

**MINUTES OF A MEETING OF THE
STANDARDS HEARING COMMITTEE
HELD AT NELSON TOWN HALL
ON 28TH AUGUST 2024**

PRESENT –

Mr M. Kenyon – Independent Person in the Chair

Members of the Panel:

*Councillor R. Anwar
Councillor N. Butterworth
Councillor D. Gallear
Councillor M. Strickland
Councillor Y. Tennant*

Also present:

*Councillor Z. Ali.
Councillor N. Ashraf
Councillor C. Church
Councillor D. Cockburn-Price
Councillor S. Cockburn-Price
Councillor Y. Iqbal
Councillor D. Lord
Councillor K. McGladdery
Councillor K. Salter
Councillor A. Sutcliffe
Councillor T. Whipp*

Officers present:

<i>S. Ward</i>	<i>Investigating Officer, MIAA</i>
<i>H. Culshaw</i>	<i>Monitoring Officer</i>
<i>E. Barker</i>	<i>Legal Services Manager</i>
<i>J. Eccles</i>	<i>Committee Administrator</i>



1. DECLARATION OF INTERESTS

Members were reminded of the requirements of the member Code of Conduct concerning the declaration of interests.

2. INVESTIGATION REPORT

The meeting of the Standards Hearing Committee had been called to consider a report of an investigation into two complaints made against Councillor D. Whipp. The Committee had met previously on 17th June when it was agreed to adjourn the meeting on the grounds of it being Eid and several witnesses not being able to attend.

(a) Full Council meeting on 18th October 2022

BACKGROUND

Allegations had been made by ex-Councillors D. Albin and J. Purcell and Councillors A. Sutcliffe and K. Salter that, during a Full Council meeting on 18th October 2022, Councillor D. Whipp's actions were contrary to the Code of Conduct for Members.

The complaints had been received by the Council's Monitoring Officer who decided that an investigation of the complaint should be carried out. The Investigating Officer (IO) had carried out the investigation on the Council's behalf and a copy of this had been circulated to Members prior to the meeting.

Full details of the allegations were provided in the report along with the Investigating Officer's conclusions and findings. The report concluded that the actions of Councillor D. Whipp when forcibly opening the Council Chamber door, after ex Councillors D. Albin and J. Purcell had closed it, with no consideration given to the safety and wellbeing of his fellow Councillors and without justification, amounted to failing to treat fellow Councillors with respect.

In accordance with the Council protocol on "Arrangements for dealing with allegations of breaches of the Code of Conduct for Councillors" a Hearing had been called.

DISCUSSION

The Committee first considered whether there were any significant disagreements about the facts contained in the IO's report.

Councillor D. Whipp disputed the allegation that he kicked a door in or used excessive force to open the door. The IO presented the evidence which was relevant to the facts in dispute. She referred to her report, the witness statements and the video of the meeting was shown which covered the complaints that occurred in the Council Chamber lasting 6 minutes and 11 seconds.

The Committee retired to consider the fourteen witness statements which were circulated at the meeting.

On their return, Members asked the IO a number of questions on the evidence in her report and the witness statements. Councillor D. Whipp was also given the opportunity to ask questions.

Councillor D. Whipp was then invited to call on the following witnesses to give relevant evidence to the specific facts in dispute - Councillors N. Ashraf, Y. Iqbal, Z. Ali, T. Whipp and C. Church. The IO and the Hearings Panel members were also given the opportunity to ask questions of the witnesses.

The Committee then retired to give careful consideration to the Investigating Officer's report and the evidence to establish its findings of fact and conclude whether or not there had been a failure to comply with the Code of Conduct.

FINDINGS AND SANCTIONS

The Standards Hearing Committee finds that on the balance of probabilities and having carefully reviewed the evidence available, on the 18th October 2022, Councillor D. Whipp applied undue and excessive force to the Council Chamber door when opening it.

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The Committee considers this to be a breach of the Code of Conduct for Members as opening the door with such force against other members standing behind the door amounted to failing to treat fellow councillors with respect.

However, the Committee notes that there was generally inappropriate behaviour amongst others in the Council Chamber which is not befitting of the role of councillor.

The Standards Hearings Committee has decided to take the following action: -

1. Publish its findings in respect of the Councillor's conduct
2. Report its findings to the Council for information
3. Recommend to the Council that the Councillor be censured
4. Recommend that Councillor D. Whipp make a written apology to the Council at the next Full Council meeting.

(b) Executive meeting on 20th July 2023

After due consideration, it was agreed to consider the second complaint concerning Councillor D. Whipp at a future meeting. This was because (i) the time was 10pm and there was an 11pm curfew on the duration of meetings; (ii) the Committee would need time to consider the four relevant witness statements which had not been circulated in advance; and (iii) two of Cllr D. Whipp's witnesses had already left the Hearing, a third was about to leave and it was important that those witnesses be heard.

CHAIR _____