

STANDARDS SUB-COMMITTEE

26th March 2015

PRESENT:-

Members of the Standards Sub-Committee

Councillor Harrison (Chairman), Councillor Stanton (Conservative Group)
and Councillor Pearson (Labour Group)

Independent Persons

P Purnell
P Smith

SC/1 **APOLOGIES**

The Sub-Committee was informed that no apologies had been received.

SC/2 **DECLARATIONS OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received.

SC/3 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL
PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO SUB-COMMITTEE

SC/4 **REPORT OF THE MONITORING OFFICER**

The Monitoring Officer submitted a report to the Sub-Committee recommending that Members consider a report by an Independent Investigator to determine whether District Councillor Martin Ford had breached the Council's Member Code of Conduct.

In the event that the Sub-Committee found a breach, Members were also asked to determine what, if any, sanction(s) should be imposed.

A set procedure was followed at the hearing allowing the Independent Investigator, Member and witness to make oral submissions and adduce evidence for consideration by the Committee. All parties also had the opportunity to ask and answer questions.

The Committee retired to make their decision at 3.10pm and returned to announce their decision at 4.35pm.

DECISION:-

Prior to announcing the Sub-Committee's decision the Chairman asked the Independent Persons to express their views.

The Independent Persons expressed the following view;

'We accept the Investigator's finding that there has been a breach of the Code of Conduct in respect of 3(1) and 3(2)(b) for the reasons set out in his report.

We are not convinced that the evidence presented in relation to 3(1) and 3(2)(b) automatically substantiates a breach of the Code in respect of paragraph 5'.

The Chairman announced the following decision;

In relation to paragraph 3(1) of the Member Code of Conduct – you must treat others with respect, the Sub-Committee resolved Councillor Ford had breached paragraph 3(1) of the Code

The reasons for this were as set out in paragraphs 158 – 161 of the Independent Investigator's report;

- Paragraph 158 – On 8th July Councillor Ford tweeted on his own Twitter account the words 'smiling assassins! The face of the enemy' accompanied by a photograph of the team at Murrays including Mr and Mrs Barke.
- Paragraph 159 – In my judgment, this is an offensive and disrespectful comment and breach of paragraph 3(1) of the Code.
- Paragraph 160 – On 8th July at 11:41 Councillor Ford commented that Murrays had probably offered those removing Campaign posters 'a deal on burial, more posters removed, more money off'. This and his comment on 11th June at 13:46 on the Save the Wheel Facebook page that 'They put cash above community, pounds above people' are both in my judgment disrespectful, particularly given the nature of Murrays business and are a breach of paragraph 3(1) of the Code.
- Paragraph 161 – On 12th August Councillor Ford 'liked' (or endorsed) a Facebook accusation that Murrays were responsible for stealing or the unauthorised removal of a number of campaign poster boards. Both the allegation and its endorsement by Councillor Ford, are, in my judgment, disrespectful and a breach of paragraph of 3(1) of the Code.

In relation to paragraph 3(2)(b) of the Member Code of Conduct – you must not bully any person, the Sub-Committee resolved Councillor Ford had breached paragraph 3(2)(b) of the Code

The reasons for this were as set out in paragraphs 163 - 168 of the Independent Investigator's report;

- Paragraph 163 - For the reasons set out in para 72 of this report, Councillor Ford's posting of 1st August to the Campaign Facebook Page was intended to intimidate the complainants and as such, in my judgement, amounts to bullying and a breach of paragraph 3(2)(b) of the Code.
- Paragraph 164 - For the reasons set out in para 73 of this report I also find that the post of 20th August endorsed by Councillor Ford amounts to a breach of paragraph 3(2)(b). The resident's campaign against Murrays was designed, at least in part, to intimidate them and to coerce them to relocate elsewhere. The entry of 20th August was, an example of such intimidation and was endorsed by Councillor Ford.
- Paragraph 165 - For the reasons stated in para 82 of this report I find that Councillor Ford's tweet of 8th July on his own Twitter Account is in breach of paragraph 3(2)(b) of the Code.
- Paragraph 166 - For the reasons stated in paras 92 and 93 of this report I also find that Councillor Ford's email of 18th August amounts to bullying in breach of paragraph 3(2)(b) of the Code.
- Paragraph 167 - Councillor Ford also advocated a boycott of Murrays (Page 218). On 8th May he posted a message on the Facebook Campaign Page to that effect which he confirms in his own statement (paragraph 28) was designed to persuade them to relocate elsewhere. Again, in my judgement this amounts to bullying in breach of paragraph 3(2)(b) of the Code.
- Paragraph 168 - Alternatively, if a cumulative view is taken of the postings and their endorsement of a wider campaign of intimidation, they amount to a breach of paragraph 3(2)(b) of the Code.

In relation to paragraph 5 of the Member Code of Conduct – you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute. The Sub-Committee resolved Councillor Ford breached paragraph 5 of the Code; this was not a unanimous decision.

The reasons for this were as set out in paragraph 173 of the Independent Investigator's report;

- Paragraph 173 – Given the nature and circumstances of the breaches of paragraphs 3(1) and 3(2)(b) Councillor Ford has in my judgment, conducted himself in a manner which could be reasonably regarded as bringing his office of member his authority (namely the Council) into disrepute.

SANCTIONS

The Sub-Committee resolved to impose the following sanctions in relation to the above breaches of the Members Code of Conduct;

- **Censure**
- **Recommending the Monitoring Officer arrange Members Code of Conduct training for Councillor Ford.**

The Meeting terminated at 4.50pm.

COUNCILLOR J. HARRISON

CHAIRMAN