

## **HARBOROUGH DISTRICT COUNCIL**

### **MEMBER CONDUCT COMPLAINT – REFERENCE: SC/34**

#### **VIEWS OF INDEPENDENT PERSON**

This case was referred to me by the Monitoring Officer for an opinion on a complaint made about Cllr Sarah Hill by Cllr Phil King.

I have fully reviewed the complaint and the accompanying documentation. I have also referred to the Members' Code of Conduct and my opinions and views are shown below.

1. The complaint made against Cllr Hill is that she was responsible for the circulation of a leaflet which is entitled 'Harborough East Focus' and which is shown as being from 'Sarah Hill and the Focus Team'. The complainant states that the leaflet contains an article headlined 'Planning debacle needs investigation' which allegedly presents a wholly misleading and inaccurate version of the events of the Harborough District Council Planning Committee meeting held on 17 January 2017 and in particular to the application 16/00997/OUT Great Bowden.
2. I have read the relevant article in the newsletter which states that a planning application for 5 houses was 'called in' by the Leader of the Council, seemingly at the request of the developers, apparently weeks after the council constitution allowed. The article then states that officers were ready to refuse the application but because the application was 'called in' the Planning Committee made the decision. The article further states that the Deputy Leader of the Council described as '(a certain Phil King)' pushed the application through on a 6 to 5 vote against expert advice. The article states that the Liberal Democrats are demanding an investigation and there is a direct comment from Cllr Hill stating "Whilst everyone makes mistakes, this undue haste does not inspire confidence that due process is being observed. There is pressure to build houses, but the concerns of local residents and the advice of employed experts should not be ignored".
3. Cllr Hill has responded to the complaint by stating that the complaint is vexatious and bullying and an abuse of the system. She also states that the leaflet is an election leaflet and should not be dealt with as a Code of Conduct complaint. Cllr Hill has also stated that at the time the leaflet was written this was the position that was believed at the time following a number of conversations and it is an issue of perception.
4. Regarding the contention by Cllr Hill that the leaflet is an election leaflet, there is a box in the leaflet which simulates a ballot paper with HILL Sarah as the only entry with a X next to it and the strap line above stating 'Get a strong voice locally vote:' To me this does give the strong indication of the leaflet relating to an election.

5. in his complaint Cllr King's states that the comment in the leaflet about an investigation being needed was inaccurate as the minutes of the Planning Committee meeting held on 17 January 2017 show that it was acknowledged that the council's procedures had not been correctly followed and that an investigation was to be undertaken. He also states that the statement in the leaflet that he 'pushed the application through' was misleading and gave the impression that both he and the Council Leader had somehow abused their positions.
6. As I stated in paragraph 4 above, the leaflet is clearly aimed at an election but I am also mindful that the Monitoring Officer has sought external legal advice, and the view is that this is a complaint that falls to be considered under the Code of Conduct as opposed to being an election leaflet. In considering this case against the provisions of the Code of Conduct, my opinion is that Cllr Hill was acting in her capacity as a Councillor and is strongly identified with the leaflet (her photograph appears 3 times) and there is a direct quote from her as I have noted in paragraph 2 above. She has stated in her response to the complaint that it is a matter of perception and the article in the leaflet gives the clear perception of wrongdoing by Cllr King. I am therefore of the opinion that there is a potential breach of the Code of Conduct and that the complaint should be passed to the committee for consideration.

  
**Independent Person**

18 June 2017