

Decision Notice

Hearing Review Panel
Monday, 11 May 2026



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor Pam Byrd
Councillor Sarah Trotter
Councillor Matthew Bailey
Councillor Max Sawyer

In Attendance

Graham Kitchen, Director of Law and Governance (Monitoring Officer)
Claire Ward, Investigating Officer (Anthony Collins Solicitors LLP)
Joshua Mann, Democratic Services Officer
Debbie Mewes, Governance Support Team Leader
Chris Prime, Communications Manager
Gordon Grimes, Independent Person
John Morgan, Subject Member's Representative

1. Introductions

The Hearing Review Panel was convened to determine whether a breach of the Councillor Code of Conduct had occurred. A complaint was submitted to the Monitoring Officer by Councillors Ashley Baxter and Phil Dilks (the 'Complainants') in relation to the conduct of Councillor Charmaine Morgan (the 'Subject Member'). This was progressed in accordance with the Council's procedure for dealing with complaints against Councillors. The matter was referred to this Sub-Committee following an investigation; the written outcome of which forms part of this Sub-Committee's papers which were circulated to all parties prior to the meeting.

It was outlined that the Subject Member could not attend the meeting due to ill health but her appointed representative confirmed that she was content for the Panel to continue in her absence. The Panel confirmed that they were content to proceed with the hearing in the Subject Member's absence.

2. Election of Chairman

It was proposed, seconded and AGREED to elect Councillor Pam Byrd as Chairman of the meeting.

3. Declarations of Interests

There were none.

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

No such requests were made.

5. Councillor Code of Conduct Hearing

The Investigating Officer presented their report to the Panel.

The report summarised that the Subject Member had been subject to complaints from two Members, alleging that she had breached the Code of Conduct by misusing her position as Chairman of SKDC's Planning Committee by instructing, and thereby seeking to influence, a Town Council officer to amend the consultation response received from the Town Council in relation to a live planning application to the Council which Councillor Morgan had 'called-in'. It was further alleged that in doing so, Councillor Morgan also sought to inappropriately alter the established governance arrangements between the Town Council and the Council, compromise the impartiality of the Town Council officer and was disrespectful to them too. The Complainants further alleged that Councillor Morgan's actions raised issues of apparent bias, predetermination, misuse of position, and failure to properly register an interest in that she also had not declared her position on the Town Council Planning Committee on her Council register of interests.

Respect

The Investigating Officer's report deemed that the requirement to treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play had not been breached.

Impartiality of Officers (of the Council)

The Investigating Officer deemed that there was no basis on which to find that the Subject Member had compromised the impartiality of officers as the Officer in question was a town clerk, and not an Officer of SKDC.

Disrepute

The Investigating Officer deemed that there had been a breach of the Code of Conduct by the Subject Member with regard to bringing her role as a Member and the Council into disrepute. It was the Investigating Officer's assertion that Councillor Morgan's email of 27 November 2025 to the Clerk could reasonably have been perceived by a member of the public as the Chair of Planning Committee seeking to bring pressure upon the Town Council to re-submit its response to a planning application due to be determined by the Council's Planning Committee. Also suggesting revised terms of the response so it aligned with objections to the application which the Subject Member knew she and others planned to make.

The Investigating Officer considered Councillor Morgan's actions could reasonably be regarded as reducing the public's confidence in her ability to discharge her role as a member of the Council and Chair of the Planning Committee and could also be

reasonably regarded as reducing public confidence in the Council's ability to properly discharge its function as a local planning authority.

Misuse of Position

The Investigating Officer deemed there was sufficient evidence upon which to find that the Subject Member had breached the Code of Conduct in relation to misuse of position.

In the Investigating Officer's view, the Subject Member's actions may reasonably be perceived as attempting to improperly use her position as a district councillor and Chair of the Council's Planning Committee to influence the outcome of a planning application to the advantage of those who object to the application, and to the disadvantage of the applicant. In both cases, this was likely to involve a degree of gain or loss, financial or otherwise, for those who would be affected by the outcome of the planning application.

Declaration / Registration of Interests

The Investigating Officer noted that, as of 21 January 2026, Councillor Morgan had not entered her membership of the Town Council or position as Vice-chair of the Town Council Planning Committee in the District Council's register of members' interests as an Other Registerable Interest, which she should have done in accordance with the Code of Conduct adopted by the Council.

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

- The IO believed that the Subject Member was acting in her capacity as a District Councillor when she emailed the town clerk as the email was sent from her District Council email address and laptop, referencing that she was preparing for an upcoming District Council Planning meeting, and the footer sign-off predominantly referenced her as a District Councillor and Chairman of the District Council Planning Committee.
- It was queried whether the opening line of Subject Member's email could alternatively refer to an upcoming Town Council Planning meeting. However, the IO confirmed that the Subject Member had explained that the Town Council had not been holding Planning meetings. The IO was thus confident that this statement was referring to the upcoming District Council Planning meeting.
- The IO noted that during her correspondence with the Subject Member prior to the planning meeting, the Subject Member was still considering in which role to approach the meeting as she had called in the application and could not speak against the application whilst remaining as Chairman of the Committee.
- The IO reiterated that the Subject Member had strict liability for her actions and therefore intention was irrelevant to the facts of the case.
- The IO noted that the Subject Member would have been within her rights to advise the Town Clerk had she been acting in her role as a Town Councillor, rather than a District Councillor.

- The IO was asked for her view on which role the Subject Member was writing in her email when she referred to ‘...concerns raised at our recent planning meeting when we discussed...’ And “the implementation of how we are responding...”. The IO stated that she considered these to be written in the Subject Members Town Council role.

The Subject Member’s Representative declined to ask the IO any questions.

The Subject Member’s Representative was then invited by the Panel to formally respond to the report. The following is a summary of the representations made:

- The Subject Member had co-operated fully throughout the investigation, and this was the first Code of Conduct complaint against her during her Council career.
- The Subject Member’s Representative had been in the room with her when she had drafted and sent the email to the town clerk. He had proofread the email for her and the footer was not visible when the email was drafted.
- The Subject Member did not have access to her Town Council email address as this had been deleted by an Officer some months previously.
- The Subject Member had no financial interest in the planning matter.
- Since the Town Council’s inception in 2024, the agreed procedure for responding to planning consultations was for the town clerk to collate individual Town Councillor comments and respond with these. Given that the town clerk had responded to the consultation in question stating ‘no objections’, the Subject Member believed this was factually inaccurate as it suggested the Town Council had met as a body and agreed that there were no objections to the proposals, which had not occurred. Therefore, the Subject Member was merely attempting to point out the error to the town clerk and suggest an appropriate alternative response in line with the procedure. The Subject Member was also pointing out to the town clerk that stating that the Town Council trusted the opinion of the District Council Planning Officer was not an agreed position of the Town Council. By attempting to support the clerk in rectifying the inaccurate consultation response, the Subject Member believed that she was protecting the integrity of the process and was not set to receive any personal gain.
- The Subject Member’s Representative reiterated that the Subject Member had been factually correct about the town clerk’s error, and this had not been disputed during the investigation process.
- The representative also noted that the suggestion that the Subject Member had given to the town clerk about the Town Council taking no position on the application was not in line with her own personal objections to the application.
- Grantham Town Council’s Planning Committee had not met during the first year of its inception and the Subject Member joined the committee following the Town Council’s first annual general meeting (AGM). The Subject Member had been the Town Council’s Civic Ambassador during its first year. There had been no Town Council Planning Committee meetings since the AGM either.
- The town clerk had changed during the year, and the present clerk was new to the role; therefore, given the Subject Member’s experience in planning matters, she was helping to guide and support the new clerk. The tone of the email was not patronising.

- The Subject Member had checked during a committee training session and it was confirmed that she was able to serve both on both District Council and Town Council Planning Committees.
- The Subject Member had not declared her position on the Town Council Planning Committee at District Council Planning Committee meetings as the Town Council had not met to consider the consultation responses.
- For the relevant Dudley Road planning application, the Subject Member had called in the application and was intending to step off the committee in order to speak against the application, in line with the correct procedure. Another member of the committee was intending to do the same.

The Panel then asked questions and sought clarifications of the Subject Member's Representative, who confirmed:

- He was not aware at the time of sending the email to the town clerk which laptop the Subject Member had used, her District Council one or personal one, given that they looked similar.
- In the email to the town clerk, the Subject Member's reference to concern being raised at a recent planning meeting may have been referring to the Town Council AGM.
- The Subject Member's Representative did not consider sending the email to the town clerk from his email address and laptop as the Subject Member was already using her laptop.
- The Subject Member's Representative acknowledged that emailing the town clerk from the Subject Member's District Council email account was an error, but the motive was to do the right thing in correcting an error. The Subject Member only became aware of her error once the complaints were raised with her.
- The Subject Member had since changed the wording of her email footer.
- The Subject Member's Town Council email had not been working since soon after the Town Council's inception.
- The Subject Member's Representative maintained that at the time of sending the email to the town clerk, the Subject Member had already decided to step off the SKDC Planning Committee in order to speak against the application as a Town and District Councillor. The Subject Member was preparing and reading the application as both a Town and District Councillor, but the suggestions were sent to the town clerk in the Subject Member's capacity as a Town Councillor.
- The Panel queried whether it would have been more appropriate to contact the Chairman of the Town Council Planning Committee to get the error rectified. The Subject Member's Representative noted that the Chairman was copied into the email to the town clerk but going directly to the town clerk was more likely to get a result.
- The Subject Member's Register of Interests had not been updated to reflect the Town Council Planning Committee as she was under the impression that this had been done by the previous town clerk. As soon as it was brought to the Subject Member's attention then it was amended.
- The town clerk had not disputed the Subject Member's email.
- The Subject Member's Representative did not have a copy of the procedure for the Town Council response to planning consultations in the absence of the

Town Council Planning Committee having met but believed it would have been recorded in one of the minutes since the Town Council's inception.

- The Subject Member's Representative believed that the complaints should have been resolved informally and constructively.
- The Panel asked the Subject Member's Representative whether he could understand why a reasonable person may perceive that there was more pressure on the town clerk to make a change to the submission given that the email address and footer was from the Chairman of SKDC's Planning Committee. The Subject Member's Representative responded that the town clerk knew the Subject Member and the email issues that she had experienced.

The views of the Independent Person were shared with all present. He supported the conclusion that the Code of Conduct had been breached in relation to 'Disrepute', 'Misuse of Position', and 'Registration of Interests.'

The Subject Member's Representative asked the Independent Person for their view in light of the Subject Member not standing to gain personally from her actions and seeking to put right a wrong. The Independent Person said that they did not believe this changed their view of the findings of the Investigating Officer.

The Panel adjourned at 12.00 to deliberate and reach a conclusion. The Panel resumed at 13.58.

Conclusion

The Hearing Review Panel AGREED that the following elements of the Councillor Code of Conduct had been breached by Councillor Morgan:

Paragraph 5.1: I do not bring my role or local authority into disrepute

Paragraph 9.1: I register and disclose my interests.

The Hearing Review Panel did not find that the Subject Member's actions constituted a breach of the Code of Conduct in respect of:

Paragraph 6.1: I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

The Panel invited the IO to outline appropriate sanctions. The IO stated that in their view the following sanctions would be appropriate:

- A written report to Full Council might be considered.
- Issue of a formal Censure Notice.
- Training about the roles and responsibilities of District and Town Councillors.
- Removal from the Planning Committee.

The Subject Member's Representative was invited to make any points of mitigation. The Subject Member's Representative stated that it should be noted that the Subject Member had simply tried to do the right thing and tell the truth.

The Independent Person concurred with the recommendations as to sanctions of the IO.

The Panel adjourned at 14.06 to discuss possible sanctions and resumed at 14.21.

The Hearing Review Panel AGREED that the following sanctions be imposed:

- Instruction of the Monitoring Officer to arrange training for the Subject Member in relation to managing the separate roles and responsibilities of holding the roles of both District Councillor and Town Councillor.
- Issue of a formal Censure Notice to the Subject Member's Councillor profile for a period of 12 months.

The Panel also noted that their sanctions would have included a recommendation that the Subject Member be removed from the Chairman's role on the SKDC Planning Committee. This was no longer an available sanction as the Subject Member had recently resigned from the role and from the Committee.

Right of Appeal

The right of appeal is as set out at paragraph 8 of the procedure for dealing with complaints against Councillors who are alleged to have breached the Councillor Code of Conduct, in Part 5 of the Council's constitution.

The Hearing Review Panel concluded at 14.23.