

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)