



## Hearings Sub-Committee minutes

Minutes of the meeting of the Hearings Sub-Committee held on Thursday 3 March 2022 in The Windsor Room, Buckinghamshire Council, Gatehouse Road, HP19 8FF.

### Members present

T Broom, B Chapple OBE and T Green

### Others in attendance

M Damigos, N Graham, C Gray and G Watson

### Agenda Item

#### **1 Declarations of interest**

There were no declarations of interest.

#### **2 Exclusion of the Press and 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(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

Paragraph 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)

#### **3 Determination of Code of Conduct Complaint MO2-002451 Regarding a Buckingham Town Councillor**

The Chairman stated that the purpose of the meeting was to hold a Local Hearing into a complaint received against a Councillor, which alleged that the Councillor had failed to comply with the Members' Code of Conduct. Before commencing with the hearing the Chairman confirmed that all parties had been sent a copy of the agenda and supporting information setting out the facts of the complaint, and that all parties were content for the local hearing to be heard that day.

The complaints allege a breach of the Buckingham Town Council Code of Conduct (BTC Code) by Cllr Collins when on 4 August 2020 she reposted on her personal Facebook account an alleged racist post to a fellow Councillor who was a Facebook friend. This repost remained visible on both the sender and recipient's accounts until

deleted on or around 20 December 2020. The post that was reposted from Cllr Collins' account had been endorsed by the comment "thought this was good". The post had previously been posted by a third party.

The process to be followed at the Hearing was outlined and it was noted that the Sub-Committee would need to determine whether there had been a failure to comply with the Code of Conduct and, if so, what, if any, action should be taken as a result.

In addition to the Members of the Sub-Committee, the meeting was attended by the Subject Member, a further Councillor, the Town and Deputy Town Clerk and the Investigating Officer, Catherine Herries-Smith.

In terms of the process the hearing was conducted as follows:-

- Nick Graham, Service Director of Legal and Democratic Services, stated that if the Sub-Committee found that there had been a breach of the Members' Code of Conduct, the available sanctions available were set out in the report.
- The Chairman introduced Catherine Herries-Smith to the Sub-Committee who had been appointed by the Monitoring Officer to investigate the matter and report the findings to the Sub-Committee, following the decision of the Monitoring Officer in consultation with the Independent Person, Sarah Austin.
- The Subject Member Cllr Collins presented her statement.
- Representations were heard from the Town Clerk, Deputy Town Clerk and a Buckingham Town Councillor.

The list of issues for determination by the Sub-Committee were as follows:-

1. How did the Facebook post come to be re-shared? Was it posted by Councillor Collins? Was she hacked or impersonated? Was the post in the public domain?
2. If the post was shared by Councillor Collins was she acting in her capacity as a Councillor or in her personal capacity?
3. Which elements of the Code are engaged?
4. Whether the content of the re-shared post was unacceptable and amounted to a breach of the Code of Conduct for BTC?
5. Whether the post falls within any protections under Article 10 of the European Convention – right to freedom of expression.

Members of the Hearings Sub-Committee were satisfied that they had sufficient evidence to come to a considered conclusion on the matter – i.e. to determine whether there has been a failure to comply with the Code as set out in the IO's report.

The Chairman took the Sub-Committee through the next steps of the process for the Local Hearing and subsequently advised those present that the Sub-Committee

would now determine whether there had been a breach of the Code of Conduct.

The Sub-Committee deliberated in private. Once all parties had returned to the meeting, the Chairman stated that in making its decision, account had been taken of the written evidence set out in the report, the oral statements made at the meeting, and the Members' Code of Conduct. The decision of the Sub-Committee was that there had been a breach of the Council's Members Code of Conduct. The Sub-Committee deliberated from 11.30am to 13.45pm.

The Governance Solicitor read the Sub-Committee's findings and undertook to provide a copy to the Monitoring Officer after the meeting.

Following a complaint made and a subsequent independent investigation, Geraldine Collins was found at a local hearing of the Standards Hearings Sub-Committee to have breached the Council's Members Code of Conduct by the endorsement and reposting of a Facebook post and this behaviour breached Section 1 of the Buckingham Town Council Code of Conduct.

The Chairman stated that the Sub-Committee would need to determine what action, if any, should be taken as a result of the breach of the Code. However due to time limits it was agreed that the meeting should be adjourned and reconvened at a later date to be determined. Information relating to possible sanctions would be provided by the Investigating Officer and Independent Person. This information would be provided to the Subject Member who could then make her submissions on possible sanctions. The Sub-committee would then determine what sanction, if any, should be imposed and notify all parties. This Hearing took place on 3<sup>rd</sup> March (the original hearing was held on 13 January 2022).

On 3 March the Sub-Committee heard from the Monitoring Officer and the Subject Member Geraldine Collins on possible sanctions.

Members of the Hearings Sub-Committee were satisfied that they had sufficient information to enable them to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction. The Sub-Committee deliberated from 16.30pm to 17.36pm.

After taking into account the circumstances of the breach, the Sub-Committee accordingly made the following recommendations:

- that Buckingham Town Council should adopt a programme of equalities training for all councillors which Cllr Collins should attend;
- that Buckingham Town Council should adopt guidance and training for the use of social media for all councillors and those officers who would use social media on behalf of the council.
- this decision was to be published on Buckinghamshire Council's website.

The Governance Solicitor would draft a Record of Decision which would be sent to

the Investigating Officer, Independent Person and the Councillor. [Further details of the Hearing can be found here in the published decision notice.

<https://buckinghamshire.moderngov.co.uk/ieListDocuments.aspx?CId=1124&MId=17430&Ver=4> ]

The Chairman thanked everyone for attending the Hearing.