

Minutes of a meeting of the **Standards Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Monday 26 July 2021** at **10.00am** when there were present:

Cllr N J Brennan – Chairman

Elected Members

Cllr K G Leggett MBE

Cllr D Roper

Co-opted Parish and Town Council Members

Ms M Evans

Ms R Goodall

Mr K Wilkins

Cllr K Lawrence (subject of the complaint) and Cllr S Riley (accompanying the subject of subject of the complaint) were also in attendance.

Officers in attendance were the Monitoring Officer, Deputy Monitoring Officers (LM, EG and SW) and the Democratic Services Officer (JO).

Also in attendance were Ms F Anthony (Investigating Officer, Solicitor - nplaw), Ms K Hulatt (Head of Legal Services nplaw), Mr M Hedges (Independent Person), Mr D Lowe (complainant) and Mr B Goose and Mr S Clark (witnesses).

1 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Cllr D Roper declared that he was the Liberal Democrat Group Leader. He confirmed that he had not discussed the matter to be considered with anyone prior to today's meeting.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Cook and Cllr Ryman-Tubb.

3 MINUTES

The minutes of the meeting held on 3 April 2019 were confirmed as a correct record.

4 EXCLUSION OF THE PRESS AND PUBLIC

The Committee considered if the hearing should be held in private or public and following discussion it was:

RESOLVED

That the meeting be held in public and that the reports appended to the Agenda be published on the Council's website.

It was confirmed that determination of the complaint would be held in private.

5 CONSIDERATION OF COMPLAINT AGAINST COUNCILLOR LAWRENCE

Monitoring Officer Report

The Monitoring Officer introduced her report, which explained that the Council had received a complaint from Mr David Lowe of the Bure Valley Railway (BVR) on 25 November 2020, against Cllr Karen Lawrence.

The complaint stated that on a number of occasions in late November 2020 Cllr Lawrence used the public footpath alongside the railway to approach the worksite and interacted with individuals undertaking vegetation management by challenging the necessity of the work being undertaken in a terse, intimidating and confrontational manner.

The Monitoring Officer advised that nplaw was instructed to conduct an investigation into the complaint. The investigation had concluded that Cllr Lawrence had breached the Code of Conduct in respect of the following three principles:

- 3.5** *Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.*
- 3.10** *Always treating people with respect, including the organisations and public I engage with and those I work alongside.*
- 3.11** *Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.*

Cllr Lawrence disputed the allegations and the findings within the report, therefore the Monitoring Officer and the Independent Person had elected that

this case should be referred to a hearing of the Standards Committee in order to evaluate the complaint and make a final determination.

The Monitoring Officer highlighted the following issues that the Committee might like to consider during its deliberations:

- Was Cllr Lawrence acting in her capacity as a councillor on all occasions referenced in the complaint?
- Had Cllr Lawrence provided sufficient evidence to prove that she sought any relevant advice required from the Council regarding the works being undertaken and that she had listened to the views of BVR staff?
- What weight should be given to the new evidence provided by Cllr Lawrence in the form of an additional witness statement?
- Did the questions asked of BVR staff constitute a 'reasonable challenge' based on legitimate concerns?

A member suggested that as principle 3.5 related to making decisions it was not applicable to this case. In response, the Committee was advised that the reasons for the inclusion of this part of the Code was set out in the Investigators Report.

The Investigating Officer

Fiona Anthony, Solicitor, advised the meeting that she had conducted the investigation into the complaint. She confirmed that she had had no prior dealings with either the complainant or the subject of the investigation.

The Committee were informed that the complaint alleged that:

1. In November 2020, Cllr Lawrence made several uninvited visits to a site where staff, volunteers and contractors of the BVR were working and challenged the necessity of the work being undertaken.
2. Cllr Lawrence failed to contact the management of the BVR to express her concerns about the work being undertaken or seek advice from Council officers prior to acting.
3. When interacting with staff, volunteers and contractors of the BVR, Cllr Lawrence conducted herself in an intimidating and confrontational manner.

4. Cllr Lawrence took photographs of staff without their consent despite being requested not to do so.

All those concerned in this matter had been spoken to and the above four areas had been looked at in detail.

The first stage of the investigation had established that Cllr Lawrence was acting in her capacity as a Councillor when the alleged behaviours took place, as confirmed by discussions with both Cllr Lawrence and the witnesses. Therefore, the Members' Code of Conduct was engaged and the complaint could be investigated in this light.

The investigation had concluded that there was no evidence that Cllr Lawrence took photographs of staff without their consent despite being requested not to do so. Therefore, complaint 4 was not upheld. However, complaints 1, 2 and 3 were upheld.

Members were advised that the following issues in Cllr Lawrence's final response to the report that needed clarification.

Agenda page 123 of (Page 3: Para 2): ERRONEOUS fact and fabricated claim: *report states that [Cllr Lawrence] "had been informed by residents that someone was burning vegetation along the footpath on the 19th November and she took a bike ride there the following day"* – Cllr Lawrence claims that there was no evidence of burning being reported on the 19th of November, no email submitted. In fact no burning had taken place on that day, no one made a claim to this. This fact has been fabricated.

Fiona Anthony informed the Committee that the above reference was taken from Cllr Lawrence's complaint response dated 12 December 2020, where she stated; 'I was informed by residents that someone was burning vegetation along the footpath on the 19th Nov.'

She added that another area that the Committee might like to consider was the witness statement of Mr John Buck, who claimed that a man was shouting at Cllr Lawrence and waving his arms. It was notable that Cllr Lawrence did not claim that this took place and that a long time had elapsed between the incident and the statement. The investigator therefore questioned whether any weight should be given to the witness' statement.

Mr Ben Goose was then called to speak to the Committee. He advised members that he was the proprietor of B J Goose Digger Hire Ltd and he had been operating a tractor on 20 November 2020 using a mechanical flail for the management of vegetation. He informed the meeting that Cllr Lawrence arrived at the location and threw her bike on the ground and started shouting and screaming in a very agitated manner that he was destroying habitat.

He found her behaviour unsettling and directed her to speak to Stuart Clark, who was supervising the work.

Mr Stuart Clark informed the Committee that he was a volunteer and a contractor for the BVR and he also carried out contract work for Broadland District Council. He told members that Cllr Lawrence spent 90 minutes arguing and shouting at him and refusing to listen to the reasons for the vegetation management taking place. Her body language and manner were disturbing and she did not treat him with respect, by not listening to him. He was also unnerved that she knew his name and that he was a shareholder in the BVR.

These visits became very regular over the course of two weeks and he informed all his staff to not engage with Cllr Lawrence and instead refer her to him. He also told her at a very early stage not to take photographs of staff, but she persisted in doing so, which felt like harassment.

Fiona Anthony then informed the Committee that from the information that she had collated during her investigation she was of the view that the Code of Conduct had been breached by Cllr Lawrence in respect of paragraphs 3.5, 3.10 and 3.11. In regard to a member's suggestion that paragraph 3.5 was not applicable, she emphasised that this principle was also about listening to the interests of all parties and remaining objective, and it was clear from the evidence that Cllr Lawrence had not listened Stuart Clark when he tried to explain the reasons for the work being undertaken.

The investigator concluded that Paragraph 3.10 had been breached by Cllr Lawrence's confrontational manner and 3.11 had been breached as, although she championed the views of some member of the local community, she did not show leadership and was challenging and hostile to the BVR.

The Complainant

Mr David Lowe, the complainant, addressed the Committee and drew members' attention to Cllr Lawrence's accusation that his complaint had been malicious, vexatious and abusing the process. He explained that he had complained to officers of the Council about the matter and had been advised that making a formal complaint under the Members' Code of Conduct would be the appropriate course of action, given the severity of his allegations. Mr Lowe stated that he felt that officers had conducted a rigorous and thorough investigation. He was asking for an apology from Cllr Lawrence and a recognition that her behaviour was wrong and that this would not happen again.

Mr Lowe stated that residents often stopped to ask workers brief questions as they passed by. He concluded that if Cllr Lawrence had engaged briefly with the workers in a simple conversation, and then gone away to request a formal

meeting to state her concerns, through the appropriate channels, the confrontation and hostility which had led him to make his complaint could have been avoided.

Subject of complaint - Cllr Lawrence

Cllr Lawrence addressed the Committee and apologised that she had incorrectly alleged that the investigator had fabricated evidence about the burning of vegetation on the footpath on 19 November 2020. She confirmed that she had not realised this statement had been included in her response to the complaint, and furthermore that there was no evidence to support that any burning of vegetation had taken place on this date.

Cllr Lawrence informed the meeting that when she went to the location on 20 November 2020 she understood that no work had been contracted and she had thought that damage was being done to the embankment with a bucket, on the tractor rather, than a flail.

She admitted that she had spoken sharply and with authority, as there was nothing to indicate that the work was being done in an official capacity. She also informed members that she was expressive with her hands when talking, which might have been misconstrued.

She outlined that the people she spoke to undertaking the work to the railway were passionate about the BVR, but the local community was equally passionate about wildlife and complained to her about the work being undertaken at the site. She advised that she felt that she was in the middle of them both.

Cllr Lawrence next addressed the issue of not contacting the BVR directing regarding her concerns. She outlined that the reason that she did not contact the BVR management directly was because she was awaiting details of the lease from an officer and she did not feel it was appropriate to do so prior to receipt of the information. It was subsequently explained to her at a meeting on 24 November 2020 that the BVR was responsible for the railway track and the Council was responsible for the pathway.

When asked about her witness Mr Buck, she confirmed that she had not remembered until recently that he had passed by during the early stages of her conversation with Stuart Clark on 20 November 2020. She apologised that she had not remembered this during the investigation and explained that this was the reason for the elapse of time between that day and the submission of the statement. She confirmed Mr Buck had written the statement himself.

In answer to a query, Cllr Lawrence informed members that she saw herself as acting as a councillor when she had her Council iPad and was acting on

official business, and as a private individual when she was not. In response, the Chairman suggested that he saw himself as a district councillor all the time and conducted himself accordingly.

Cllr Lawrence told the Committee that she conducted herself in the same way whether as a councillor or a private individual and she had not behaved as the witnesses had described.

Turning to the aspect of the complaint regarding taking photographs of staff, she confirmed that she did not have any photographs containing people's faces.

The meeting adjourned at 12.55pm and reconvened at 13.21pm when all those named above were present.

The Independent Person

Mr Mark Hedges, the Independent Person, advised the meeting that he considered that Cllr Lawrence was clearly acting in her capacity as a councillor when the initial interaction with the BVR staff took place.

He considered that, although Cllr Lawrence had failed to contact the BVR management, principle 3.5 was not necessarily relevant to the complaint, which had not included making decisions. Therefore, he identified no breach of the Code in this respect.

He preferred the evidence of the witnesses to that of Cllr Lawrence in regard to principle 3.10 and he, therefore, concluded that this had been breached, as staff working at the site had not been treated with respect.

He suggested that Cllr Lawrence was right to take a view on the work taking place, but she should have taken a more formal approach given her position. However, he considered that principle 3.11 had not been breached in respect of leadership.

Final thoughts of the subject of the complaint - Cllr Lawrence

Cllr Lawrence informed the Committee that she did not shout at the BVR staff, whom she had treated with respect. Nor did she compel Mr Clark to talk to her for 90 minutes. No formal approach to the BVR had been possible, as the complaints process had been triggered on the 25 November 2020, which she was surprised and disappointed at. She added that she would be happy to apologise for anything said that had been taken in a way she had not intended.

The Committee then

RESOLVED

To adjourn the meeting to deliberate the case in private.

The Complainant, the Witnesses, Cllr Lawrence, Cllr Riley, a member of the public and the legal advisors from nplaw left the meeting whilst the complaint was considered and a decision made on whether the Code had been breached. They were then re-admitted and the Chairman announced the decision.

Decision of the Committee

The Chairman advised the meeting that the Committee had considered all the evidence that had been placed before it and had found that Cllr Lawrence had breached paragraph 3.10 of the Code of Conduct by not treating the staff at the BVR with respect.

The Committee found that Cllr Lawrence had not breached paragraph 3.5 and 3.11 of the Code of Conduct.

RESOLVED

1. That Cllr Lawrence undertake training with the Monitoring Officer on standards matters; and
2. That Cllr Lawrence makes a written apology to the complainant.

The Chairman confirmed that the Committee's decision was final and there was no right of appeal. A notice of the decision would be placed on the website, but no press notice would be published.

The meeting closed at 2.26pm