

**MINUTES OF A MEETING OF THE  
STANDARDS HEARING COMMITTEE  
HELD AT NELSON TOWN HALL  
ON 28<sup>TH</sup> OCTOBER 2024**

*PRESENT –*

*Mr M. Kenyon – Independent Person in the Chair*

**Members of the Panel:**

*Councillor R. Anwar  
Councillor K. McGladdery  
Councillor D. Gallear  
Councillor D. Lord  
Councillor Y. Tennant*

**Also present:**

*Councillor D. Cockburn-Price  
Councillor S. Cockburn-Price  
Councillor K. Salter  
Councillor M. Stone  
Councillor A. Sutcliffe*

**Officers present:**

<i>S. Ward</i>	<i>Investigating Officer, Mersey Internal Audit Agency (MIAA)</i>
<i>C. Smallman</i>	<i>Senior Anti-Fraud Manager (Investigations) 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 a complaint made against Councillor D. Whipp. The Committee had met previously on 28<sup>th</sup> August to discuss two complaints. The first complaint was dealt with, but it was agreed to defer consideration of the second complaint to another meeting.

## **Complaint - Executive meeting on 20<sup>th</sup> July 2023**

### **BACKGROUND**

It was alleged by Councillor A. Sutcliffe that, during an Executive meeting on 20<sup>th</sup> July 2023, Councillor D. Whipp subjected him to intimidating behaviour that was contrary to the Councillor's Code of Conduct by treating him with disrespect.

The complaint had been received by the Council's Monitoring Officer who decided that an investigation of the complaint should be carried out. S. Ward from the MIAA had carried out the investigation on the Council's behalf who presented her report at the meeting.

Full details of the allegation were provided in the report along with the Investigating Officer's conclusions and findings. The report concluded that the actions of Councillor D. Whipp amounted to failing to treat fellow Councillor A. Sutcliffe 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.

### **PROCEDURE**

The Chair set out the Hearings Procedure that would be followed. It was noted that permission was needed for witnesses to be called to give relevant evidence for either the Investigating Officer (IO) or the Subject Councillor. One member of the Committee raised an objection to Councillor D. Whipp calling 4 witnesses to give evidence when the IO's report stated that they had all been contacted and either not engaged with the investigation process, said they didn't want to make a statement, been interviewed for a statement but not signed the draft, or made initial contact but did not go on to make a statement.

### **RESOLVED**

That the witnesses being called by Councillor D. Whipp be allowed to give evidence relevant to the facts in dispute.

### **DISCUSSION**

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

Councillor D. Whipp disputed that he was aggressive to Cllr A. Sutcliffe. The IO presented the evidence which was relevant to the facts in dispute. She referred to her report and the witness statements. She called on Councillor A. Sutcliffe as a witness. The Panel and Councillor D. Whipp then asked the witness a number of questions.

Councillor D. Whipp was invited to present the evidence relevant to the facts in dispute. He called on the following witnesses – Councillors Z. Ali, T. Whipp and A. Mahmood. (Councillor M. Hanif, had been named as a witness, but did not attend.) The IO and the Panel were given the opportunity to ask questions of the witnesses and Councillor D. Whipp.

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 commended the investigator for her diligent investigation.

The Committee unanimously found that Councillor D. Whipp had breached the Code of Conduct in that he showed disrespect to Councillor A. Sutcliffe. He caused Councillor A. Sutcliffe distress by walking over to him in an intimidatory way and physically challenging him by waving papers in his face. This action humiliated Councillor Sutcliffe and was in clear breach of the Code of Conduct.

The IO and Councillor D. Whipp were asked what action in their view, if any, it should recommend. The IO said that this was the second complaint concerning Councillor D. Whipp's behaviour where he had been found to have breached the Code of Conduct and she felt that the Committee should give serious consideration to the sanctions that it recommended.

The Standards Hearings Committee unanimously agreed to take the following action: -

1. Publish its findings in respect of the Councillor's conduct.
2. Report its findings to Council for information.
3. Recommend to Council that Councillor D. Whipp be censured.
4. Recommend that Councillor D. Whipp make an apology to the Council at the next Full Council meeting.
5. Recommend that Councillor D. Whipp make a written apology to Councillor A. Sutcliffe.
6. Instruct the Monitoring Officer to arrange some form of conflict resolution training for Councillor D. Whipp to be undertaken by the end of the municipal year.
7. Recommend that more serious consequences should follow if there were further breaches of the Code of Conduct by Councillor D. Whipp.