



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# Standards Committee

## Minutes

Wednesday, 24 February 2021 at 15:00

PRESENT: -

Councillor Smith (in the Chair); Councillors Myers, Plant, Smith-Clare & Wainwright.

Ms C Whatling (Monitoring Officer), Mr A Brett (Investigating Officer, Mr A Oram (Independent Person), Mrs S Wintle (Corporate Services Manager) & Mrs C Webb (Executive Services Officer).

### **1 APOLOGIES FOR ABSENCE**

There were no apologies for absence received at the meeting.

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest declared at the meeting.

### **3 EXCLUSION OF PUBLIC**

RESOLVED:

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act.

### **4 CONFIDENTIAL CODE OF CONDUCT COMPLAINTS 2147774, 2181221, 2183813, 2196712, 2216819**

The Committee received and considered the report and appended papers from the Investigating Officer which detailed the five complaints which had been brought against the subject member, Parish Councillor Andrew Peake of Fleggburgh Parish Council.

The Investigating Officer summarised his report to Members and reported that five complaints, 2147774, 2181221, 2183813, 2196712 and 2216819 had been brought against the subject member, Parish Councillor Peake. The Committee was requested to determine these complaints under the Fleggburgh Parish Council Code of Conduct which was included in the appended papers to the report.

The Investigating Officer referred to the following obligations of Fleggburgh Parish Councils' Code of Conduct which should be considered in reference to all five complaints: -

(i) He or she shall behave in such a way that a reasonable person would regard as respectful, and

(ii) He or she shall not act in a way which a reasonable person would regard as bullying or intimidatory.

In addition, both complaints 2181221 and 2216819 alleged breach of a standing order relating to email communications between Parish Councillors.

The Committee was advised that the subject member, Parish Councillor Peake had elected not to attend the meeting.

The Independent Person advised the Committee as to his thoughts and findings in regard to each of the five complaints. The Investigating Officer summarised the individual complaints to the Committee together with his conclusions.

The Committee expressed concern regarding governance issues at the Parish Council, in terms of how complaints were dealt with under the complaints policy, and with regard to the Standing Order regarding e-mail communications which did not appear to be valid. There was an observation that it was not clear whether complaints raised by the subject member had been fully and appropriately processed according to the complaints policy. However, inappropriate or misguided the complaint might be perceived to be by those who originally received it on behalf of the Parish Council, it was remarked that there was a need for the complainant to see that the complaint was treated with due process, and with the confidentiality necessary for the appropriate handling of the complaint.

#### **Standards Complaint 2147774**

The Complaint related to an email the subject member had copied to all Parish Councillors, which the complainant felt was rude, offensive and contained unfounded allegations and they felt that the subject member was bullying and harassing them.

#### **FINDING: -**

- (i) The Committee found a breach in that the Subject Member had behaved in such a way that a reasonable person would not regard as respectful.
- (ii) It was not found that the Subject Member acted in a way which a reasonable person would regard as bullying or intimidatory.

#### **Standards Complaint 2181221**

This complaint referred to malicious, offensive e-mails and the complainant felt that these e-mails constituted a continuation of the bullying and harassing behaviour alleged in the previous complaint.

#### **FINDING: -**

- (i) The Committee found a breach in that the Subject Member had behaved in such a way that a reasonable person would not regard as respectful.
- (ii) The Committee found a breach in that the Subject Member acted in a way which a reasonable person would regard as bullying or intimidatory.
- (iii) The Committee indicated that they were not in a position to consider a

breach of the Standing Orders. It was decided, following advice from the Independent Person, that this was a governance issue which was not covered by the Code of Conduct. Members noted that Investigating Officer's report considered the issue of whether the standing order referred to had been correctly made, which put into question whether it was in effect.

### **Standards Complaint 2183813**

This complaint referred to comments regarding Fleggburgh Parish Council which Parish Councillor Peake had written on a Facebook page called 'Andrew Peake of Fleggburgh'. They found the comments rude, offensive and they contained false accusations.

The Independent Person advised Committee that although the current application of the conduct regime allowed individuals to make social media posts in a genuinely personal capacity without being subject to the code, they would however, be subject to the code when comments discussed or pertained to Council business. It was also noted that as this was a publicly accessible page, the public might put more trust in the content, and this could potentially impact on the reputations of both the individuals concerned and the Parish Council.

#### **FINDING: -**

- (i) The Committee found a breach in that the Subject Member had behaved in such a way that a reasonable person would not regard as respectful.
- (ii) The Committee found a breach in that the Subject Member had acted in a way which a reasonable person would regard as bullying or intimidatory.

### **Standards Complaint 2196712**

This complaint stated that the Subject Member was sending rude emails, by sending emails to other Parish Councillors about the complainant and also defaming and insulting them.

Committee Members noted that they found these breaches particularly serious.

#### **FINDING: -**

- (i) The Committee found a breach in that the Subject Member had behaved in such a way that a reasonable person would not regard as

respectful.

(ii) The Committee found a breach in that the Subject Member had acted in a way which a reasonable person would regard as bullying or intimidatory.

### **Standards Complaint 2216819**

This complaint referred to the Subject Member's disruptive and offensive manner and the posts criticising and humiliating Parish Councillors on social media. They also referred to the Subject Member continuing to send emails to other Parish Councillors in breach of a standing order.

#### **FINDING: -**

(i) The Committee found a breach in that the Subject Member had behaved in such a way that a reasonable person would not regard as respectful.

(ii) It was not found that the Subject Member acted in a way which a reasonable person would regard as bullying or intimidatory.

(iii) The position in relation to an alleged breach of Standing Orders is as indicated in the findings for Complaint 2181221.

The Committee deliberated what sanctions would be appropriate to the subject member, Parish Councillor Peake.

The Committee asked for clarification of the role of the Parish Council in enforcing the sanctions given by the Standards Committee, as it had been noted that previous sanctions had not appeared to have had any impact on the behaviour of the subject member.

#### **RESOLVED: -**

That the Committee agree to apply the following sanctions: -

(i) That the Committee recommend to the Parish Council that the Subject Member be issued with a formal censure,

(ii) That the Committee's findings be reported to the Parish Council for information,

(iii) That a formal letter be sent to the Subject Member; and

(iv) That the Committee publish its findings in respect of the Subject Member's conduct in such matter as the Committee considers appropriate.

The Monitoring Officer agreed to draft the formal letter and to share it with the Committee before sending it to the Subject Member.

The Chairman thanked the Committee and officers for their attendance.

The meeting ended at: 17:00