is received about a Parish Councillor, we will also notify the clerk of that Parish Council and may ask for relevant factual information which would help in the assessment of the complaint, subject to the notification of the complaint to the clerk being prejudicial to the consideration of the complaint.

We may contact complainants for clarification of their complaint if either we or the subject member are unable to understand the substance of the complaint made or there are significant facts missing.

We may also carry out preliminary enquiries, for example making checks with Companies House or reviewing the minutes of a meeting(s).

## **2.8 Assessment**

The assessment of a complaint is normally a two-step process, described as the 'can/should' stages – the first stage being 'can we deal with this complaint?' and the second being 'should we deal with this complaint?'

### **2.8.1 First-step criteria**

The first step is a jurisdictional test and would assess whether the complaint is:

- against one or more named councillors of the authority or of a parish or town that the council is responsible for;
- the named councillor was in office at the time of the alleged conduct;
- the complaint relates to matters where the subject member was acting as a councillor or representative of the authority and it is not a private matter (i.e. the subject member was acting in their official capacity);
- the complaint, if proven, could be a breach of the Code under which the subject member was operating.

In relation to the final bullet point above, the Monitoring Officer will not only consider any parts of the Code of Conduct identified by you, but will consider the whole of the relevant Code of Conduct to ascertain which parts the Monitoring Officer believes are engaged.

If the complaint fails one or more of the tests above, it cannot be investigated as a breach of the Code, and you will be informed that no further action will be taken in respect of the complaint. If there is any doubt, however, the allegation should proceed to the second stage. For example, if it is unclear whether the councillor was acting 'in capacity' or not then the second stage of assessment criteria should be used.

### **2.8.2 Second-step criteria**

We will then assess your complaints against the following criteria by the Monitoring Officer:

- a) Does the complaint contain sufficient evidence to demonstrate a potential breach of the Code, even where further information is sought from the complainant?
- b) Is the matter serious enough and sufficiently in the public interest to warrant the public resource and expense of an investigation?
- c) Are there alternative, more appropriate, remedies that should be explored first?
- d) Does the complaint, in the view of the Monitoring Officer, appear malicious, politically motivated, or 'tit for tat'?
- e) Whether, even if proven, the complaint would not be serious enough to warrant any sanction (see section 5.1 on sanctions);
- f) Whether a substantially similar complaint has previously been considered and no new material evidence has been submitted within the current administration;
- g) Whether a substantially similar complaint has been submitted and accepted;
- h) Does the complaint relate to conduct in the distant past? This would include consideration of any reason why there had been a delay in making the complaint;
- i) Has the behaviour that is the subject of the complaint already dealt with? For example, through an apology at the relevant meeting;
- j) Does the complaint actually relate to dissatisfaction with a local authority decision rather than the specific conduct of an individual?
- k) Is it about someone who is no longer a councillor or who is seriously ill, thus impeding their ability to engage in the complaint process?

- l) Had the subject member acted on the advice of an officer or the Independent Person in relation to the conduct complained of?
- m) Did the conduct arise from lack of experience or training?
- n) is the subject matter of the complaint being dealt with through any other complaints, legal or regulatory process.

The above criteria is intended to be indicative rather than prescriptive, and the underlying public interest will always be considered when deciding on whether to take action on a complaint.

## **2.9 Decision**

### **2.9.1 Initial assessment decisions**

The Monitoring Officer will aim to complete their initial assessment of your complaint within 20 working days of receiving the complaint, subject to any extension of time provided to a subject member to provide their comments and any further clarifications sought from you.

Where the subject member has not commented and they have not provided a reasonable excuse for the delay, attempts will be made to ascertain that the subject member has received the correspondence. If after reasonable checks have been made and a response is still not received in a reasonable time, then the initial assessment will be undertaken, accounting for the lack of response and engagement of the subject member.

The Independent Person will be invited to give their views as part of the initial assessment, to be confirmed in writing.

One of the three following decisions will be reached on an allegation:

- no further action should be taken on the allegation;
- the matter should be dealt with through a process of informal resolution in the first instance (see section on informal resolution) or;
- the matter should be referred for a formal investigation (see section on investigations).

### **2.9.2 Decision to take no action**

We may decide that no further action is required in respect of your complaint.

There is no right of internal appeal against a decision not to take any further action, but you are recommended to seek independent legal advice on judicial review if you wish to challenge the decision.

### **2.9.3 Referral for informal resolution**

Please refer to the separate guidance below on informal resolution at section 3.

### **2.9.4 Referral for investigation**

Please refer to the separate guidance below on investigations at section 4.

### **2.9.5 Notification of assessment decisions**

In all cases, an initial assessment decision notice will be issued to you and the subject member.

If the subject member is a parish or town councillor and the authority has decided to take some action with regard to the complaint, a copy of the initial assessment decision notice will also be sent to the clerk with your name redacted out.

There is no legislative requirement for an initial assessment decision notice to be published. Nevertheless, please note that an initial assessment decision notice can be requested under the Freedom of Information Act 2000. Such request will be considered on its merits on a case by case basis.

### **3. Informal resolution**

We may decide that some form of 'informal resolution' is needed at a local level. We may also decide that informal resolution may be more appropriate than referring a matter to a hearing following completion of an investigation.

You may also request informal resolution at any stage. Any such request will be considered by the Monitoring Officer, in consultation with the Independent Person where deemed necessary.

#### **3.1 Why seek an informal resolution?**

An informal resolution can be a more proportionate way of dealing with relatively minor allegations, one-off incidents or underlying disagreements between individuals. It should be borne in mind however that dealing with a matter by informal resolution at the initial assessment stage is making no finding of fact (unless the subject member accepts the facts).

#### **3.2 Who can be the subject of informal resolution?**

Informal resolution could either be directed at the councillor who is the subject of the complaint, both the subject member and the complainant, or at the authority more generally.

If the subject member refuses to comply with the informal resolution, this may mean that the complaint is referred for investigation.

#### **3.3 Examples of informal resolution**

- An apology;
- Training by the subject member;
- Policy/protocol change or adoption by the Council;
- Provision of advice from the Monitoring Officer to the Subject Member; or
- Mediation.

## **4. Investigations**

### **4.1 Principles of investigation**

While an investigation under the Localism Act 2011 is not covered by the right to a fair hearing under Article 6 of the European Convention on Human Rights as the outcome of any hearing will not impact upon the rights of the councillor to carry on the role as a

councillor, any investigation must nevertheless abide by the principles of natural justice<sup>1</sup>. That means that the councillor must know what they are accused of and be given the opportunity to comment on the allegations.

Any investigation should therefore bear in mind some key principles:

- **Proportionality.** That is, the investigation should strive to be proportionate to the seriousness or complexity of the matter under investigation. Where a matter is straightforward or relatively simple, for example where the facts are not in dispute, there may be no need for any formal investigation, but a report can simply be produced. Equally not all of the steps in this guidance need be followed in every instance of a formal investigation – a judgment must be made in each case based on its complexity and contentiousness.
- **Fairness.** The investigation should make sure that the subject member knows what they are accused of and has an opportunity to make comments on the investigation, including on a draft report. Again, this may depend on the nature of the complaint – for example, an alleged failure to declare an interest may be largely a factual matter which needs little or no investigation rather than one that needs to involve evidence from other parties.
- **Transparency.** As far as is practical and having regard to an individual's right to confidentiality, investigations should be carried out as transparently as possible – all parties should be kept up to date with progress in the case.
- **Impartiality.** An investigator should not approach an investigation with pre-conceived ideas and should not be involved where they have a conflict of interest.

## **4.2 Conduct of the investigation**

The Monitoring Officer will decide who conducts the investigation. The appointed investigator will be required to comply with the guidance on conducting investigations issued by the Local Government Association available at the following link:

<https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>

You will be informed who is carrying out the investigation and of the timescales for completing the investigation. You will also have an opportunity to provide the investigator with any further information or documents that you consider relevant. You and/or other relevant witnesses may be asked for interview.

## **4.3 Disclosure and confidentiality of information**

We will treat any information we receive during the course of an investigation as confidential to the investigative process until the investigation is completed unless there is a statutory requirement to disclose it. Similarly, you should note the confidential nature of the proceedings.

## **4.4 Starting an investigation**

---

<sup>1</sup> R (Greenslade) v Devon County Council 2019

The investigator will establish the scope of the investigation and inform you and the subject member. If, for any reason, there is a change in the scope of the investigation, you will be notified of this.

The subject member will have the right to seek the views of the Independent Person at this stage and be represented at any interviews with the investigator.

#### **4.5 Deferring an investigation**

An investigation will be deferred when any of the following conditions are met:

- There are ongoing criminal proceedings or a police investigation into the councillor's conduct;
- We cannot proceed with your investigation without investigating similar alleged conduct or needing to come to conclusions of fact about events which are also the subject of some other investigation or court proceeding;
- The investigation might prejudice another investigation or court proceeding.

An investigation may also need to be deferred:

- when there is an ongoing investigation by another regulatory body;
- because of the serious illness of a key party;
- due to the genuine unavailability of a key party.

You will be notified in the event of a need to defer the investigation.

#### **4.5 Confidentiality**

We treat the information that we gather during the investigation as confidential, for fairness of the process. Maintaining confidentiality reduces the risk of evidence being viewed as biased and preserves the integrity of the investigation.

We will ask the people we interview, and anyone else aware of the investigation, to maintain confidentiality.

Please note that if you decide to publish details around the complaint before its determination, you could be exposed to an action for defamation. This would be brought by the subject member in a private capacity and is a matter over which we have no control.

When the complaint has been received by the authority, the authority is then a data controller in respect of the personal data contained within the complaint and also a body subject to the Freedom of Information Act 2000.

#### **4.6 Draft and final reports**

The report must make one of the following findings on the balance of probabilities:

- that there have been one or more failures to comply with the Code of Conduct; or
- that there has not been a failure to comply with the Code.

The investigator will produce a draft report to be shared with the parties for comment.

The Independent Person's views will be obtained and included within the final report.



Where criticism is made of a third party (for example a witness) who will not otherwise have an opportunity to comment on a draft report then a Maxwellisation process<sup>2</sup> should be followed before a draft report is completed.

The final report will be provided to the Monitoring Officer and Independent Person. The Monitoring Officer will issue the final report to you and the subject member with details of the next steps (see below).

#### **4.7 Completion of an investigation**

On completion of an investigation, the Monitoring Officer may decide:

- to take no further action;
- to seek to resolve the matter via informal resolution (see section 3); or
- to refer the matter to a Standards Committee hearing for determination.

In doing so the Monitoring Officer must consult with the relevant Independent Person.

There is no right of internal appeal against a decision not to take any further action, but you are recommended to seek independent legal advice on judicial review if you wish to challenge the decision.

### **5. The Hearing**

As a complainant, you do not have the automatic right to attend the hearing. The investigation will be presented to the Standards Committee Panel by the investigator. If you are witness that the investigator wishes to call, you will be notified of this and provided with the relevant details for your attendance at the hearing.

Hearings may be held in public or private session. If the hearing is held in open session, you will be entitled to attend the hearing as a member of the public, subject to any requirements of the investigator to ensure a fair hearing (for example the investigator may not want you to hear the evidence of other witnesses before you give your evidence). If the hearing is held in private session, you will not be able to attend.

The Hearing Panel will be made up of elected Members appointed to the Council's Standards Committee.

At the end of the hearing, the Hearing Panel will determine whether there has been a breach of the Code of Conduct or not.

#### **5.1 Sanctions**

If the Hearing Panel finds that there has been a breach of the Code of Conduct then it will consider whether any sanctions should be applied or recommended onwards to the body/person that can determine whether to apply them or not.

Available sanctions include one or a combination of the following:

- report the findings in respect of the subject member's conduct to Full Council (or the relevant parish council);

---

<sup>2</sup> Maxwellisation is the process by which people who may be subject to criticism in public reports can comment on those proposed criticisms before the report is published.

- issue (or recommend to the parish council to issue) a formal censure at Full Council;
- request the subject member provide a written apology to any identified person and provide a copy of that apology to the Monitoring Officer;
- recommend to the subject member's group leader (or in the case of un-grouped councillors, recommend to any group leader that has provided that councillor with one of that group's seats) that the subject member be removed from identified committees or sub-committees of the authority (or recommend such action to the parish council). Any such identified committee/sub-committee will be its own separate recommended sanction;
- recommend to the Leader that the subject member be removed from any executive position of the Cabinet or any outside body appointed by Cabinet;
- require (or recommend that the parish council requires) the subject member to undergo identified training, to be arranged by the Monitoring Officer or the parish clerk, as required;
- recommend to Full Council (or recommend to the parish council) that the subject member be removed from a specified number or all outside appointments to which they have been appointed or nominated by Full Council (or by the parish council);
- recommend to Full Council (or recommend to the parish council) that it withdraws facilities provided to the subject member by the authority for a specified period, such as a computer, ipad, etc;
- recommend to Full Council (or recommend that the parish council) that it excludes the subject member from the authority's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending council, committee and sub-committee meetings and/or restricts contact with officers to named officers only;
- if relevant, recommend to Full Council that they resolve to invite the subject member to resign any civic role to which they are appointed by Full Council (or recommend that the parish council do so);
- if relevant, recommend to Full Council that they resolve to invite the subject member to resign any Chair or Vice-Chair appointment to any body which they are appointed to by Full Council (or recommend that the parish council do so); and
- if relevant, recommend to Full Council that the subject member be removed from their role as Leader.

Where the subject member is a parish or town councillor, the matter is referred back to their council to confirm that a breach of the Code has been found and with a recommended sanction. The town or parish council should then meet to consider whether to impose that sanction. The parish council cannot overturn the finding that there has been a breach of the Code or impose a different sanction to that recommended by the hearing panel.

The parish or town council will be asked to report back to the Monitoring Officer within three months to confirm that they have met to discuss the sanction, and if necessary, to write again once the sanction has been fulfilled. Please note parish or town Councils will be under no obligation to impose the sanctions recommended to them.

Sanctions involving restricting access to an authority's premises or equipment or contact with officers should not unnecessarily restrict the subject member's ability to carry out their responsibilities as an elected representative or co-opted member.

## **5.2 Publicising the findings**

A decision notice will be published on the Council's website within 7 working days of the hearing.

## **5.3 Appeals**

There is no internal right of appeal against a decision on a Code of Conduct complaint however we recommend that you seek independent legal advice should you not be happy with the outcome of a hearing.

**STANDARDS COMMITTEE REPORT**

REPORT TO:	Standards Committee		
DATE:	25 January 2023		
MEETING DATE	3 February 2023		
TITLE:	Standards Committee Decision Notices 2022		
REPORT AUTHOR:	Monitoring Officer		
OPEN/EXEMPT		WILL BE SUBJECT TO A FUTURE CABINET REPORT:	No

**REPORT SUMMARY**

<b>PURPOSE OF REPORT/SUMMARY:</b>
To place before Members the Decision Notices made following two Standards Committee hearings in 2022.
<b>KEY ISSUES:</b>
The Standards Committee's terms of reference include the promotion and maintenance of high standards of conduct by Councillors and co-opted members and monitoring the implementation and operation of the Council's codes of conduct for Councillors.
<b>RECOMMENDATIONS:</b>
The Standards Committee is recommended to consider and note the attached Decision Notices.
<b>REASONS FOR RECOMMENDATIONS:</b>
To fulfil the Standard Committee's terms of reference.

Borough Council of  
**King's Lynn &  
West Norfolk**



**Borough Council of King's Lynn and West Norfolk**

**Standards Committee Hearing Panel**

**Date: 1 February 2022**

**Borough Councillor Michael Howland**

**DECISION NOTICE**

Standards Committee Members	Borough Councillor L Bambridge Borough Councillor J Collingham Borough Councillor S Collop
Council Officers	Kathy Wagg, Democratic Services Officer
Independent Person	Amanda Orchard
Investigator	Noel Doran
Complainant	Councillor Shimit Patel
Subject Member's Representative	Councillor C Joyce
Witness	Councillor T Parish
Monitoring Officer	Alexa Baker
Date of Investigator's Report	10 January 2022

## Decision Notice

**Standards Committee Hearing**  
**Borough Council of King's Lynn and West Norfolk**  
**Date: 1 February 2022**

### **1. Summary of the Complaint:**

It is alleged that Borough Councillor Michael Howland referred to the Complainant as "shitface" on several occasions in a text sent to another Councillor.

The Complainant has interpreted this to be a racially motivated term.

Additionally, the Investigator raised within his report that Cllr Howland had failed to engage appropriately with the investigation process.

### **2. Relevant sections of the Code of Conduct**

*As a member or co-opted member of the Borough Council of King's Lynn and West Norfolk I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all. In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.*

...

*OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.*

...

*ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*

*As a Member of the Borough Council of King's Lynn and West Norfolk my conduct will in particular address the statutory principles of the Code by:*

...

- *Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.*

...

- *Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.*

- *Always treating people with respect, including the organisations and public I engage with and those I work alongside.*

### **3. Summary of evidence considered and representations made**

The Investigation Report concluded the following:

- a. That Cllr Howland sent a text about Council matters involving the Complainant to a fellow Councillor;
- b. The term "shitface" was used in reference to the Complainant within that text message, which was disrespectful language;
- c. Cllr Howland failure to engage with the investigation properly, or at all;

- d. Cllr Howland DID breach the Code of Conduct;
- e. There was insufficient evidence to come to any finding on the intention of the Councillor in using the term “shitface” in reference to the Complainant.

Cllr Joyce made representations that Cllr Howland was not acting in his official capacity as a Councillor when he sent the text message.

Cllr Joyce also made representations and heard from the witness Cllr Parish that the term “shitface” did not have racial connotations.

The Investigator confirmed that in total Cllr Howland had been contacted 10 times in relation to the originating complaint and Investigation, and in the Investigator’s view there had been a failure by Cllr Howland to appropriately engage with the investigation process. The Investigator drew the Panel’s attention to an email from Cllr Howland on 5 January 2022 as being the first time that Cllr Howland acknowledged sending the text message.

#### **4. Facts and Conclusions**

The Panel, after carefully considering the Investigation Report and the representations made by Cllr Joyce and the Investigator, reached the following conclusions:

- a. The Panel was in no doubt that a communication to another Borough Councillor was written and sent by Cllr Howland which had been seen and read by other Councillors in which he referred to the Complainant as “shitface” and this was intended to be a disrespectful term about the Complainant;
- b. On the question of whether the Code of Conduct was engaged, the Panel accepted the submissions of the Investigator that the text message was sent by one elected Member to another with reference to Council business and therefore Councillor Howland was acting in the capacity of a Councillor and the Code of Conduct is engaged;
- c. The Panel considers that Cllr Howland failed to engage with the Code of Conduct complaint process in a transparent and accountable way; and
- d. Whilst the Panel understands why the Complainant perceived the term used to have racial connotations, the Panel does not consider that Cllr Howland intended it to have racial connotations.

#### **5. Decision**

**The Panel found that as a result of the Facts and Conclusions set out at paragraph 4 (a)-(c) above, Cllr Howland breached the terms of the Borough Council of King’s Lynn and West Norfolk’s Members’ Code of Conduct which are set out at section 2 above.**

#### **6. Sanctions**

The Standards Committee at the Borough Council of King’s Lynn and West Norfolk exists to maintain high standards of conduct amongst elected members in line with the Code of Conduct and the expectations that the public have of elected members.

The Panel found that Councillor Howland's conduct fell short of the standards expected. The Panel recommended that:

Cllr Howland undergo training in Ethics and Standards

Signed.....  Date: 1 February 2022

(Councillor Bambridge, Chair of the Standards Committee Panel Hearing)



Borough Council of  
**King's Lynn &  
West Norfolk**



**Borough Council of King's Lynn and West Norfolk**

**Standards Committee Hearing  
(held in exempt session)**

**Date: 3 November 2022**

**Downham Market Town Councillor Doug Lawson**

**DECISION NOTICE**

Standards Committee Members	Borough Councillor B Ayres Borough Councillor J Collingham Borough Councillor S Squire
Council Officers	Wendy Vincent, Democratic Services Officer
Independent Person	Amanda Orchard
Monitoring Officer	Alexa Baker, Monitoring Officer
Investigator	Alex Oram

## Decision Notice

### **Standards Committee Hearing**

**Borough Council of King's Lynn and West Norfolk ("the Borough Council")**

**Date: 3 November 2022**

#### **1. Summary of the Complaints:**

This hearing was convened to consider three complaints against Cllr Lawson of Downham Market Town Council (DMTC). The complaints were submitted by three former Councillors of DMTC. One complaint was submitted by the former Mayor, pursuant to a resolution of DMTC on 22 September 2020 to make a collective complaint.

The three complaints centred around Cllr Lawson's comments on social media and in emails in which Cllr Lawson was accused of being insulting, offensive, intimidating, demeaning, undermining and/or bullying. This conduct was alleged to have been targeted towards fellow Councillors, officers and members of the public who did not agree with Cllr Lawson's views.

One of the central allegations was that of a targeted bullying campaign against the former DMTC Town Clerk by Cllr Lawson.

#### **2. Relevant sections of the Downham Market Town Council Code of Conduct**

The Code contains the following provisions that are relevant to these complaints:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

#### **3. Summary of evidence considered and representations made**

In addition to the papers that had been issued with the agenda, the Hearing Panel agreed to accept as late correspondence an email dated 1 November 2022 from Cllr Lawson with submissions to the Hearing Panel and a 'Personal Character Reference Statement' from a witness on behalf of Cllr Lawson.

The Hearing Panel decided not to accept as evidence before them a statement that had been received late the previous day from Cllr Lawson's representative, as it was considered that the content within it was more relevant to be raised with the police.

The Investigator presented their report and made representations addressing the following procedural and jurisdictional issues:

1. The former Mayor met the requirements of the Localism Act 2011 when submitting a Code of Conduct complaint as an individual which referenced collective complaints.
2. That when determining whether a Councillor was acting in an official capacity or not, the content of the comments made was the determining factor, and when posting or communicating about Council business, then Cllr Lawson was acting in an official capacity and was subject to the Code of Conduct. The investigator considered that Cllr Lawson was acting in an official capacity in relation to the social media posts contained in the complaints.
3. Decisions cannot be provided by the Investigator on the governance concerns Cllr Lawson raised and it was not the Investigator's role to do so – it was the way in which Cllr Lawson expressed his concerns rather than the validity of the concerns that was the subject of the investigation.
4. The Investigator cited the case of *R (Harvey) v Ledbury Town Council [2018] EWHC 1151 (Admin)* as demonstrating that DMTC did not have authority to convene their own Standards Committee to consider complaints against their own Councillors, as stated in their Code of Conduct. This was the Borough Council's responsibility under the Localism Act 2011.

The Investigator confirmed that in their view the following sections of the DMTC Code of Conduct were engaged:

- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

The Investigator drew the Hearing Panel's attention to the following parts of his report in relation to the conclusions reached:

5. The examples of conduct referred to at paragraphs 5.29 to 5.32 of the Investigation report were specifically referenced. Examples included (not an exhaustive list):
  - a. Cllr Lawson's email to DMTC Councillors, copying in two Borough Councillors and the former Town Clerk, dated 22 September 2020, in which he stated that DMTC's Bullying and Harassment policy was not engaged with regards to his conduct against the former Clerk as that policy did not explicitly provide for situations where the conduct related to alleged wrongdoing, and went on to list serious allegations and accusations against the former Clerk. An extract of the

email: *“Therefore, as none of these points in the list above is mentioned in the DMTC Bullying and Harassment Policy, then if the clerk has been implicated in any of these it cannot be bullying or harassment.”*

- b. Referring publicly on Facebook about the former clerk being on sick leave due to stress, posting *“poor little wee lamb, she’s off sick”* and referring to the absence as *‘self-inflicted’*.
- c. In an email dated 19 August 2020, Cllr Lawson suggested some of his colleagues were: *“self-serving councillors who are on the make or take, bombastic ego trippers and little dictators with delusions of power and I wish to distance myself from such disagreeable types.”*
- d. Within an email dated 19 April 2021 to multiple recipients, including all Town Councillors and to two journalists, Cllr Lawson attached a spreadsheet entitled: *‘DOWNHAM MARKET MAYORAL CANDIDATES – 2021-2022 – RUNNERS AND RIDERS’* in which Cllr Lawson said of two Councillors *‘Guilty of committing a petty criminal offence and DMTC does not want to be represented by a known crook.’*
- e. At various times in Facebooks posts, including when he referred to fellow councillors as *‘Dipstick’*, *‘the Mamba’*, *‘the beige nodding dog’* and *‘Tweedle Doo-Doo and Tweedle Dumber’*, likened the Town Council to a KKK Kangaroo Court, accused councillors of telling lies, referred to fellow councillors as *‘left leaning intellectually challenged types’* and likened them to Nazi’s.
- f. In a Facebook exchange about various Town Councillors, Cllr Lawson made the following comments to a member of the public:  
[to Ms X, a member of the public, who accused Councillor Lawson of insulting her intelligence] *“do you have any intelligence to insult?”* And after Ms X responded by accusing Councillor Lawson of resorting to abuse rather than evidence, *“[Ms X] if you had mental intelligence, you would know that operational intelligence is not something one can prove all the time, as it is often verbal from sources who do not wish to be identified in a public forum”*
- g. Making the following comment to a member of the public on Facebook (who happened to be a serving Councillor’s son):  
*“I realise that biologically you are a young male member of some community somewhere, but not from Downham Market and with no specific links to Downham Market apart from through some familial link through some feeble-minded relative. Have you ever had a job? Are you old enough to be on Facebook? Do you understand what social responsibility means? Do you understand what common decency means?”*
- h. In an email from Cllr Lawson to fellow Councillors dated 14 March 2020 in relation to LGBT awareness training proposed to be delivered by the Council, Cllr Lawson referred to the LGBT community as an *“optional lifestyle preferences grouping”* and went on to compare the LGBT community’s relevance to that of, *“morris dancers, Wee Frees, Goths, necrophiliacs, bestialists, Ipswich Town supporters, WI jam makers, ramblers, etc”*

6. The Investigator drew attention to the following paragraph of his report:

5.27 Councillor Lawson believes that his conduct is justified and that where it has offended, that offence has been deserved. To quote some of his responses as shown at Annex B: *“If a public sector employee acts knowingly and deliberately in a manner that contradicts the norms and / or agreed ways of working, the individual concerned has made himself / herself a target and deserves all the criticism that arrives.”* Indeed, Councillor Lawson expands on this, stating: *“Because the Clerk place herself as a target after acting unlawfully and unacceptably, everyone who supports such an individual becomes another target, quite legitimately. This is normal in every form of warfare.”*

7. The Investigator highlighted Cllr Lawson's use of the word '*warfare*' and expanded on this to explain that in the Investigator's view, Cllr Lawson believed that he was at war and that his intended ends justified all means to achieve success in his war and campaign against the perceived wrongdoing by the former Clerk and those Councillors he saw as being against him and/or his views.
8. The Investigator confirmed that in his view, Cllr Lawson did hold genuine concerns about the issues he had raised, yet Cllr Lawson appeared to have failed to follow any due process to properly advance these concerns such as making a grievance complaint against the former Clerk, opting instead to reach his own conclusions and to publicly convey these in emails and social media posts. Reference was made to the following paragraph of the Investigator's report:
 

"5.28 It is difficult to express quite the extent to which we disagree with Councillor Lawson. It is not the role of a Town councillor to repeatedly seek to challenge and undermine their professional officers. The Town Council has policies in place to ensure that any concerns around staff conduct and performance are dealt with professional and in a way that respects the rights of their employees. We understand that Councillor Lawson has been encouraged to pursue his grievances via this route and yet had consistently refused, instead preferring to express them in emails to all councillors or on Facebook. While we understand that Councillor Lawson's reticence is in part due to his own lack of trust in his colleagues on the Town Council to deal properly with his allegations, this does not allow him to publicly denigrate an officer within his own authority."
9. The Investigator commented that overall he found Cllr Lawson's response to any criticism is to attack, rather than reflect on his behaviour and objectively consider whether any of the criticism is justified. He was given the impression that Cllr Lawson believes the Code of Conduct has a caveat that states he is able to abuse and intimidate those who he disagrees with. The Investigator questioned what the point in having a Code of Conduct is if Members only have to abide by it towards those they already respect and agree with.
10. The Investigator considered that Cllr Lawson had brought his office into disrepute.
11. The Investigator concluded that even if, hypothetically, it was found that Cllr Lawson was correct in all the allegations of wrongdoing and all the governance issues he had raised, the Investigator would still have found a breach of the Code of Conduct due to the manner in which Cllr Lawson had gone about advancing his concerns.

The Investigator addressed the Panel on the following legal considerations:

12. Freedom of Speech – the Investigator referenced Cllr Lawson's Article 10 right to free speech and the enhanced protection of political free speech. The Investigator confirmed that this right extended to being offensive, however there are limits that can be legitimately applied under Article 10, and the right to free speech did not extend to protecting personal attacks, abuse and bullying. The Investigator confirmed that it was Cllr Lawson's conduct that extended beyond the protection afforded by the Article 10 right to free speech that amounts to a breach of the Code of Conduct.
13. The Investigator's report states there is no reason councillors should not be able to undertake a scrutiny role, represent the public and any constituents, or make a political point in a respectful, courteous, and appropriate manner without resorting to personal attacks, being offensive, abusive and / or unduly disruptive.

14. The Investigator stated that Councillors are required to adhere to their Authority's legal duty as an employer and its Public Sector Equality Duty under the Equalities Act 2010, subject to their Article 10 rights to free speech.

The Investigator confirmed they reached the following conclusions:

15. The investigation has evidenced multiple occasions where Cllr Lawson's conduct towards the former Clerk was blatantly disrespectful and undoubtedly amounted to bullying behaviour / failure to demonstrate leadership.
16. Cllr Lawson repeatedly strayed way beyond what they would consider acceptable within the 'rough and tumble' of local politics.
17. At times, Cllr Lawson's offensive comments have also been directed at members of the public, who councillors have a particular responsibility to treat with respect.
18. The Investigator was alarmed by the way in which Cllr Lawson chose to respond to the Equalities training that was offered. Town Councils, and by extension their councillors, have a duty to foster good relations between people who share a protected characteristic and those who do not. In the Investigator's view, Cllr Lawson's language and comparators were hugely offensive and perhaps demonstrated why there was such a need for him to have attended the training.
19. The Investigator considered that Facebook posts and emails gathered during the investigation evidenced multiple and serious breaches of the Town Council's Code of Conduct by Cllr Lawson which was most starkly demonstrated by Cllr Lawson's conduct towards and about the former Clerk, which represents a clear pattern of aggressive, intimidating behaviour that amounted to deliberate and persistent attempts to undermine and humiliate her.
20. The Investigator concluded Cllr Lawson's offensive and disrespectful comments are by no means limited to the former Clerk, with multiple examples of him making offensive and abusive comments to and about other councillors, former councillors and members of the public. Cllr Lawson seems to revel in failing to value his colleagues or staff, repeatedly treating them, members of the public with whom he disagrees in a disrespectful manner. While Cllr Lawson purports to be championing the interests of his community, the Investigator considered that the way in which he seeks to go about it demonstrates a complete lack of leadership and brings his office and authority into disrepute.

Cllr Lawson was not in attendance at the hearing and nor did he have a representative attend on his behalf. The Hearing Panel therefore went on to consider Cllr Lawson's defence of the complaints raised against him, which were set out in various parts of the hearing papers as follows:

21. Cllr Lawson had provided an annotated copy of the Investigation report with his comments in defence throughout, which was included in the Hearing Panel's papers.
22. Cllr Lawson had provided responses to pre-hearing questions from the Monitoring Officer in writing about whether he agreed with the Investigator's findings and conclusions, which were included in the Hearing Panel's papers.
23. Cllr Lawson's email of 1 November 2022 in which he set out various submissions to the Hearing Panel on procedure and governance was considered in detail by the Hearing Panel.

24. Cllr Lawson, in one of his responses to the Investigation report, stated as follows: *It is not possible to find a posting or any other record where I have made any personal remarks about the Clerk, as these do not exist. I have confined my remarks about the Clerk to her professional competence and her obligations as an office holder to the members and the electorate that pays the Clerk's salary. I have not called the Clerk's personal phone or contacted her at her home address and have limited my communications with the Clerk to matters pertaining to a clerk's job description. It is not possible to find a single remark concerning anything apart from in relation to the Clerk's ability to deliver against the job description of the role the Clerk accepted of her own free will. Employees in the public domain whose salaries are linked directly to the taxes collected locally are much more accountable to the public than others and therefore must work to a standard that stands up to examination at the local level.*

25. In relation to the email to fellow Councillors dated 14 March 2020 in relation to LGTB awareness training proposed, Cllr Lawson stated as follows in his responses to the Investigation report: *As the evidence shows, my efforts were focussed totally on protecting the council from adverse publicity and to prevent expenditure of taxpayer funds on minority interests. Further: I do not need more Equalities training, as I have received an ample quantity in the recent past and know the relevant rules and processes well. In my recent past Equality was a subject on which we as lime managers were tested on a regular basis and I never failed. I have run many multi-cultural, mixed race and mixed gender teams over many years in different countries, probably more than all of the rest of the members of DMTC combined.*

26. In response to the following question: *'Do you agree with the recommendations of the investigator, set out at section 6 of the Investigation Report which provisionally conclude that you breached the Code of Conduct? If not, state what you do not agree with and why (this can be in a separate document if you wish).'* Cllr Lawson responded:

*No – as the investigator failed to comply with his brief, previous case history in relation to social media, and my rights of freedom of speech and freedom of expression. Plus, there was nothing in breach on the Nolan principles in any other material that was not under the inadmissible social media content or that is not complete and utter nonsense or fabrication.*

*The investigator failed to perform his job in a consistent manner and failed to take account of any of the extenuating circumstances, meaning he did only part of the job.*

27. In response to the following question: *'If you will not be attending the hearing, are there any written submissions you would like to be taken account of, over and above the submissions you have already provided? If so please provide these.'* Cllr Lawson responded:

*I dispute the relevance and validity of this particular CoC charade on the grounds:*

- 1. That the CoC complaints are all politically motivated as an attempt to frighten me off and silence me while I was exposing all the malpractice and corruption that led finally to all the resignations*
- 2. That my rights of freedom of speech as a member of the public permit me to say almost whatever I like, providing it remains lawful and / or noting is criminal*
- 3. That for the most part the CoC complaints are works of fiction / fantasy or from exempted social media postings.*
- 4. That the end to end process from the lack of proper paperwork, the invalidated investigation process, and the failure to convene the Standards Board properly all render the CoC as a breach of proper procedures and therefore null and void.*

*As we know, many of the complainants were involved in unlawful and / or illegal activities, such as submission of false declarations or conspiring to present falsified witness statements, and I was the person who exposed much of this corruption.*

*It is not really in the interest of BCKL&WN to be seen to be trying punish the person who led the campaign to get rid of corruption, as this gives all the wrong signals to the electorate and the daily Red Top journalist who supported the campaign will be able to use it as a leader article to show how different parts of local government get things so wrong.*

28. Cllr Lawson also raised the following procedural points that had not been raised previously in his responses:

- a. The decision of Downham Market Town Council of 22 September 2022 which resolved to make a collective complaint was unlawful.
- b. That Downham Market Town Council had responsibility for its own Code of Conduct complaints and therefore the Hearing Panel had no jurisdiction to determine the three complaints made against Cllr Lawson. Cllr Lawson also raised there was no obligation on the Borough Council to follow up on Code of Conduct complaints.
- c. Some of the evidence in the bundle of papers for the hearing had not been seen by Cllr Lawson previously.

#### **4. Conclusions and Reasons**

The Panel carefully considered the hearing papers and submissions made, and reached the following conclusions:

1. In relation to the governance and procedural issues that had been raised:
  - a. The Hearing Panel found that all three complaints had been made legitimately and were valid, including the complaint submitted by the former Mayor as an individual. It is irrelevant to the determination of the complaints whether the decision of DMTC dated 22 September 2020 to make a collective complaint was unlawful or not as the complaint was ultimately made by the former Mayor in an individual capacity.
  - b. The Hearing Panel considered that when determining whether Cllr Lawson was acting in an official capacity in relation to the social media postings, it was the content of those postings that was determinative and not how Cllr Lawson identified his Facebook account. In relation to Cllr Lawson's public Facebook postings (including in groups) the Hearing Panel found that Cllr Lawson was acting in an official capacity (and therefore subject to the Code of Conduct) when he was discussing Council business and engaging with or about DMTC Councillors and officers in relation to Council business.
  - c. The Hearing Panel did not consider any prejudice had been caused to Cllr Lawson in respect of the section of the papers Cllr Lawson says he had not previously seen, because to the extent they were relied on within the Investigation report, the relevant sections of the papers are set out within the Investigation report (which Cllr Lawson had received in draft and final format) and/or Cllr Lawson was interviewed about them. The Hearing Panel therefore did not strike out any evidence before them in the hearing papers.
  - d. The Hearing Panel was not convened to determine the governance issues or allegations of wrongdoing made by Cllr Lawson. Its role was to consider



whether Cllr Lawson had met the standards expected of him when acting in an official capacity, even where he disagreed with others.

- e. It was the Borough Council that had authority to determine the complaints in accordance with the Localism Act 2011, which provides that the principal authority will appoint an Independent Person to provide views on allegations that have been investigated before making a decision.
  - f. The Independent Person was in attendance at the hearing and provided her views throughout to the Hearing Panel.
2. The Hearing Panel found that there were numerous examples of conduct that could have been relied on as falling below the required standards, but for the purposes of proportionality it relied on the following examples of conduct:
- a. Cllr Lawson's email to DMTC Councillors, copying in two Borough Councillors and the former Town Clerk, dated 22 September 2020, in which he stated that DMTC's Bullying and Harassment policy was not engaged with regards to his conduct against the former Clerk as that policy did not explicitly provide for situations where the conduct related to alleged wrongdoing, and went on to list serious allegations and accusations against the former Clerk. An extract of the email: *"Therefore, as none of these points in the list above is mentioned in the DMTC Bullying and Harassment Policy, then if the clerk has been implicated in any of these it cannot be bullying or harassment."*
  - b. Referring publicly on Facebook about the former clerk being on sick leave due to stress, posting *"poor little wee lamb, she's off sick"* and referring to the absence as *'self-inflicted'*.
  - c. In an email dated 19 August 2020, Cllr Lawson suggested some of his colleagues were: *"self-serving councillors who are on the make or take, bombastic ego trippers and little dictators with delusions of power and I wish to distance myself from such disagreeable types."*
  - d. Within an email dated 19 April 2021 to multiple recipients, including all Town Councillors and to two journalists, Cllr Lawson attached a spreadsheet entitled: 'DOWNHAM MARKET MAYORAL CANDIDATES – 2021-2022 – RUNNERS AND RIDERS' in which Cllr Lawson said of two Councillors *'Guilty of committing a petty criminal offence and DMTC does not want to be represented by a known crook.'*
  - e. At various times in Facebook posts, including when he referred to fellow councillors as *'Dipstick'*, *'the Mamba'*, *'the beige nodding dog'* and *'Tweedle Doo-Doo and Tweedle Dumber'*, likened the Town Council to a KKK Kangaroo Court, accused councillors of telling lies, referred to fellow councillors as *'left leaning intellectually challenged types'* and likened them to Nazi's.
  - f. In a Facebook exchange about various Town Councillors, Cllr Lawson made the following comments to a member of the public:  
[to Ms X, a member of the public, who accused Councillor Lawson of insulting her intelligence] *"do you have any intelligence to insult?"* And after Ms X responded by accusing Councillor Lawson of resorting to abuse rather than evidence, *"[Ms X] if you had mental intelligence, you would know that operational intelligence is not something one can prove all the time, as it is often verbal from sources who do not wish to be identified in a public forum"*
  - g. Making the following comment to a member of the public on Facebook (who happened to be a serving Councillor's son):  
*"I realise that biologically you are a young male member of some community somewhere, but not from Downham Market and with no specific links to Downham Market apart from through some familial link through some feeble-minded relative. Have you ever had a job? Are you old enough to be on*

*Facebook? Do you understand what social responsibility means? Do you understand what common decency means?"*

- h. In an email from Cllr Lawson to fellow Councillors dated 14 March 2020 in relation to LGTB awareness training proposed to be delivered by the Council, Cllr Lawson referred to the LGBT community as an “*optional lifestyle preferences grouping*” and went on to compare the LGBT community’s relevance to that of, “*morris dancers, Wee Frees, Goths, necrophiliacs, bestialists, Ipswich Town supporters, WI jam makers, ramblers, etc*”
3. The Hearing Panel found that the above examples of conduct demonstrated breaches of the following parts of DMTC’s Code of Conduct:
    - Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government
    - Always treating people with respect, including the organisations and public I engage with and those I work alongside.
    - Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority’s policies, protocols and procedures, including on the use of the Authority’s resources.
    - Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.
  4. The Hearing Panel found that additional parts of DMTC’s Code of Conduct were engaged and had also been breached. These areas were as follows:
    - Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
    - Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
    - Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
  5. The reasons the Hearing Panel found breaches of these additional parts of the Code of Conduct are:
    - a. The theme running through the evidence before the Hearing Panel is that Cllr Lawson is only interested in championing the needs of those he agrees with. Cllr Lawson marginalises, belittles and disrespects the views and needs of those who do not agree with him or he does not consider worthy enough, for example the manner in which Cllr Lawson sought to draw correlation between the LGBT community and other identified groups in his email of 14 March 2020.
    - b. The above reason is linked to Cllr Lawson’s apparent inability to listen, take account of all relevant information and remain objective. Cllr Lawson almost universally within the papers failed to reflect on his behaviour at any time and consider the views of others, for example the impact of his behaviour on the former Clerk.
    - c. Cllr Lawson is entirely misguided in his views that a Bullying and Harassment policy would not apply to him if he is raising allegations of wrongdoing against fellow Councillors or officers. The Code of Conduct and policies such as this apply at all times when a Councillor is acting in an official capacity. There are no ‘get out clauses’ or caveats.

- d. Officers of the Council are not just 'fair game' because they work for the Council. Officers should expect to be subject to a higher level of scrutiny and accountability, but this does not justify a targeted, persistent public campaign to remove them by a Councillor. Grievance procedures are in place for a reason – and they should be used where serious concerns are raised by Councillors about officers.
- e. The papers show Cllr Lawson makes his own conclusions on his own allegations and broadcasts them widely and publicly, considering himself to have the right to do so. However, Cllr Lawson showed little regard to following a formal procedure where such allegations could be objectively determined, and equally was unwilling to follow informal procedures such as meeting with and speaking with the former Mayor about the very serious accusations he was making. This shows a total lack of accountability for the very serious accusations Cllr Lawson was happy to broadcast as if they were concluded facts.

## **5. Decision**

The Panel found that as a result of the 'Conclusions and Reasons' set out at paragraph 4 above, Cllr Lawson breached the identified parts of the Downham Market Town Council Code of Conduct.

The Hearing Panel observed that the style of conduct adopted by Cllr Lawson was the type of behaviour that will discourage others from standing for public office, and thereby undermines local democracy as a whole. The type of woeful behaviour evidenced in these complaints has no place in local government.

Cllr Lawson's intended ends did not justify the means. The Code of Conduct applies at all times, even where we disagree with those we work with. The Hearing Panel were most concerned with Cllr Lawson's belief he was engaged in 'warfare' with those he was supposed to work alongside. The Hearing Panel wholly disagrees with this view and considers that local government should be a place where, even when Councillors are in different groups and have differing views, all Councillors ultimately work together for the public interest and in compliance with the minimum standards expected.

## **6. Sanctions**

1. The Hearing Panel heard representations from the Investigator and noted the representations made on behalf of Cllr Lawson. The Hearing Panel observed that the evidence before it showed that Cllr Lawson's acumen had been used in a destructive way and the Hearing Panel hoped for the future that his behaviour is used for constructive means rather than destructive.
2. The Standards Committee at the Borough Council of King's Lynn and West Norfolk exists to maintain high standards of conduct amongst elected members in line with the Code of Conduct and the expectations that the public have of elected members.
3. In respect of Town and Parish Councils, the Hearing Panel can only make recommendations to the Town or Parish Council on action to be taken in respect of their Member. Town/Parish Councils will be under no obligation to accept any such recommendation. It is however expected by the Hearing Panel that due regard will be paid by DMTC to the outcome of the hearing and the recommendations.

4. The following sanctions are recommended to DMTC by this Standards Committee Hearing Panel in respect of Cllr Lawson's breaches of the Code of Conduct:
  - a. Removal of Cllr Lawson from all Committees and Sub-Committees to which he is appointed;
  - b. That a report to DMTC of this hearing outcome is made and that Cllr Lawson is censured by DMTC;
  - c. That DMTC resolves to remove Cllr Lawson as Deputy Mayor; and
  - d. That Cllr Lawson undergo ethics and standards training.
5. The Hearing Panel also recommend to DMTC that they amend their Code of Conduct to remove the reference that they establish a Standards Committee to hear breaches of the Code, as this is incorrect in law. This should refer to the Borough Council of King's Lynn and West Norfolk instead.
6. DMTC are requested to report back to the Borough Council's Standards Committee with their response to these recommendations.

Signed.  ..... Date: 11 November 2022  
(Councillor Ayres, Chair of the Standards Committee Panel Hearing)