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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Standards Committee

Date: Tuesday, 9th March, 2021
Place: Virtual Meeting - MS Teams

Present: Councillor I Shead (Chair)
Councillors D Cowan, B Hooper, C Nevin and *M Terry
J Morgan (Independent Member)

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillor M Dent (in an observational capacity only in respect of Minute 896)
R Harris, S Brown, G Gilbert and J Williams (in part) and D Kitson.
R Kohli (Investigator - in respect of Minute 896)

Start/End Time: 6.00 - 8.44 pm

890 Apologies for Absence

Apologies for absence were received from Councillors Ayling (substitute: Cllr Terry), Burzotta, Dear, Flewitt, Garne (no substitutes) and J Tetley (independent member).

891 Declarations of Interest

The following Councillors declared interests as indicated:

(a) Cllr Shead – Minute 896 (Complaint Against a Councillor – Reference 20/16) – Non-pecuniary interest: Knows the complainant and the Councillor subject to the complaint, both are fellow Councillors;

(b) Cllr Cowan - Minute 896 (Complaint Against a Councillor – Reference 20/16) – Non-pecuniary interest: Knows the complainant and the Councillor subject to the complaint, both are fellow Councillors. Has also been involved with complaints against the Councillor subject to the complaint;

(c) Cllr Hooper - Minute 896 (Complaint Against a Councillor – Reference 20/16) – Non-pecuniary interest: Knows the complainant and the Councillor subject to the complaint, both are fellow Councillors;

(d) Cllr Nevin - Minute 896 (Complaint Against a Councillor – Reference 20/16) – Non-pecuniary interest: Knows the complainant and the Councillor subject to the complaint, both are fellow Councillors and has had other dealings with them;

(e) Cllr Terry - Minute 896 (Complaint Against a Councillor – Reference 20/16) – Non-pecuniary interest: Knows the complainant and the Councillor subject to the complaint, both are fellow Councillors and has had other dealings with them;

(f) Cllr Dent - Minute 896 (Complaint against a Councillor – Reference 20/16) – Non-pecuniary interest: He is the complainant in this matter and knows the Councillor subject to the complaint as a fellow Councillor.

892 Minutes of the Meeting held on Wednesday 11th November 2020

Resolved:-

That the Minutes of the Meeting held on Wednesday 11th November 2020 be confirmed as a correct record and signed.

893 Minutes of the Standards Sub-Committee held on Monday 25 January 2021

Resolved:

That the minutes of the Standards Sub-Committee held on 25th January 2021, be noted.

894 Refresh of Protocol on Councillor / Officer Relations

The Committee considered a report of the Chief Executive presenting progress on the work to improve Councillor and Officer working relations. In particular the Committee considered the Action Plan developed in conjunction with the new Protocol on Councillor/Officer relations.

The Committee discussed the report and extended their thanks and appreciation to the officers, in particular Sarah Brown, for their work.

Resolved:

1. That the Action Plan update attached at Appendix 1 to the submitted report, be noted.
2. That no additional amendments be required to the Protocol at this stage.
3. That a workshop session be arranged for members of the Standards Committee to discuss how to progress actions relating to their roles.
4. That the Standards Committee uses its role to champion a positive message and remind Councillors how their behaviour, although sometimes unintended, has wider implications.

895 Exclusion of the Public

Resolved:-

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below, on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

896 Complaint Against a Councillor - Reference 20/16

The Committee considered a report of the Deputy Monitoring Officer in respect of a complaint made against Councillor Flewitt by Councillor Dent on 5 July 2020 (reference 20-016).

The complaint alleged that Councillor Flewitt had breached the Members' Code of Conduct ("the Code") by "liking" the following Facebook comment which had been made in response to a newspaper article he had shared entitled "Huawei faces 5G ban within months": *"Great news. I wouldn't trust them with sweet and sour dog, let alone our security infrastructure"*.

The Committee conducted a Hearing in accordance with the Complaints against Members Rules.

Councillor Flewitt was invited to attend the Hearing but sent his apologies.

A barrister who had been engaged to investigate the complaint ("the Investigator") presented his report which concluded that the act of "liking" the comment was disrespectful to people of Chinese ethnicities and in clear breach of Paragraph 3.1 of the Code.

The Committee carefully considered the matter and the information before them, and sought and took into consideration the views of the Independent Person.

Decision:

1. The Committee agreed with the conclusions of the Investigator and was satisfied that Councillor Flewitt had breached section 3.1 of the Code: *"You must treat others with respect."*
2. The Committee considered that Councillor Flewitt had multiple opportunities to engage and that if he had done so, this may have seen the matter resolved through an apology or other means without the need to expend resources for a full investigation and Hearing.
3. That the appropriate sanction to be applied was that Councillor Flewitt be publicly censured for his breach of the Code.
4. The Committee apologises on behalf of the Council to people of Chinese ethnicity and heritage and the community generally, and places on record that it in no way endorses or supports the comment liked by Councillor Flewitt. The Committee would welcome a similar statement from Councillor Flewitt (together with the removal of the offending post on Facebook).
5. The Committee endorsed the following statement of the Chair:

"The Council is elected by the residents of Southend. As such the Standards Committee will be steadfast in protecting residents' interests. To which end the Council should adhere to proper ethics. This was highlighted when the Standards Committee recently looked to the drafting of a new Protocol, which was passed by

Council in December 2020. This was voted for by the Conservative Group as well.

The Protocol recognises a commitment to the upholding of standards of conduct in public life (the Nolan Principles), to demonstrate that local government is serious about protecting and enhancing its integrity and reputation.

It is unfortunate Councillor Flewitt has not turned up tonight and has not fully engaged with the investigation process.

I also feel it is regrettable that the Conservative Councillors of the Standards Committee have not engaged with the standards procedures. This I view was a missed opportunity to show residents of our commitment to these areas. I feel this is a disappointing outcome.”

6. On the basis of there being a finding that Councillor Flewitt has breached the Code of Conduct, and that the sanction to be applied is public censure, this decision of the Standards Committee will be published in full once the Chair has been consulted on the wording.

Chair: _____