

**STANDARDS (LOCAL DETERMINATION) SUB-COMMITTEE – Meeting held on Tuesday, 12<sup>th</sup> July, 2005.**

**Present:-**

**Co-opted Independent Members:-**

Messrs Mike Field, Zahire Khan and The Reverend Paul Lipscomb.

**Elected members:-**

Councillors Sumander Khan and Mewa Mann.

**Also Present:-** Councillor James Swindlehurst.

**PART I**

**1. Election of Chair**

**Resolved -** That The Reverend Paul Lipscomb be appointed Chair of the Sub-Committee for this meeting.

(The Reverend Paul Lipscomb in the Chair).

**2. Declarations of Interest**

Councillor Mann stated that he wished it to be known that he was a Member of the Labour Group of which Council Swindlehurst was also a Member and Councillor Khan stated that he was a Member of the Joint Administration as was Councillor Wright who had submitted the complaint against Councillor Swindlehurst. The Monitoring Officer, the Director of Law and Corporate Governance, indicated that on the basis of the interests declared, they did not have a personal and prejudicial interest in this matter and that they were not debarred from participating in the hearing.

**3. Exclusion of the Press and Public**

**Resolved:-** That the Press and Public be excluded from the meeting during consideration of the additional evidence (Form B) submitted by Councillor Swindlehurst as there would be disclosure of exempt information relating to Councillor Swindlehurst's personal circumstances as defined within Paragraph 17 of Part 1 of Schedule 12A of the Local Government Act 1972.

**4. Alleged Breach of Local Code of Conduct – Councillor James Swindlehurst**

The Sub-Committee met to determine an allegation made by Councillor Sean Wright that Councillor James Swindlehurst had failed to comply with the

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Council's Local Code of Conduct in that at a Council Meeting on 8<sup>th</sup> February, 2005 Councillor Swindlehurst had used offensive language to Councillor Wright.

The allegation had been referred by an Ethical Standards Officer of the Standards Board for England to the Monitoring Officer for investigation and, in accordance with the procedure previously agreed by the Standards Committee, he, in turn, had delegated the investigation to the Assistant Solicitor (Litigation) i.e. the Investigating Officer.

The Investigating Officer's final written report outlining the results of his investigation, conclusions and recommendations as to the sanctions which should be applied were submitted together with Councillor Swindlehurst's written response thereto.

Councillor Swindlehurst did not dispute that he had made the remark which was the subject of the complaint nor that in doing so he had breached the Local Code of Conduct. What he did maintain was that his remark had not been made gratuitously and without provocation which was what was implied in the original letter of complaint to the Standards Board for England. He indicated that in the period proceeding the incident he had been the recipient of a number of personal insults by opposition Members and there had been a whispering/smear campaign against him on the internet and he submitted copies of web pages which supported this claim. Also earlier, at the Council meeting on 8<sup>th</sup> February 2005, he stated that he had been threatened physically by another Member. It was in this context and in response to a remark made by Councillor Wright which Councillor Swindlehurst had taken to allude to the smear campaign that he made the offensive comment to Councillor Wright.

The Investigating Officer and Councillor Swindlehurst both presented their cases during which they and the Sub-Committee Members were given the opportunity to ask questions to clarify the evidence submitted. Councillor Swindlehurst called two witnesses, Councillors Anderson and Small. They gave evidence in support of his claims regarding the behaviour of Members preceding and at the time the breach occurred, his relationship with Councillor Wright and the fact that he had offered to the Leader of the Council a written apology to Councillor Wright for the remark he had made but had had no response to this offer.

The Sub-Committee having heard all the evidence and being satisfied that it had sufficient information withdrew to consider its decision.

On reconvening the hearing the Sub-Committee indicated that it had found that, on his own admission, Councillor James Swindlehurst had breached the Local Code of Conduct in that he failed to conduct himself properly as required by paragraph 1.2; failed to treat others with respect as required by paragraph 2.1(b) and conducted himself in a way which could reasonably be regarded as bringing his office into disrepute in breach of paragraph 4.1(a) of the Local Code.

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The Investigating Officer was asked to submit his recommendations on the sanctions which should be imposed upon Councillor Swindlehurst and he responded thereto.

The Sub-Committee then

### **Resolved:-**

- (a) That, having regard to the circumstances in which the breach occurred, Councillor Swindlehurst should be suspended with effect from the 12th July 2005 until such time as he submit a written apology to Councillor Wright in a form acceptable to the Chair of this Sub-Committee and the Monitoring Officer up to a maximum of 3 months.
  
- (b) That, in the light of the Sub-Committee's finding that the current behaviour of some Members of the Council is unacceptable and the Sub-Committee's view that it brings the reputation of the Council as a whole into disrepute, it advises that the Mayor and Leaders of all parties should take a zero tolerance stance against bad behaviour by Members at Council and other meetings and to this end the Chief Executive should hold a meeting of all party Leaders, the Mayor and herself to discuss the future conduct of Members at meetings within 30 days.

Chair

(Note: The Meeting opened at 6.15 p.m. and closed at 8.20 p.m.)