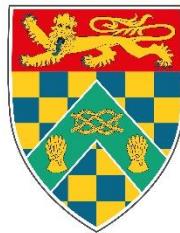


Decision Notice

HEARING REVIEW PANEL
TUESDAY, 21 JANUARY 2025 2PM



SOUTH
KESTEVEN
DISTRICT
COUNCIL

This notice confirms the decision taken by the Council's Hearing Review Panel held on 21 January 2025 regarding an investigation into alleged breaches of the Councillor Code of Conduct by Councillor Tim Harrison.

Panel members present

Councillor Pam Byrd
Councillor Richard Dixon-Warren
Councillor Chris Noon
Councillor Sarah Trotter

In attendance

Councillor Tim Harrison (subject councillor)
Councillor Graham Jeal (complainant)

Graham Watts – Monitoring Officer
James Welbourn – Deputy Monitoring Officer
Debbie Mewes – Governance Support Team Leader

Estelle Culligan – Investigating Officer, Wilkin Chapman Solicitors (virtually present via MS Teams)
Gill Thompson – Investigating Officer, Wilkin Chapman Solicitors (virtually present via MS Teams)

1. **Introductions**

A formal investigation was undertaken further to allegations made by Councillor Graham Jeal that Councillor Tim Harrison had breached the Councillor Code of Conduct. The investigation found that a breach of the Councillor Code of Conduct had occurred. The matter was referred to a meeting of the Hearing Review Panel (the Panel). The Panel was requested to consider the investigator's report in accordance with the Council's procedures for dealing with complaints against councillors. It was the role of the Panel to make a decision on the investigator's findings as to whether Councillor Harrison had breached the Councillor Code of Conduct.

Prior to the commencement of formal business, the Panel were informed that the Independent Person was unable to attend the Hearing due to ill health. After deliberating, both the Panel and the subject councillor confirmed that they were content to proceed in his absence.

2. Election of Chairman

Councillor Pam Byrd was elected as Chairman of the Panel.

3. Declarations of Interests

Councillor Chris Noon wished to highlight that Councillor Tim Harrison was the Leader of the Grantham Independent Group on the Council, of which Councillor Noon was a member. Councillor Noon confirmed that he would make an informed decision based on the evidence before him.

Councillor Richard Dixon-Warren commented that the complainants in this case were Conservative Councillors, and that he was the Conservative Group whip. He emphasised his commitment to make a judgment based on the evidence as presented.

4. To consider any requests for the exclusion of the Press and Public

It was confirmed that there had been no requests to hold the hearing in private. The Monitoring Officer confirmed that the report contained redactions of two of the complaints where no breach had been identified. The Panel determined to hold the hearing in public.

5. Councillor Code of Conduct Hearing - Councillor Graham Jeal v Councillor Tim Harrison

The Investigating Officer (IO) introduced Wilkin Chapman's report and the supporting evidence bundle and the one un-redacted complaint made against Councillor Harrison by Councillor Graham Jeal, which related to the description of Councillor Graham as a "clown" in a post on Facebook. Councillor Jeal made two further complaints against Councillor Harrison but they were not found to be breaches of the Code of Conduct and were therefore redacted from the final report.

The complainant alleged breaches of the Nolan Principles (the seven Principles of Public Life). The Investigator explained that the Nolan Principles underpin the Code of Conduct but did not form part of it. Allegations must relate to behaviours under the Code. The IO investigated against the behaviours of disrespect and disrepute, under parts 1 and 5 of the Code of Conduct.

The IO outlined the principles of freedom of expression and the relevant legislation; Article 10 of the European Convention on Human Rights (ECHR). The right to freedom of expression was enhanced in the area of political commentary, but mere personal abuse did not attract the higher protection. Freedom of speech may be curtailed if it was lawful to do so to protect the rights and freedoms of others; there were several pieces of UK and European caselaw which supported this which were referenced in the IO's report.

In the view of the IO the use, or inference of the term 'clown' constituted a breach of the Code of Conduct under 'respect'. The finding of disrespect was due to their view that it fell within the realms of what could be considered personal abuse, did not

attract the higher protection of political commentary and therefore it was reasonable to find a breach.

The IO did not find that Councillor Harrison had brought himself or the Council into disrepute and felt that overall people would focus more on the message of Councillor Harrison rather than the word itself.

The IO's report and evidence bundle included a statement submitted by Councillor Graham Jeal. A transcript of the interview conducted with Councillor Harrison was included as part of the evidence bundle but he had refused to sign it as he was too busy to compare the video with the transcript.

The Panel was provided with an opportunity to ask any points of clarification of the IO in relation to the report and evidence bundle. The IO provided clarity to the points raised, which covered:

- the fact that whilst Councillor Jeal had not directly been called a clown, the inference from his the two phrases used were clear. Councillor Jeal had been referring in his column to concerns of residents about waste and recycling. Those concerns were no less valid than Councillor Harrison's comments about residents struggling to pay for shopping or living in damp homes. In the view of the IO, in comparing Councillor Jeal to a clown Councillor Harrison was diminishing the concerns of some residents.
- The more serious the conduct the more likely it would be found to be in breach of the Councillor Code of Conduct.

Councillor Jeal provided a written statement to the Panel which supported the investigation and conclusions carried out by Wilkin Chapman Solicitors. He was satisfied that a 'thorough and comprehensive process' had been undertaken.

Councillor Harrison as the subject councillor had the opportunity to ask any points of clarification of the IO in relation to the report and evidence bundle. On behalf of the IO, the Monitoring Officer confirmed that there had been no other complaints about Councillor Harrison's comments on Councillor Jeal's post.

Councillor Harrison then used the opportunity to give his position on the complaints, The following is a summary of his points:

- The comments about a clown had been interpreted differently to how Councillor Harrison had intended them.
- Councillor Jeal had been invited by the Leader of the Council to sit and discuss this and other issues – there had been no response to this invite.
- He believed that the comment from Councillor Jeal 'bins generate as much unhappiness as I have ever seen' was incorrect as other issues needed priority.

The Panel adjourned to deliberate and reach a conclusion at 2:50pm and reconvened at 3:27pm.

Conclusion

The Panel concluded that the text and commentary from Councillor Tim Harrison, although disrespectful did not exceed the threshold of what was protected under political freedom of expression.

The Hearing Review Panel therefore noted the content of the report but did not find Councillor Tim Harrison to be in breach of the Councillor Code of Conduct and **AGREED** that no further action be taken.

Right of Appeal

Subject to judicial review, there was no right of appeal against the decision of the Hearing Review Panel.

The Hearing closed at 3.29pm.