

<b>Council</b>	
<b>Meeting Date</b>	6 January 2021
<b>Report Title</b>	<b>Report of standards subcommittee 26 November 2020</b>
<b>Cabinet Member</b>	Not applicable
<b>SMT Lead</b>	David Clifford, as monitoring officer
<b>Head of Service</b>	
<b>Lead Officer</b>	
<b>Key Decision</b>	No
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	Council is asked to <i>note</i> the findings of the standards subcommittee held on 26 November 2020.

## 1 Purpose of Report and Executive Summary

- 1.1 On 26 November 2020 a hearing was held by the standards subcommittee relating to complaints under the code of conduct against Cllr Alan Horton. This report updates council on the subcommittee's finding.

## 2 Background

- 2.1 Comments made by Cllr Horton at the meeting of the full council in June resulted in a number of complaints to the monitoring officer from council members and members of the public.
- 2.2 The report of the monitoring officer made a preliminary finding that Cllr Horton's comments amounted to a breach of the code of conduct, and recommended that a standards subcommittee should be held to make a definitive finding. This meeting was held on 26 November.
- 2.3 Further details of the complaints and the decisions of the subcommittee are provided in the decision notice at Appendix I.

## 3 Proposals

- 3.1 The subcommittee considered the relevant evidence, as well as the views of Cllr Horton, the monitoring officer and the council's two independent persons appointed under s28 of the Localism Act. It subsequently determined that there had been a breach of the following paragraphs of the code of conduct:
- Paragraph 9: *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.*

- Paragraph 10: *Always treating people with respect, including the organisations and public I engage with and those I work alongside.*

- 3.2 The subcommittee resolved that Cllr Horton should make a full public apology, and noted that this had in fact occurred at the first appropriate opportunity, which had been the annual council meeting in July.
- 3.3 The subcommittee further resolved that the finding should be reported to full council, and that the monitoring officer be asked to write to all members to remind them of their obligations under the code of conduct. These actions have been implemented.
- 3.4 Council is now **recommended** to note the findings of the standards subcommittee as set out above and at Appendix I.

## 4 Alternative Options

- 4.1 As the report is solely for noting, there are no alternative options.

## 5 Consultation Undertaken or Proposed

- 5.1 Not applicable.

## 6 Implications

Issue	Implications
Corporate Plan	The promotion of high standards of member conduct contributes to the corporate priority 'Renewing local democracy and making the council fit for the future'.
Financial, Resource and Property	None identified at this stage.
Legal, Statutory and Procurement	None identified at this stage.
Crime and Disorder	None identified at this stage.
Climate and Ecological Emergency	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	While this report refers to a specific individual, the standards subcommittee resolved to hear the matter in public, and all relevant information is therefore already in the public

## **7 Appendices**

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Standards subcommittee decision notice: complaint No. 14/20

## **8 Background Papers**

8.1 Agenda pack (including monitoring officer's report) and minutes of the standards subcommittee meeting, available [here](#).

## **SWALE BOROUGH COUNCIL – STANDARDS HEARING SUBCOMMITTEE**

### **DECISION NOTICE**

#### **Complaint No: SBC 014-20**

On 26 November 2020, a standards hearing subcommittee of Swale Borough Council considered a report of the monitoring officer into the alleged conduct of Cllr Alan Horton, a member of Swale Borough Council.

#### **Complaint summary**

A total of 20 complainants alleged that Cllr Horton breached the members' code of conduct by making unsubstantiated allegations of probable criminal misconduct against Swale cabinet members during a meeting of the full council on 17 June 2020.

#### **Consultation with independent persons**

The independent persons concluded that from the evidence presented the subject member had breached paragraphs 9 and 10 of the Code of Conduct.

#### **Findings**

The standards hearing subcommittee noted that Cllr Horton had not raised any points of difference with regard to the facts as stated in the monitoring officer's report, and further that Cllr Horton had agreed with the monitoring officer's preliminary finding that the former's conduct amounted to a breach of paragraphs 9 and 10 of the code of conduct.

After considering the content of the report and oral submissions by the investing officer and the subject member, as well as the views of the independent persons, the standards hearing subcommittee reached the following decision(s):

1. That there had been a breach of paragraph 9 of the code of conduct, which refers to "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".
2. That there had also been a breach of Paragraph 10 of the code of conduct, which refers to "Always treating people with respect, including the organisations and public I engage with and those I work alongside".

#### **Sanctions applied**

The subcommittee solicited the opinions of the monitoring officer and the independent persons as to whether a sanction should be applied. The subcommittee also consulted Cllr Horton on this point, noting that he did not wish to make any comment regarding the existence or otherwise of mitigating circumstances.

The subcommittee determined that the appropriate sanction was for Cllr Horton to make a public apology. The subcommittee noted that a full public apology had in fact already been made at the full council meeting following that at which the breach of the code of conduct had occurred, and therefore considered that this obligation had been discharged.

The subcommittee determined that its finding and the sanction applied should be reported to a meeting of the full council.

**Recommendations for promoting high standards of conduct**

The standards hearing subcommittee recommended that the monitoring officer write to all Swale councillors to remind them of their obligations under the code of conduct.

**Appeal**

There is no right of appeal against the standards hearing subcommittee’s decision.

**Notification of decision**

This decision notice is sent to:

- Cllr Alan Horton
- Complainants
- Monitoring Officer

**Additional help**

If you need additional support in relation to this decision notice or future contact with the Borough Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language.

If you require additional assistance, in the first instance please contact the monitoring officer on 01795 417269.



**4 December 2021**

**Signed:**.....

**Date:**.....

**Councillor Hannah Perkin  
Chair of the Standards Hearing Subcommittee**