

SH 3

Statement of Sarah Hill – Complaint SC/34

1. My name is Sarah Hill, I have been a member of Harborough District Council since 2003 and Leicestershire County Council from 2005.
2. I have served in a wide range of roles on both Councils, including as a member of the planning committee. I have been an election agent on a number of occasions.
3. I would like to record my unhappiness at the time it has taken to get to the point where this complaint will be resolved one way or another. It has taken over a year from complaint to this hearing. At no point has informal resolution being offered.
4. The article complained about was in a Focus leaflet, item SH1 in my part of your pack. The report that the article called for also took 12 months to be produced – it was called in full Council; statements made to the planning committee in the meantime were the result of whole sorry mess being raised. These statements did not deal with the underlying issues, that were addressed in the report.
5. With regard to this complaint, I do not believe, and have been advised, that the leaflet in question shows me acting in my capacity as a Councillor. At no point do I say I am a Councillor, as those mentioned in the cases quoted in Mr Pooks’ investigatory report paragraph 5.7 do. Mr Pooks’ report is document SH2 in the pack. In both of those cases the appellants made it clear they were Councillors and were found to be acting as Councillors. The Ken Livingstone case quoted in paragraph 5.6 of that document dealt with when Mr Livingstone was leaving a Council event and swore at a journalist – he was held to be acting personally.
6. In fact, the leaflet in question is undoubtedly a political leaflet with the aim of getting me elected as a County Councillor. In March 2017 it was election time; this was an election communication – my advice has been that I was not acting as Cllr. It is established in law that a wider freedom of speech is given in election leaflets and comments about opposing candidates are regarded as partisan. After all we are politicians and we make political remarks, that are often not flattering to our opponents. There have been occasions, less so recently thankfully, when our Council chamber has seen far worse than this article, in my opinion.
7. The content of the focus was a political statement – politics is all about having a different point of view from each other. Essentially, I had a different “spin” on events to Cllr King. In my opinion, what was said is fair comment, from the Lib Dem perspective. Others may have a different perspective, and they have the right to distribute their view too.

8. The complaint, was I believe, an attempt to infringe my freedom of speech. Does this mean that when we sign the Code of Conduct our freedom of speech, as enshrined in UK law is limited? Was this the intention of parliament when setting up the current standards system? We have a long tradition of political expression in the UK, but not it would appear in Harborough District if you support this complaint.
9. We as Councillors have to realise we are expected to have thicker skins than others. After all it was only up the road in Rutland in 2013 that a Councillor was cleared, in the Magistrates Court of bullying and harassment charges, as he was viewed as legitimately using freedom of expression. The newspaper report SH4 in your pack gives details.
10. Cllr King chose to make his complaint about this article under the District Councils' code of conduct. He did not complain to the returning officer for the election or make any complaint through the County Council standards regime. We believe he took the wrong route over his complaint and should have used County Council processes.
11. With regard to what was written, it is my view that he did "push the application through", as did members of the public who were there. He may feel he was just showing parity with what has happened in his ward, but given a recommendation for refusal was available, proposing approval was an option he need not have pursued.
12. Despite that I apologise if Cllr King found the form of words objectionable.
13. However, it is a sad day when a difference of opinions on events results in a hearing like this. I would suggest how are those in power are to be held to account to the wider public if not through political leaflets? At the end of the day it's all about perception! How I and other perceived events is different from how Cllr King saw them. He appeared to have problems with that, which I am sorry about.
14. At the end of the day, we have freedom of expression to have differing views from each other. More importantly we should have the freedom to express those views to the wider public. There is case law that supports the view that comments on matters of public interest which involve value judgements are permitted. When I wrote the leaflet, I stated the facts as I knew them at the time, especially given the officers report on the matter was not available then. As I said in paragraph 7 of this statement, I gave a different spin on things, a different value judgement, to Cllr King.
15. Finally, at the time this all started it was also less than six months since the death of my husband, this was the second complaint, Cllr King having made a similar complaint about my first leaflet. These complaints left me feeling victimised, picked on and distressed. As I have said before it felt as if Cllr King was trying to muzzle my freedom of speech.
16. My representative will go into the legal case supporting freedom of speech in the context of Council standard regimes. They are clear freedom of speech is the more important than Council standards processes.