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Standards Hearing Sub Committee

Friday 11 March 2011

PRESENT:

Mr. S. Pearce (Independent Member), in the Chair.
Councillors Rennie and Mrs. Stephens.

Independent Members: Mr. R. Campbell and Ms. C. Farrell.

Also in attendance: David Shepperd, Deputy Monitoring Officer, Gareth Pinwell, Local Investigator, Katey Johns, Clerk, Karen Gillard, Subject Member Representative, Councillor Stevens, Subject Member, Councillor Ricketts, Complainant, and Mohammed Elm Handi, witness.

The meeting started at 9.30 am and finished at 5.30 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

1. DECLARATIONS OF INTEREST

The following declarations of interest were made in accordance with the code of conduct –

Name	Minute No. and Subject	Reason	Interest
Gareth Pinwell	7 Pre Hearing Summary 8 Complaint to be considered from Councillor Ricketts against Councillor Stevens	Parties involved in the proceedings and on the Sub-Committee known to him as a former employee of Plymouth City Council and through his work at the Magistrates' Court	Personal
Karen Gillard	7 Pre Hearing Summary 8 Complaint to be considered from Councillor Ricketts against Councillor Stevens	Parties involved in the proceedings and on the Sub-Committee known to her as a former Plymouth City Councillor	Personal
Steve Pearce	7 Pre Hearing Summary 8 Complaint to be considered from	Former colleague of Susan Stratton, one of the witnesses scheduled to appear	Personal

	Councillor Ricketts against Councillor Stevens		
Councillor Mrs Stephens	7 Pre Hearing Summary 8 Complaint to be considered from Councillor Ricketts against Councillor Stevens	Parties involved in the proceedings and on the Sub-Committee known to her as a current Plymouth City Councillor	Personal
Councillor Rennie	7 Pre Hearing Summary 8 Complaint to be considered from Councillor Ricketts against Councillor Stevens	Parties involved in the proceedings and on the Sub-Committee known to him as a current Plymouth City Councillor. He was also present at City Council when the incident took place	
Corrine Farrell	7 Pre Hearing Summary 8 Complaint to be considered from Councillor Ricketts against Councillor Stevens	Former work colleague of Councillor Ricketts	

2. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

3. **TERMS OF REFERENCE**

The terms of reference for the Standards Hearing Sub-Committee were noted.

4. **CODE OF CONDUCT**

The code of conduct for the Standards Hearing Sub-Committee was noted.

5. **HEARING PROCEDURE**

The agreed procedure for meetings of the Standards Hearing Sub-Committee were noted.

6. **PRE HEARING SUMMARY**

The Sub-Committee was advised by the Deputy Monitoring Officer that the pre hearing summary did not form part of the evidence pack and its sole purpose was to highlight the salient issues in accordance with Standards for England guidance.

The subject member's representative –

- (a) drew attention to the fact that at no time had Councillor Stevens ever said that the comments on the Tory Bear website were attributable to Councillor Ricketts and requested that this inference be struck out of the pre hearing summary;
- (b) suggested that key witnesses be excluded from the hearing until after they had presented evidence;
- (c) sought the Sub-Committee's approval to the additional witnesses identified within the pre hearing summary.

With regard to (a) above, the Sub-Committee noted the subject member's representations.

Agreed –

- (1) that key witnesses should remain outside of the hearing until they had given their evidence;
- (2) the additional witnesses identified.

(Gareth Pinwell, Karen Gillard, Steve Pearce, Corrine Farrell, Councillors Rennie and Mrs. Stephens declared personal interests in respect of the above item).

7. **COMPLAINT TO BE CONSIDERED FROM COUNCILLOR RICKETTS AGAINST COUNCILLOR STEVENS**

Agreed to hear the proceedings in part one (see minute supplement attached).

(Gareth Pinwell, Karen Gillard, Steve Pearce, Corrine Farrell, Councillors Rennie and Mrs. Stephens declared personal interests in respect of the above item).

8. **EXEMPT BUSINESS**

There were no items of exempt business.

WRITTEN DECISION

A SUMMARY DECISION RELATING TO THE MEETING IS ATTACHED AS A SUPPLEMENT TO THESE MINUTES.

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Decision of the Plymouth City Council Standards Hearing Sub-Committee 11 March 2011

Case Summary

Case No: 2010/M1/R1
Member: Councillor William Stevens
Date Received: 8 February 2010
Date Completed: 11 March 2011

Allegation

The Member failed to treat others with respect; acted in a way which may cause the Council to breach an equality enactment; bullied other persons and brought their office or authority into disrepute.

Standards Committee Outcome

The Hearing Sub-Committee, having accepted the withdrawal by the Investigation Officer of two of the above allegations following further consideration of evidence, found that the Member failed to comply with the requirement of the Code of Conduct to treat others with respect and conducted himself in a manner that brought his office or authority into disrepute. The Hearing Sub-Committee suspended Councillor Stevens from office for a period of 8 weeks.

Case Summary

The complaint alleged that Councillor Stevens, a Member of Plymouth City Council, breached the Members Code of Conduct by making comments at a meeting of Full Council on 1 February 2010 that included false accusations, vexatious words and allegations about Councillor Ricketts.

The comments followed an article that Councillor Stevens says he came across on a website known as 'Tory Bear'. The comments that Councillor Stevens relayed at the full Council meeting were comments that he says were attributable to someone known as Steve Ricketts, not necessarily meaning Councillor Steve Ricketts.

There is no dispute that Councillor Stevens said the words as recorded in the Full Council transcript. These are not herein reproduced as we do not wish to cause further offence.

The Hearing Sub-Committee, following consideration of evidence, including witness testimony from the complainant Councillor Ricketts and a leading Member of the local Muslim Community, accepted the following submission from the Complaint Investigator which was endorsed by Councillor Stevens through his representative:

Whilst accepting that there is a right for political colleagues to hold each other to account and challenge each other's behaviour, it is now accepted by Councillor Stevens that the way he sought to assert that right at the Council meeting was clumsy and ill thought out. Whilst there was no intent on his part to fail to treat others with respect or bring his office or the Council into disrepute, Councillor Stevens now accepts that this is the case and by virtue of his actions he inadvertently caused disrespect and brought the Council into disrepute and he apologises for that conduct. In terms of the alleged breach relating to bullying and acting in a way which may cause the Council to breach an equality enactment, having heard the evidence and further considered his report, the Complaint Investigator did not consider that on the balance of probability, there was a sustainable breach of the Code.

The Hearing Sub-Committee, having upheld the above breaches of the Code and upon considering representations on sanctions, including mitigation from Councillor Stevens, decided to suspend Councillor William Stevens for a period of 8 weeks with immediate effect.

Relevant paragraphs of the Code of Conduct

The allegations in the case relate to paragraphs 3(1) 3(2) (a) and (b) and 5 of the Code of Conduct.

Councillor Stevens may appeal against this decision to the First Tier Tribunal.

Mr S Pearce
Independent Chair
Standards Hearing Sub Committee
Plymouth City Council