

## REPORT TO COUNCIL

Date of Meeting: 6 September 2018

### STANDARDS SUB COMMITTEE RECOMMENDATIONS

On 19 July 2018 the Standards subcommittee (Cllrs Ayres, Sandell, Wilkinson) considered a report from the Council's Monitoring Officer following an investigation into a complaint against Cllr Toby Wing Pentelow that he had breached the King's Lynn and West Norfolk Borough Code of Conduct.

#### Summary of the Complaint:

Borough Councillor Toby Wing Pentelow breached the Code in that he made an insulting remark to the Complainant ("What, down the docks") at a Full Council Meeting on 25 January 2018 when the Complainant asked a question in her capacity as a member of the public.

#### Relevant sections of the Code of Conduct

The Borough Council has adopted the Code.

The Code contains the following provisions that are relevant to this investigation:

*"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:*

*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."*

#### Summary of evidence considered and representations made

The Investigator found that the comment made at the meeting was insulting to the Complainant and that the Councillor DID breach the Code by failing to treat the Complainant with respect, and that by failing to apologise to the Complainant, despite being invited to do so, the Councillor has thereby aggravated the severity of the breach.

Neither Cllr Wing Pentelow nor the Complainant were present during the hearing.

#### Facts and Reasons

The Panel carefully considered the report, and the responses provided by the Investigator and reached the following conclusions;

The Panel noted that there was no dispute in relation to the key fact.

The Panel also noted Cllr Wing Pentelow's late and very brief explanation of the use of the term "down the docks" and lack of engagement in the investigative process.

The Panel considered that a reference to going or being 'down the docks' is local common parlance for referencing prostitution which has historically centred around the docks in port towns such King's Lynn and that this was a sexist comment.

The Panel did not accept Cllr Wing Pentelow's explanation that the comment was that it was a genuine question regarding whether the Complainant was suggesting that she and Councillor Lawrence sleep rough at or around the Purfleet Trust.

The Panel also noted that Cllr Wing Pentelow did not consider apologising, despite being asked as to whether he was willing to consider doing that on 7 February 2018 by the Monitoring Officer, until 2 days prior to the hearing.

The Panel felt that this comment, being made at a public meeting of Full Council reflected very poorly on the Borough Council of King's Lynn and West Norfolk and did not reflect the high standards that elected councillors as representatives of their communities should aspire to.

**The Panel identified the conduct identified as being a breach of the Borough Council of King's Lynn and West Norfolk Code of Conduct.**

#### **The Panel imposed the following 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.

On this occasion they felt that Cllr Wing Pentelow's conduct fell short of the standards expected. Taking into account the circumstances of the case and the Councillors lack of acknowledgement of the offence that was caused, the Panel decided that;

- Cllr Wing Pentelow apologise to the Complainant, in terms agreed by the Chairman of the Standards Committee at a meeting of Full Council.
- Cllr Wing Pentelow be removed from any committee membership and removed from appointments to any outside body.
- Cllr Wing Pentelow be reported to Full Council and censured.

#### **RECOMMENDATIONS TO COUNCIL**

Whilst the subcommittee has the power to determine the sanctions set out above, only Full Council has the power to implement some of those sanctions and consequently the following sanctions need to be approved by Council;

- Cllr Wing Pentelow be removed from any committee membership and removed from appointments to any outside body.
- Cllr Wing Pentelow be censured by Full Council