

# Public Document Pack



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**2 October 2025**

**Members of the Panel:**

Councillor L Brazier  
Councillor P Rainbow  
Councillor M Shakeshaft

**MEETING: Standards Complaints Hearing Panel**

**DATE: Friday, 10 October 2025 at 10.30 am**

**VENUE: Civic Suite, Castle House, Great North Road,  
Newark, NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place  
and on the date mentioned above for the purpose of transacting the  
business on the Agenda as overleaf.**

If you have any queries please contact [helen.bayne@newark-sherwooddc.gov.uk](mailto:helen.bayne@newark-sherwooddc.gov.uk).

## **AGENDA**

### **Page Nos.**

1. To Appoint a Chair for the Panel
2. Apologies for Absence
3. Declarations of Interest from Members and Officers
4. Code of Conduct Hearing 1 - 122
5. Exclusion of the Press and Public  
  
To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.
6. Code of Conduct Hearing - Exempt Appendix 123 - 180



Report to: Standards Complaint Hearing Panel: 10 October 2025

Director Lead: Sue Bearman, Assistant Director Legal & Democratic Services, Monitoring Officer

Report Summary	
<b>Report Title</b>	<p>Code of Conduct Hearing</p> <p>Open Report with Exempt Appendix</p> <p>The appendix contains exempt information as defined under Schedule 12A of the Local Government Act 1972, Paragraphs 1 and 2 (personal information) under which the Committee has the power to exclude the press and public if it so wishes.</p> <p>It is considered that the need to treat the information in this report as exempt outweighs the public interest in disclosure because it contains personal information which is relates to one or more individuals.</p>
<b>Purpose of Report</b>	To consider a complaint under the Council's Code of Conduct against District Councillor John Lee
<b>Recommendations</b>	That the Hearing Panel considers whether there has been one or more breaches of the Code of Conduct, and if so, what sanction should be imposed
<b>Reason for Recommendations</b>	<p>The Council's Community Plan includes our 'Purpose and Values' to make it clear what it is we are here to do and how it will go about it – as public servants we place great emphasis on adopting a public sector ethos and seek to embody this in how we interact with residents and each other. This includes a commitment to being professional and trustworthy.</p> <p>All councils are required to have a local Councillor Code of Conduct to promote and maintain high standards of conduct by its Councillors. The Council's Code of Conduct is designed to protect the democratic role of Councillors, encourage good conduct and safeguard the public's trust in local government. It is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership ("The Nolan Principles").</p>

## **1.0 Background**

1.1 Four complaints were raised in relation to the conduct of Councillor John Lee which the Monitoring Officer, in consultation with the Council's Independent Person, decided warranted further investigation.

1.2 East Midlands Councils were commissioned in March 2025 to undertake the independent investigation. The investigation was paused for a period between mid-April and mid-May 2025 due to the County Council elections, in relation to which Councillor Lee and two of the witnesses were also candidates. East Midlands Councils produced their final report on 26 August 2025. The investigation found evidence of breach in relation to two complaints: -

1.2.1 Complaint Number 20241126: This complaint was made by Cllr Mike Pringle and relates to Cllr Lee's alleged conduct at a meeting of the Council's Policy and Performance Improvement Committee which took place on the evening of the 25th November 2024.

The investigation concluded that Councillor Lee failed to treat two Councillors with respect and did not lead by example in a way that secures public confidence in the role of a councillor - and that as a result Cllr Lee's conduct brought the Council into disrepute.

1.2.2 Complaint Number 20250205: This complaint was made by Cllr Forde but also supported by the Chief Executive and relates to a 'Facebook' post published by Cllr Lee the 29th January 2025 detailing the alleged poor performance of the Council, the substance of which was repeated by Cllr Lee at a meeting of Balderton Parish Council on the same day. The investigation concluded that the information posted was entirely fictitious and therefore calculated to unfairly damage the reputation of the Council.

Accordingly, it was concluded that Cllr Lee brought the Council into disrepute through first publishing fictional information, then failing remove that information when advised to so by the Monitoring Officer, and further by repeating verbally it at a meeting of Balderton Parish Council.

1.3 The investigation found no evidence of breach in relation to two of the complaints. Considering this the Monitoring Officer decided to take no further action in relation to those complaints.

1.4 A draft of the investigation report was sent to Cllr Lee for comment on the 28 July 2025. It was made clear in the covering email that, consistent with the Council's procedure for Code of Conduct investigations, the draft report and the investigation itself should remain strictly confidential. Subsequently, the investigators were sent copies of an email written by Councillor Lee to four parish councils on the 29 July 2025 clearly referencing aspects of the draft investigation report, and a Facebook post by Councillor Lee (made on or around the 29 July 2025 and subsequently removed) which does similar.

In their final report, the investigators concluded that this amounted to a further breach of the Code of Conduct by Councillor Lee; breach of confidentiality.

- 1.5 Following receipt of the final report, the Monitoring Officer, in line with the Council's Arrangements for dealing with Complaints, considered the report and was satisfied the investigation had been conducted properly. In relation to the findings of breach, the Monitoring Officer concluded, after consultation with the Independent Person, that there was evidence of a failure to comply with the Code of Conduct, and that the matter should be referred to a Standards Complaint Hearing Panel. It was not considered appropriate to resolve by local informal resolution, although it was acknowledged that Councillor Lee had offered apologies and to attend Code of Conduct training. This was due to the belated nature of these actions.
- 1.6 In line with the Council's arrangements, the matter has now been progressed to a hearing. For the avoidance of doubt, the Hearing Panel is asked to consider the complaints detailed in paragraph 1.2.1, 1.2.2 and 1.4 above.

## **2.0 Proposal/Options Considered**

- 2.1 It is proposed that the Panel consider the information attached to this report and presented at the hearing and determine whether there has been a breach of the District Council's Code of Conduct by Councillor Lee, and, if appropriate, determine what sanction should be imposed.
- 2.2 In order to assist the Panel, the following information is attached to this report:
- Appendix 1 - Council's Procedure for Dealing with Code of Conduct Complaints  
(including the Code of Conduct and sanctions available)
  - Appendix 2 - Investigator's report (redacted)
  - Appendix 3 - transcript of the relevant extracts of an audio recording of the meeting of Balderton Parish Council of 29 January 2025
  - Appendix 4 - Representations made by Wilkin Chapman Rollits on behalf of Councillor Lee
  - Appendix 5 – relevant extracts from Local Government Association Guidance
  - Appendix 6 – procedure for the hearing

The Committee meeting of 25 November 2024 was live streamed and published online. A link is included in the Background Papers section to this report.

The information has been redacted to ensure that only information relevant to the finding of breach is presented to the Panel.

- 2.3 Under the Council's Arrangements for Dealing with Complaints, the complaint must now progress to the hearing stage. The options available to the Panel are to determine whether there has or has not been a breach of the Code of Conduct. It should be noted that the Panel and the Monitoring Officer have the right to depart

from the arrangements where it considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

- 2.4 Councillor Lee's legal advisor confirmed prior to the publication of this report that Councillor Lee would not be attending the hearing and would not be represented at the hearing. Instead, written submissions were submitted on 29 September 2025, and these are attached at Appendix 4.

### **3.0 Implications**

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

### **3.2 Legal Implications LEG2526/3997**

Code of Conduct complaints must be dealt with in accordance with the Council's Approved Arrangements for Dealing with Complaints made under s.28 (6) Localism Act 2011.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

The Policy & Performance Improvement Committee meeting of 25 November 2024 is available to view online - <https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=290&MId=997>

# **Councillor Code of Conduct**

## **Procedure for dealing with Complaints**

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## 1. Introduction

The Council is committed to promoting and maintaining high standards of conduct by all Councillors and has adopted a Code of Conduct which all Councillors and Co-opted Members must follow. This Code can be found on the Council's [website](#) and is attached as **Appendix 1** to this Procedure.

This Procedure provides information about how to complain if you are concerned that a Councillor or Co-opted Member has breached the Code. It also explains the procedure that will be followed when a complaint is received.

This procedure also applies to complaints regarding Town and Parish Councillors in Newark & Sherwood District. Town and Parish Councils are required to adopt their own Code of Conduct. Town and Parish Councils publish their codes of conduct on their websites – details of which are available on the District Council's [website](#).

If you do not have access to the website please call the Customer Services Centre for assistance; 01636 650 000.

## 2. Overview of the Process

All complaints received will be assessed to decide: -

- a) Whether they are valid and whether any further action should be taken
- b) Whether they can be resolved informally, for example by apology or training
- c) Whether further investigation is needed.

If a matter is considered serious enough to require further investigation it may still be resolved informally after investigation. Where necessary a panel of District Councillors may be convened to decide whether the Code of Conduct has been breached.

Possible sanctions are listed in paragraph 15 of this Procedure. Please note is **not** possible to suspend or disqualify a councillor under this Procedure, or to withdraw payment of allowances. There is no power to impose a sanction which would prevent a councillor from effectively undertaking their role.

## 3. Independent Oversight

The Council must appoint an 'Independent Person', who is consulted on all complaints received and at all stages of the complaints process.

A councillor who is the subject of a complaint is also able to seek the view of the Independent Person.

The Council has appointed two Independent Persons.

#### **4. Submitting a Complaint**

To ensure we have all the information we need to process your complaint we encourage you to complete the complaints form on our [website](#). Emails and letters will also be accepted.

Please provide us with your name and contact details, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please tell us. We do not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

All complaints should be submitted to:

[Monitoringofficer@newark-sherwooddc.gov.uk](mailto:Monitoringofficer@newark-sherwooddc.gov.uk)

Or by post to:

Monitoring Officer  
Newark and Sherwood District Council  
Castle House  
Great North Road  
Newark Notts  
NG24 1BY

If you need assistance to put your complaint in writing please call the Customer Services Centre for assistance: 01636 650000.

We will aim to acknowledge receipt of your complaint within 5 working days of receipt, and will keep you informed on the progress of your complaint.

#### **5. Initial Assessment of your Complaint**

The Monitoring Officer of the Council is a senior officer who has legal responsibility for administering this Procedure. The Monitoring Officer has appointed a Deputy Monitoring Officer, who can undertake all Monitoring Officer responsibilities set out in this Procedure if the Monitoring Officer is unable to.

The Monitoring Officer is responsible for reviewing every complaint received and, after consultation with the 'Independent Person', taking a decision as to how it should be dealt with. This decision will normally be taken within 20 working days of receipt of your complaint, or longer by agreement. You will be informed of the decision and the reasons for that decision.

We may ask you for additional information to decide how your complaint should be dealt with and may request information from the councillor who is the subject of your complaint. Where your complaint relates to a Town or Parish Councillor, we may seek the views of the Town or Parish Council before deciding whether the complaint merits formal investigation. These are

pre-assessment enquiries, which will not amount to an investigation. This may include obtaining documentation, such as minutes of meetings.

The Monitoring Officer will write to the Subject Member with details of the allegations (subject to any representations from the complainant about confidentiality or concerns that disclosure of certain details about the complaint would prejudice any potential investigation) and notify the Subject Member of their right to consult one of the Independent Persons.

The Subject Member will be requested to provide within 10 working days of the date of the letter, or such longer period as the Monitoring Officer may agree, any written representations in response to the complaint. The Monitoring Officer will take any representations received into account when deciding how the complaint will be dealt with.

We will rely on the Local Government Association [Guidance on the Local Government Association Model Councillor Code of Conduct](#) and the accompanying Local Government Association [Guidance on Member Model Code of Conduct Complaints Handling](#) to assess your complaint and take a decision as to whether the complaint merits formal investigation or whether it should be dealt with informally or rejected. These documents will be referred to throughout the process.

The Monitoring Officer will inform you (the complainant) and the Subject Member of the decision on initial assessment and the reasons for that decision, in writing.

By exception and at their discretion, the Monitoring Officer may refer a complaint to a Sub-Committee of the Council's Audit & Governance Committee (The Standards Complaint Hearing Panel) to decide whether or not it should be investigated or other action taken. This could be for example where the Monitoring Officer has a conflict of interest, or the matter is particularly high profile.

If your complaint identifies criminal conduct or breach of other regulation by any person, we may refer your complaint to the Police and other regulatory agencies.

## **6. Complaints against 'Dual Hatted' Members**

A 'dual hatted' Member is a Member of a Council and who is also a Member of another authority. The Member could be a serving County Councillor, Fire Authority Councillor, District Councillor and Town or Parish Councillor.

If a complaint regarding a 'dual hatted' Member is received the Monitoring Officer will consider whether:

- The complaint clearly relates to incidents or circumstances which have occurred solely in that Member's capacity as a District, Parish or Town Councillor;
- That no other countywide authority is involved; and

If so, the complaint shall be processed by the Monitoring Officer in accordance with this Procedure.

If in the view of the Monitoring Officer the complaint may impact on the capacity of the Member in relation to their role with another authority, the Monitoring Officer may refer you to the other authority. The Council may continue to deal with any aspects of your complaint that relate to the Member's capacity as a District, Parish or Town Councillor within the Newark & Sherwood District.

## **7. Confidentiality**

In the interests of fairness and natural justice, we believe Councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless we consider that there are exceptional circumstances, or the nature of the complaint is such that the identity of the complainant is not relevant.

To allow us to give full consideration to a request for confidentiality we require you to provide us with an explanation of the reason why you think your details should be kept confidential.

The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

If the Monitoring Officer considers that disclosure of some details of the complaint to the Subject Member might prejudice an investigation, the Monitoring Officer may delay notifying the Subject Member until consideration of the complaint has progressed sufficiently.

It is important to preserve the integrity of the complaints process and to minimise any negative effect of the complaint on all the people affected by it, that information relating to the complaint is treated as confidential. The assessment of complaints will therefore be conducted by the Monitoring Officer in confidence. The parties to a complaint are expected to maintain confidentiality as well. Parties are not prohibited from discussing the complaint to seek advice and support; however, it should not be discussed in the public domain.

## **8. Assessment Criteria**

The Monitoring Officer will consider the following, and refer to the relevant LGA guidance, in deciding whether the complaint should be investigated, dealt with informally or rejected:

- a) Does the complaint contain sufficient evidence to support the complaint? The Monitoring Officer will not usually take any further action where a Complainant has simply made an allegation that the Councillor has failed to act in way that is required by the Code;
- b) Are there alternative, more appropriate, remedies that should be explored first?
- c) Where the complaint is by one councillor against another, a greater allowance for robust political debate (but not personal abuse) may be given, bearing in mind the right to freedom of expression;
- d) Does the complaint appear to be trivial, vexatious, malicious, politically motivated or tit for tat;
- e) Whether an investigation would not be in the public interest or the matter, even if proven, would not be serious enough to warrant any sanction;
- f) the complaint or a substantially similar allegation has previously been the subject of an investigation and there is nothing more to be gained by further action being taken and/or no new material evidence has been provided;
- g) Whether a substantially similar complaint has been submitted and accepted;
- h) a significant period of time has elapsed since the events, which are the subject of the complaint. This could be because, where a matter is serious, it would be reasonable to expect the Complainant to make a complaint promptly, or because the passage of time may make it more difficult to obtain documentary evidence and reliable witness evidence. The Monitoring Officer will normally reject a complaint where the last event complained of took place more than six months prior to the date of the complaint. The Monitoring Officer will however consider any reason why there had been a delay in making the complaint;
- i) Was the behaviour that is the subject of the complaint already dealt with? For example, through an apology at the relevant meeting or other remedial action by the Subject Member, and taking this into account the complaint does not disclose sufficiently serious potential breaches of the Code of Conduct to merit further consideration;
- j) Does the complaint actually relate to dissatisfaction with a local authority decision rather than the specific conduct of an individual?
- k) Is it about someone who is no longer a councillor or who is seriously ill?
- l) the complaint is anonymous. The Monitoring Officer will not usually investigate anonymous complaints unless there is a clear public interest in doing so.
- m) the complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter. This could be where the matter is such that there is unlikely to be any firm evidence on the matter. An example of this could be a telephone conversation where there were conflicting accounts of what was said in the call was no independent verification of the contents of the telephone call.
- n) a complaint suggests that there is a wider problem throughout the authority, and this will be considered differently and as part of that wider resolution;

- o) the complaint discloses a potential breach of the Code, but the complaint is not serious enough to merit an investigation in circumstances where the resources needed to investigate are wholly disproportionate to the allegations and there is no overriding public interest in carrying out an investigation. Public interest is regarded as something which is of serious concern and benefit to the public.

Notwithstanding the criteria above, the Council will take into account the public interest in taking further action on a complaint.

## **9. Informal resolution**

In appropriate cases, the Monitoring Officer will seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve

- a) offering an apology
- b) agreeing to attend training
- c) agreeing to engage in mediation
- d) referral to the Subject Member's political group for resolution

Where the Subject Member makes a reasonable offer of informal resolution, but the Complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

Where the Monitoring Officer recommends informal resolution, but the Subject Member is not willing to accept that their conduct was unacceptable or is not willing to accept the informal resolution proposed, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

The Local Government Association Guidance 2021 provides the below examples of matters which may be suitable for informal resolution:

- a) the same particular breach of the Code by many members, indicating poor understanding of the Code and the authority's procedures;
- b) a general breakdown of relationships, including those between members and officers, as evidenced by a pattern of allegations of minor disrespect, harassment or bullying to such an extent that it becomes difficult to conduct the business of the authority;
- c) misunderstanding of procedures or protocols;
- d) misleading, unclear or misunderstood advice from officers;
- e) lack of experience or training;
- f) interpersonal conflict;
- g) allegations and retaliatory allegations from the same members;
- h) allegations about how formal meetings are conducted;
- i) allegations that may be symptomatic of governance problems within the authority, which are more significant than the allegations in themselves.

If the Monitoring Officer considers a complaint can be concluded through informal resolution, they will consult with the Independent Person and will normally inform the Subject Member and the Complainant and give them the opportunity to comment before making a final decision.

## **10. Investigation**

Both you (the complainant) and the councillor who is the subject of the complaint, should be updated on progress every 30 days if the matter is not concluded at the initial assessment stage.

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether they need to meet or speak to you (the complainant) to understand the nature of the complaint to get a better understanding of the allegation and suggest what documents the Investigating Officer may need to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the Subject Member and provide them with a copy of the complaint, and ask the Member to provide their explanation of events, and to identify what documents they need to see and who they need to interview.

In exceptional cases, where it is appropriate to keep the complainant's identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete the complainant's name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of the investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you (the complainant) and to the Subject Member concerned, to give you both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more consideration.

Both parties will be given 10 working days to make representations or in exceptional circumstances, such other period as the Investigating Officer considers reasonable.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send the final report to the Monitoring Officer.

## **11. Investigating Officer Concludes that there is No Evidence of a Breach of the Code of Conduct**

The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you (the

complainant) and to the Subject Member and to the Town or Parish Council (where the complaint relates to a Town or Parish Councillor) confirming that they are satisfied that no further action is required, and provide a copy of the Investigating Officer's final report. This action will be taken in consultation with the Independent Person.

## **12. Investigating Officer concludes that there is Evidence of a Breach of the Code of Conduct**

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

## **13. Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, the Monitoring Officer will consult with the Independent Person and you (the complainant) and seek to agree with you what would be a fair resolution which also helps to ensure higher standards of conduct for the future. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable; and

- a) offering an apology;
- b) agreeing to attend a training course;
- c) agreeing to engage in a process of conciliation; or
- d) the council introducing some other remedial action (such as changing procedures).

If you tell the Monitoring Officer that any suggested resolution would not be adequate or the Subject Member refuses to accept the resolution the Monitoring Officer may (but does not have to) refer the matter for a hearing.

## **14. Hearing**

If the matter is not concluded by informal resolution then the Monitoring Officer will report the Investigating Officer's report to the Hearing Panel (a sub-committee of the Council's Audit & Governance Committee) which may conduct a hearing before deciding whether the Subject Member has failed to comply with the Code of Conduct and, if so, whether to take any action.

The Monitoring Officer will conduct a pre-hearing process, requiring the Subject Member to give their response to the Investigating Officer's report in writing to identify what is likely to be agreed and any facts that may be disputed.

The role of the panel is to decide factual evidence on the balance of probabilities.



The Independent Person will be invited to attend to observe but will not participate in the hearing. The Panel will seek the views of the Independent Person and take those views into account before making its decision.

See **Appendix 2** for further details about the hearing procedure.

## **15. Sanctions**

Full Council has delegated to the Panel, powers to take action in respect of individual members as maybe necessary to promote and maintain high standards of conduct. The Local Government Association Guidance 2021 provides that when deciding on a sanction, the panel should ensure that it is reasonable, proportionate and relevant to the subject member's behaviour.

Typical sanctions may include one or a combination of the following:

- report its findings in respect of the subject member's conduct to council (or the relevant parish council)
- issue (or recommend to the parish council to issue) a formal censure
- recommend to the subject member's group leader (or in the case of un-grouped councillors, recommend to council) that they be removed from any or all committees or sub-committees of the authority (or recommend such action to the parish council)
- recommend to the leader of the authority that the subject member be removed from positions of responsibility
- instruct the monitoring officer to (or recommend that the parish council) arrange training for the subject member
- recommend to council (or recommend to the parish council) that the subject member be removed from all outside appointments to which they have been appointed or nominated by the authority (or by the parish council);
- recommend to council (or recommend to the parish council) that it withdraws facilities provided to the subject member by the authority for a specified period, such as a computer, website and/or email and internet access; or
- recommend to council (or recommend that the parish council) that it excludes the subject member from the authority's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending council, committee and sub-committee meetings and/or restricts contact with officers to named officers only

- if relevant recommend to council that the subject member be removed from their role as leader of the authority
- if relevant recommend to the secretary or appropriate official of a political group that the councillor be removed as group leader or other position of responsibility.

Sanctions involving restricting access to an authority's premises or equipment or contact with officers should not unnecessarily restrict the subject member's ability to carry out their responsibilities as an elected representative or co-opted member.

Note that where the subject member is a parish or town councillor, the matter is referred back to their council to say that a breach of the Code has been found and with a recommended sanction. The town or parish council must then meet to consider whether to impose that sanction or to replace it with another relevant sanction. They cannot overturn the finding that there has been a breach of the Code and if they wish to impose a different sanction they should seek advice from the clerk and/or the monitoring officer.

The Hearings Panel has no power to suspend or disqualify the Subject Member or to withdraw members or special responsibility allowances.

## **16. What Happens at the end of the Hearing?**

The Monitoring Officer will prepare a Formal Decision Notice in consultation with the Chair of the Panel. The Decision Notice will include a brief statement of facts, the provisions of the Code of Conduct engaged by the allegations, the views of the Independent Person, the reasons for the decision and any sanctions applied, and any other information recommended by the LGA guidance as amended from time to time.

A copy of the Decision Notice will be sent to you (the complainant), the Subject Member, published on the Council's website and reported to the next convenient meeting of the Audit & Governance Committee.

## **17. Appeals**

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel.

If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government and Social Care Ombudsman.

## **18. Revision and overview of these arrangements**

The Audit & Governance Committee may agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

A report summarising details about the complaints received under this Procedure is submitted annually to the Audit & Governance Committee.

## Appendix 1

### CODE OF CONDUCT FOR MEMBERS

#### 1. Introduction

- 1.1 All councils are required to have a local Councillor Code of Conduct. Newark & Sherwood District Council has adopted this Code of Conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its Members and Co-Opted Members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.
- 1.2 The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that councillors can be held accountable and all adopt the behaviours and responsibilities associated with the role. Conduct of individual councillors affects the reputation of the Council as a whole.
- 1.3 Councillors represent local residents, work to develop better services and deliver local change. The public have high expectations of councillors to take decisions fairly, openly and transparently. Councillors have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct and by challenging behaviour which falls below expectations.
- 1.4 Importantly, councillors should be able to undertake their role without being intimidated, abused, bullied or threatened by anyone, including the general public.
- 1.5 This Code is designed to protect the democratic role of councillors, encourage good conduct and safeguard the public's trust in local government, it is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership ("The Nolan Principles").

#### 2. Definitions

- 2.1 For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of the Authority. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the Authority but who:
  - a) is a member of any committee or sub-committee of the Authority, or;
  - b) is a member of, and represents the Authority on, any joint committee or joint sub-committee of the Authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

### **3. Purpose of the Code of Conduct**

- 3.1 The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct.

### **4. General Principles of Councillor Conduct**

- 4.1 Everyone in public office at all levels, all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers, should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.
- 4.2 Building on these principles, the following general principles have been developed specifically for the role of councillor.
- 4.3 In accordance with the public trust placed in you, on all occasions you MUST:
- ✓ act with integrity and honesty;
  - ✓ act lawfully;
  - ✓ treat all persons fairly and with respect; and
  - ✓ lead by example and act in a way that secures public confidence in the role of councillor.
- 4.4 In undertaking your role you SHOULD:
- ✓ impartially exercise your responsibilities in the interests of the local community;
  - ✓ exercise your independent judgement, taking decisions for good and substantial reasons;
  - ✓ account for your actions, particularly by supporting the authority’s scrutiny function;
  - ✓ not improperly seek to confer an advantage, or disadvantage, on any person;

- ✓ avoid conflicts of interest;
- ✓ exercise reasonable care and diligence;
- ✓ ensure that public resources are used prudently in accordance with the Council's requirements and in the public interest; and
- ✓ ensure that the authority acts within the law.

## **5. Application of the Code of Conduct**

5.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

5.2 This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- ✓ Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- ✓ at face-to-face meetings
- ✓ at online or telephone meetings

## **6. Standards of Councillor Conduct**

6.1 This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

6.2 Guidance is included to help explain the reasons for the obligations and how they should be followed.

## **7. General Conduct**

### **1. Respect**

As a Councillor you should:

- 1.1 treat other councillors and members of the public with respect.

- 1.2 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.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the Council's councillor- officer protocol.

## **2. Bullying, Harassment and Discrimination**

As a councillor you should:

- 2.1 not bully any person.
- 2.2 not harass any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of Officers of the Council**

As a councillor you should:

- 3.1 not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and Access to Information**

As a councillor you should:

- 4.1 not disclose information:
  - a. given to you in confidence by anyone



- b. acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless
  - i. you have received the consent of a person authorised to give it;
  - ii. you are required by law to do so;
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - iv. the disclosure is:
    - 1. reasonable and in the public interest; and
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
    - 3. you have consulted the Monitoring Officer prior to its release.
- 4.2 not improperly use knowledge gained solely as a result of your role as a councillor for the advancement of yourself, your friends, your family members, your employer or your business interests.
- 4.3 not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## 5. Disrepute

As a councillor you should:

- 5.1 not bring your role or the local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of Position**

As a councillor you should:

- 6.1 not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of Local Authority Resources and Facilities**

As a Councillor you should:

- 7.1 not misuse council resources.
- 7.2 when using the resources of the local or authorising their use by others:
- a. act in accordance with the local authority's requirements; and
  - b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which you have been elected or appointed.

**You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.**

**Examples include:**

- **office support**
- **stationery**
- **equipment such as phones, and computers**
- **transport**
- **access and use of local authority buildings and rooms**

**These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Council's policies regarding their use.**

## 8. Complying with the Code of Conduct

As a councillor you should:

- 8.1 undertake Code of Conduct training provided by the Council.
- 8.2 cooperate with any Code of Conduct investigation and/or determination.
- 8.3 not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4 comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.

Protecting your reputation and the reputation of the local authority

**It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the Council's processes in handling a complaint you should raise this with the Monitoring Officer.**

## 9. Interests

As a councillor you should:

- 9.1 register and disclose your interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Council.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

## 10. Gifts and Hospitality

As a councillor you should:

- 10.1 not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- 10.2 register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.
- 10.3 register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact the Monitoring Officer for guidance.

## **APPENDICES**

### **APPENDIX A**

#### **The Seven Principles of Public Life**

The principles are:

##### **Selflessness**

Holders of public office should act solely in terms of the public interest.

##### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

##### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

##### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

##### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

##### **Honesty**

Holders of public office should be truthful.

##### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## APPENDIX B

### Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**“Disclosable pecuniary interest”** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must make a verbal declaration of the existence and nature of the interest at or before the consideration of the item of business. You must not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

### Disclosure of Other Registerable Interests (*Personal Interests*)

5. Where a matter arises at a meeting which ***directly relates*** to one of your Other Registerable Interests (as set out in Table 2), you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business as soon as the interest becomes apparent. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
7. Where a matter arises at a meeting which ***affects*** :
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a friend, relative, close associate; or
  - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

8. Where a matter ***affects*** your financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.  [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.  This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council  (a) under which goods or services are to be provided or works are to be executed; and  (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council.  'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.



<b>Corporate Tenancies</b>	<p>Any tenancy where (to the councillor's knowledge):</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where:</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registerable Interest**

**You must register as an Other Registrable Interest:**

- a) any unpaid directorships;
  - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
  - c) any body
    - (i) exercising functions of a public nature
    - (ii) any body directed to charitable purposes or
    - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management.

## Appendix 2

### **Draft Agenda for meeting of the Standards Complaint Hearing Panel**

1. Notification to those present that the meeting will be recorded and streamed online
2. Apologies for Absence
3. Declarations of Interest from Members and Officers
4. Representations that any part of the hearing be held in private (NOTE: this will only be allowed in exceptional circumstances as the presumption is that it will be conducted in public).
5. [Investigation Report relating to.....]
6. Exclusion of the Press and Public

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

7. Investigation Report relating to.....]

### **Draft Procedure for conducting Hearings**

For reasons of fairness and proportionality a hearing should wherever possible take place within three months of the date on which the investigator's report was completed. However, the hearing should not take place sooner than 14 days after the investigation report has been issued unless the Subject Member agrees. This is to allow them sufficient time to prepare.

All hearings must follow the rules of natural justice and allow parties to have their say. In line with the principle of proportionality the approach taken in relation to individual cases may depend upon the seriousness of the issue. For example, if the Monitoring Officer is satisfied, following consultation with relevant the parties, that the investigation has allowed all sides to have their say, the Panel may simply review the report without further reference to the parties.

The Subject Member may choose to ask another person to speak on their behalf at a hearing; this must be agreed in advance by the Monitoring Officer and the Chair of the Panel.

In the interests of efficiency and to minimise distress for those involved, written evidence will be relied on where possible rather than calling witnesses to give verbal evidence.

The following is a concise draft procedure which can be tailored to individual circumstances. The Monitoring Officer will refer to the LGA Guidance on Member Model Code of Conduct Complaints Handling when considering procedure for individual cases and will consult with the Chair of the Panel to agree procedure before circulating to the relevant parties prior to the hearing.

1. Chair opens the meeting, introduces all parties present, and briefly outlines the process for the meeting.
2. The Investigation Officer presents a summary of their report and their conclusions. The Member who is the subject of the investigation (the Subject Member) can then ask questions of the Investigating Officer. The Committee may also wish to ask questions.
3. The Subject Member will then present their case. The Investigating Officer may wish to ask questions. The Committee may also wish to ask questions.
4. Chairman invites comments of the Independent Person.
5. At the end of this process the Sub- Committee will ask the parties to leave whilst it considers the facts and on whether there has been a breach of the code. Any officer who retires with the panel is there to advise on matters of procedure and law. Any advice given must then be conveyed back publicly to the meeting.
6. The parties will then be asked to return and the Investigating Officer and Subject Member will be asked to make representations on what sanctions should be imposed, if the decision is that there has been a breach.
7. The parties to leave room whilst Sub-Committee sits in private to decide on appropriate sanctions, if the decision is that there has been a breach. Any officer who retires with the panel is there to advise on matters of procedure and law. Any advice given must then be conveyed back publicly to the meeting.
8. The parties will then be asked to return and Chair advises parties of decision, which will be confirmed in writing in the next few days.

9. Chair closes meeting.

### **Appendix 3**

[Guidance on Local Government Association Model Councillor Code of Conduct](#)

[Guidance on Member Model Code of Conduct Complaints Handling](#)



**PERSONAL & CONFIDENTIAL**

**REPORT TO THE MONITORING OFFICER  
NEWARK & SHERWOOD DISTRICT COUNCIL**

**INVESTIGATION INTO THE CONDUCT OF CLLR JOHNO LEE RESULTING FROM FOUR  
SEPARATE WRITTEN COMPLAINTS MADE BETWEEN  
NOVEMBER 2024 & FEBRUARY 2025**

**Andrew Pritchard BA (Hons), MA, MRTPI, FAcSS, FRSA  
Samantha Maher MA, FCIPD  
Investigating Officers**

**26<sup>th</sup> August 2025**

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## **1. Introduction**

- 1.1 This report has been prepared by East Midlands Councils under the Council's Procedure for dealing with Code of Conduct Complaints in relation to Elected Members as approved by the Audit & Governance Committee on the 25<sup>th</sup> September 2024.<sup>1</sup>
- 1.2 The purpose of this report is to detail the outcome of an independent 'fact finding' investigation into four written complaints made against Cllr John Lee submitted to the Council's Monitoring Office between November 2025 and February 2025.
- 1.3 Following an initial review of each complaint, the Monitoring Officer decided to ask East Midlands Councils to undertake an independent investigation into the allegations. The Monitoring Officer informed Cllr Lee of this decision by email on the 24<sup>th</sup> March 2024.
- 1.4 Given the nature of the complaints the four investigations have been undertaken concurrently and our conclusions presented in this single report. Because Cllr Lee and two of the witnesses were also candidates in this year's County Council elections, the investigation was paused for a period between mid-April and mid May 2025. We have at all times emphasised to those involved that the investigation is and should remain confidential.
- 1.5 During the course of the investigation a substantial amount of additional material relating to Cllr Lee's alleged conduct on other matters was brought to our attention. In addition, we were made aware of a number code of conduct complaints made by Cllr Lee against other councillors, and of Cllr Lee's intention to take legal action against at least two other councillors and separately against the Council itself.
- 1.6 In order progress the investigation in a timely and reasonable manner, we have touched on these matters only insofar as we believe them to be relevant to the four complaints originally referred to us by the Council's Monitoring Officer.
- 1.7 Following consideration of this report it is for the Monitoring Officer to determine what, if any, further action is required.

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<sup>1</sup> [231024Procedure-for-dealing-with-Code-of-Conduct-Complaints.pdf](#)

## 2. Allegations

2.1 Details of the four complaints are summarised below:

- **Complaint Number 20241126:** This complaint was made by Cllr Mike Pringle and relates to Cllr Lee's alleged conduct at a meeting of the Council's Policy and Performance Improvement Committee which took place on the evening of the 25<sup>th</sup> November 2024.
- [REDACTED]
- [REDACTED]
- **Complaint Number 20250205:** This complaint was made by Cllr Forde but also supported by the Chief Executive and relates to a 'Facebook' post published by Cllr Lee the 29<sup>th</sup> January 2025 detailing the alleged poor performance of the Council, the substance of which was repeated by Cllr Lee at a meeting of Balderton Parish Council on the same day.

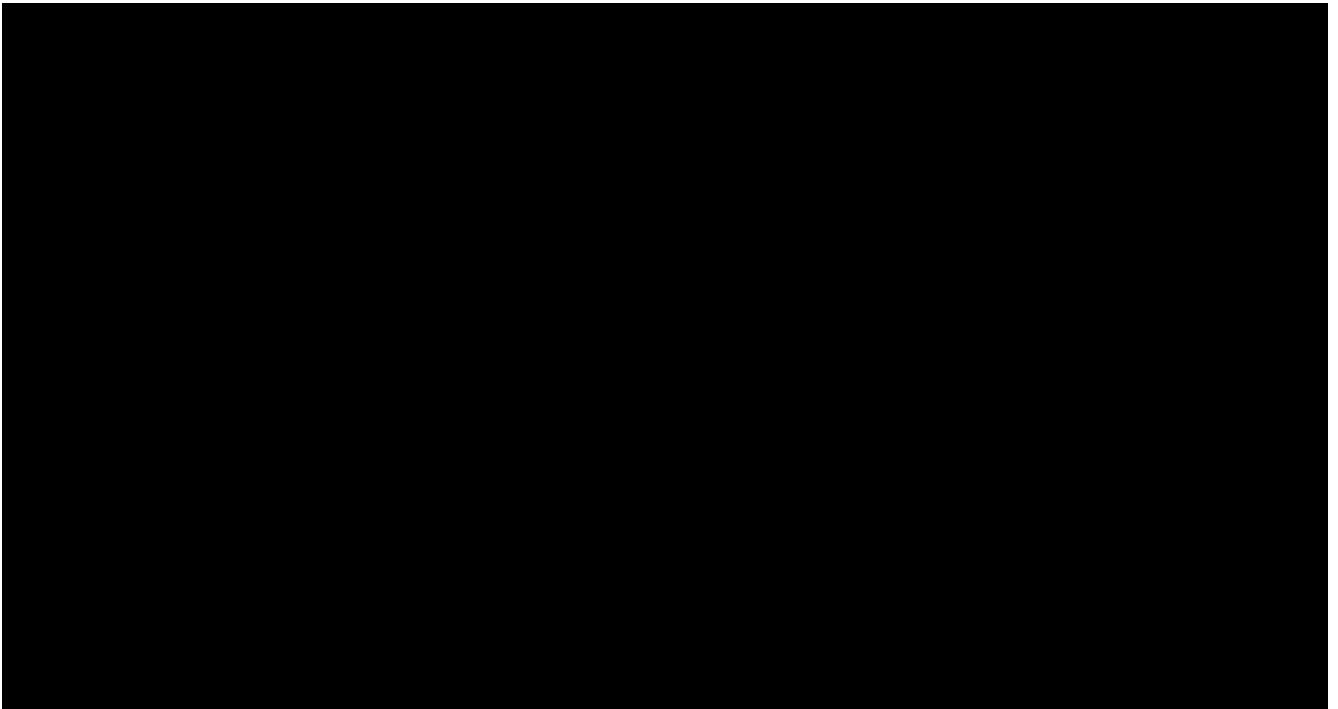
### 3. Background

- 3.1 Cllr John Lee was first elected to Newark & Sherwood District Council in May 2015, representing the ward of Balderton North and Coddington just to the east of the town of Newark-on-Trent. At the time the alleged events took place he had been a district councillor for over nine years. Up until May 2023 Cllr Lee had been a member of the Council's ruling group (although he did not hold a cabinet position), but since then has been in opposition following a change in political control.
- 3.2 Cllr Lee was also elected to Nottinghamshire County Council in May 2021 representing the Balderton division and retained his position at the County Council elections held on the 1<sup>st</sup> May 2025. He was Vice Chairman of the County Council in 2024-5.
- 3.3 Although Cllr Lee sits as 'Conservative' at the County Council, he told us that he had resigned from the District Council's Conservative Group in November 2024. We understand he has sat as a 'Non-Aligned Independent' on the District Council since January 2025. Whilst the reasons for of Cllr Lee's exit from the Council's Conservative Group are not relevant to our investigation, it appears that the split was acrimonious on both sides and to a degree remains so.
- 3.4 Between June 2024 and August 2024 and then again between August 2024 and October 2024, we were told that the Council's Chief Executive put in place what is described as a 'Single Point of Contact' arrangement for Cllr Lee, whereby he was prevented in contacting individual officers of the Council and instead had to direct any questions or issues via Democratic Services.
- 3.5 We understand this arrangement was in response to what the Chief Executive described as Cllr Lee's '*inappropriate use*' of his resources to raise numerous unsubstantiated claims of wrong-doing or incompetence which were impacting on operational performance as well as having negative impact the on the mental wellbeing of some individuals. In particular, he highlighted unfounded claims of fraud made by Cllr Lee to the Police & Crime Commissioner in relation to the District Council's use of Government 'Safer Streets' funding, and of unfounded claims of interference in a planning decision.
- 3.6 The Chief Executive told us that his decision to impose the 'Single Point of Contact' arrangement was only taken following careful consideration and after speaking with the Council's political group leaders. We were also told that there

were no restrictions on Cllr Lee's access to council premises, facilities or resources during this period.

3.7 After a total period of six months the 'Single Point of Connect' arrangement was lifted, since when the Chief Executive reported to us that Cllr Lee's interactions with officers have shown some improvement. However, Cllr Lee still disputes the arrangement which he believes represents evidence of his mistreatment by the Council. He also told us that he had instructed solicitors to take action against the Council for the illegal deprivation of his resources.

3.8 Given that Cllr Lee has decided to take legal action against the Council, there is nothing further that we can contribute as part of this investigation. However, it does explain some of the friction that undoubtedly exists between Cllr Lee and the Council.



3.12 Cllr Lee made us aware of comments made on Facebook initially by Cllr Forde on the 17<sup>th</sup> May 2025 relating to his earlier military service in Iraq, which Cllr Lee has referred to the Monitoring Officer under the Council's Code of Conduct. Cllr Lee also informed us that that he had instructed solicitors to pursue claims of defamation against Cllr Forde and against Cllr Jean Hall in relation to these comments.

- 3.13 The facts relating to the matter in question are fully in the public domain and contained in the report of the Baha Mousa Public Inquiry chaired by the Rt Hon Sir William Gage and published in September 2011<sup>2</sup>.
- 3.14 The Monitoring Officer subsequently referred Cllr Lee's complaint against Cllr Forde to this investigation. However, given that Cllr Lee is progressing legal action, we have concluded that it would be inappropriate to assess this complaint further under the Council's Code of Conduct at this stage.
- 3.15 Finally, we observe that the events set out in the Public Inquiry report appear to be well known and are likely to have had a negative impact on perceptions of Cllr Lee in the eyes of a number of his fellow councillors, and as a result may have influenced their interpretation of some of his behaviour.

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<sup>2</sup> [The Baha Mousa Public Inquiry report - GOV.UK](#)

#### 4. Methodology

4.1 We reviewed the four complaints against the Member Code of Conduct, undertook background desktop research and reviewed relevant audio-visual material supplied to us by the Council, in particular:

- A video recording of the Policy & Performance Improvement Committee of the 25<sup>th</sup> November 2025;
- [REDACTED]
- An audio recording of the meeting of Balderton Parish Council of the 29<sup>th</sup> January 2025.

4.2 From this we generated a series of issues and questions that informed a first round of interviews with the following:

- Mr John Robinson (the Council's Chief Executive): 9<sup>th</sup> April 2025
- Cllr Mike Pringle: 9<sup>th</sup> April 2025
- Cllr Simon Forde: 9<sup>th</sup> April 2025

4.3 Given the proximity of the County Council elections, we paused the investigation for a period, and then interviewed the following:

- Cllr Jane Buxton (Chair of Balderton Parish Council): 29<sup>th</sup> May 2025
- [REDACTED]
- Cllr John Lee: 4<sup>th</sup> June 2025

4.4 All of the interviews took place in the ground floor rooms of Castle House in Newark, the Council's headquarters building.

4.5 Following each interview we produced a written record of the discussion, a final version of which was then agreed by each interviewee as representing a 'reasonable record'.

4.6 We understand from the Monitoring Officer that no response was received from [REDACTED] in relation to an invitation to interview. Whilst unfortunate, we have still been able to reach clear conclusions in all four complaints.

4.7 Cllr Lee also asked us interview three other councillors whom he believed would corroborate his allegations that he was being treated unfairly by the Council and

targeted by the current political leadership. However, we were originally remitted by the Monitoring Officer to undertake an investigation into the four complaints against Cllr Lee. It was not clear to us how widening the investigation in way suggested by Cllr Lee could have added any additional information relevant to these complaints.

- 4.8 In accordance with the Council's procedure, a draft version of this report was sent for comment to Cllr Lee, and relevant extracts to Cllr Pringle, Cllr Forde and [REDACTED]. On the advice of the Monitoring Officer, we also sent the draft report to the Council's Chief Executive given that he is supporting one of the complaints made against Cllr Lee. A schedule of the comments received and our response to each is set out in Appendix 7.

## **5. Findings**

- 5.1 Based on the methodology set out under Section 4 our findings are detailed below. We have addressed each complaint in turn, concluding with a decision based on a reasonable and genuine belief on the balance of probabilities.

**Complaint Number 20241126** made by Cllr Mike Pringle

### **Summary of Complaint**

- 5.2 Cllr Lee's conduct at a meeting of the Council's Policy & Performance Improvement Committee (PPIC) on the 25<sup>th</sup> November 2024, which is chaired by Cllr Pringle, was in breach of the 'Nolan Principles'.

### **Investigation**

- 5.3 Newark and Sherwood District Council is Cabinet led. The PPIC is a scrutiny committee but not a decision-making body.
- 5.4 The matter to which the complaint relates concerns a discussion about the proposed use of 12 stone sculptures made by a local artist Robert Kiddey and which were originally part of a Willford Power Station building demolished in the early 1980s. Similar sculptures by the same artist feature as part of the County Hall building in West Bridgford.
- 5.5 The 'Kiddey Stones' had been placed in storage for a number of years. The new administration at the Council was keen to find a way to display them in a way that promoted local heritage and to create a visitor attraction, and proposed that they should be displayed in the public area in front of Castle House in Newark. To inform its decision the Council undertook a public consultation exercise<sup>3</sup>.
- 5.6 The purpose of the discussion at the PPIC meeting was to consider the outcome of this consultation, which it appears had not demonstrated clear support for the proposition, and to highlight issues for consideration by the Cabinet when it met the following month to resolve a decision. A number of councillors raised concerns about the proposal and made alternative suggestions, including Cllr Forde.

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<sup>3</sup> [Kiddey Stones - Public Consultation | Newark & Sherwood District Council](#)



- 5.7 Cllr Lee was not a member of the committee and ordinarily would not have been allowed to speak. However, Cllr Pringle exercised his discretion as chair of the committee to agree to Cllr Lee's request to contribute. In doing so Cllr Pringle felt that he was being inclusive to Cllr Lee. In contrast, Cllr Lee said that Cllr Pringle would have felt he had no choice, as he knew that Cllr Lee would have reported any refusal on his social media - which we have no doubt would have been the case.
- 5.8 Unfortunately a technical fault meant that the meeting could not be 'live-streamed' in the normal way. However, a video recording was made – albeit one with variable sound quality and from a fixed camera position. We reviewed the video as part of the investigation, and then again with Cllr Lee.
- 5.9 In his interview, Cllr Lee appeared to concede that his comments were not consistent with terms of reference for the committee but contended that he was reflecting the views of his constituents in a passionate manner and was acting within the laws of 'free speech'. He said that the comments referencing Cllr Hall (who was not a member of the Committee and was not present at the meeting) were as result of previous comments made by her on social media about the Kidney Stones.
- 5.10 In his interview, Cllr Lee explained further his approach by saying:
- "We will use this decision for the next 10 years about the waste of money on the stones in our leaflets. This won me the election at County. I'm making the point that my residents said no – that was my point and purpose in speaking."*
- 5.11 Cllr Pringle clearly regretted his decision to allow Cllr Lee to speak in what he felt had otherwise been a constructive meeting and struggled to bring him to order. The episode concluded with Cllr Lee leaving abruptly but continuing to direct comments towards Cllr Pringle from off camera.
- 5.12 Cllr Forde told us that that he could not remember a word of what Cllr Lee said but could only recall that he sat staring at him throughout '*with a mad look in his eye*' - which Cllr Lee denies and which is difficult for us to substantiate from the video evidence.
- 5.13 Cllr Lee told us that after the meeting he was directed by his then Group Leader to apologise to Cllr Pringle, which he did, but that his apology had been rudely rebuffed. Although this was not confirmed by Cllr Pringle, there appears to have been heated exchanges between the two on more than one occasion.

- 5.14 From Cllr Pringle's perspective, Cllr Lee's conduct at the meeting was '*shameful*' and symptomatic of a wider pattern of behaviour which he believes brings the Council into disrepute.

**Decision: This complaint is upheld**

- 5.15 The Council's Code of Conduct defines respect as: '*...politeness and courtesy in behaviour, speech, and the written word. Debate and having different views are part of a healthy democracy...You should not, however, subject individuals, groups of people or organisations to personal attack*'
- 5.16 Cllr Lee clearly knew that he was speaking out of order, and yet he persisted and made what we can only conclude to be a personal attack on another councillor who was not a member of the committee or even present at the meeting. Whilst Cllr Lee can expect a measure of protection for his political 'freedom of expression' under Article 10 of the European Convention on Human Rights, in our view his rhetoric and demeanour went beyond what was reasonable in the context of the meeting and Cllr Pringle was right to attempt to bring him to order.
- 5.17 The Council's Code of Conduct makes it clear that councillors: "*...can hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this code of conduct.*" (our emphasis).
- 5.18 Cllr Pringle's attempts to bring Cllr Lee to order were not in our view an infringement of Cllr Lee's rights of 'freedom of expression', merely an attempt to keep discussion within the Committee's terms of reference and maintain good order. Cllr Lee has plenty of other opportunities to express his political views outside of the Council's formal proceedings.
- 5.19 If Cllr Lee had been new to local government, then his behaviour might have been more understandable. However, at the time of these events Cllr Lee had held public office over nine years and was both a District and a County Councillor (and was Vice Chairman of the County Council), and as a result we believe he knew exactly what he was doing.
- 5.20 Accordingly, we conclude Cllr Lee did not treat Cllr Pringle or Cllr Hall with respect and that he did not lead by example in a way that secures public confidence in the role of a councillor - and that as a result Cllr Lee's conduct brought the Council into disrepute.

5.21 At his interview Cllr Lee offered to make a further, formal apology to Cllr Pringle, which we welcome – and which he has subsequently told us has been made

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**Complaint Number 20250205:** made by Cllr Forde and supported by the Chief Executive

### Summary

- 5.53 This complaint relates to a post published on the 'Johno Lee' Facebook page on the 29<sup>th</sup> January 2025 detailing the alleged poor performance of the Council, the substance of which was then repeated by Cllr Lee at a meeting of Balderton Parish Council on the same day. The allegation is that the information in this post is entirely false and brings the Council into disrepute.

### Investigation

- 5.54 The post in question was made on the 'Johno Lee' Facebook page on the 29<sup>th</sup> January 2025 and is contained in Appendix 4 of this report. It purports to detail 10 specific service failures quoted directly from the Council's 2024-2025 Quarter 2 Performance Report<sup>4</sup>. Cllr Lee then clarified to the Monitoring Officer in an email of the 13<sup>th</sup> February 2025 that the quotes came from an LGA Corporate Peer Challenge Report<sup>5</sup> - and then later on the same day that the quotes came from both reports.
- 5.55 Cllr Lee also wrote to the Monitoring Officer:
- "Just to clarify, I did not personally make or post the information on social media. The information was researched and prepared by [my] administrative team, and it was posted in the Johno Lee Facebook page by them"*
- 5.56 Cllr Lee explained the detail of the post as part his District Councillor's report to a meeting of Balderton Parish Council which also took place on the 29<sup>th</sup> January 2025, and at which Cllr Forde was also present.
- 5.57 We reviewed an audio recording of this meeting with Cllr Lee at his interview. We heard the Chair of the Parish Council challenge Cllr Lee on the relevance of the post to the agenda of the meeting and to the work of the Parish Council. In the recording Cllr Lee can clearly be heard saying that *"I have gone through the report with a fine-tooth comb"* to extract the information contained in the post.
- 5.58 Cllr Lee told us that he was unhappy with his treatment by the Chair of the Parish Council and had made a Code of Conduct complaint, which we understand has been rejected by the Monitoring Officer. Of Balderton Parish Council more generally, Cllr Lee told us:
- "We treat them as a hostile parish council. By we, I mean the Conservatives. It was a Conservative Parish Council previously and we want to get them out."*

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<sup>4</sup><C:\Users\traceym\AppData\Local\Temp\mso18C4.tmp>

<sup>5</sup> [LGA Corporate Peer Challenge Final Report](#)

5.59 In Cllr Buxton's view Cllr Lee is disruptive and uncooperative. She told us:

*"...he doesn't appear to acknowledge the role of a parish council in terms of its responsibilities and, as he is a dual hatter and a county councillor he appears to want to take control of everything that's going on and have a say in it...We try to work with him and point out our standing orders and the framework in which the Parish Council operates."*

5.60 On the 24<sup>th</sup> March 2025 the Monitoring Officer wrote to Cllr Lee by email confirming that:

*"...we have undertaken an exercise to compare your social media post with the corporate peer challenge report, and the performance report you referenced. The outcome was that no correlation was found between your post and the documents."*

5.61 As a result the Monitoring Officer advised Cllr Lee to remove the post pending a further investigation, which Cllr Lee failed to do.

5.62 At his interview, we asked Cllr Lee if he could think of any other Council report that the quotes in the post could be drawn from. He could not.

5.63 As part of our investigation we also undertook an analysis of the Cllr Lee's post against both documents - the results are set out in Appendix 5 of this report. Like the Council, we could find absolutely no reference to any of the 10 quotes detailed in the post in either report. In all but one case the page numbers referenced dealt with other matters entirely and in two cases the relevant pages simply did not exist.

**Decision: This complaint is upheld.**

5.64 The Council's Code of Conduct highlights that: *"...behaviour that is considered dishonest and or/deceitful can bring your local authority into disrepute."*

5.65 From the evidence, we are clear that the information posted on the 'John Lee' Facebook page on 29<sup>th</sup> January 2025 relating to the Council's performance was entirely fictitious and therefore calculated to unfairly damage the reputation of the Council. Nor was the post more generally reflective of either the 2024-25 Quarter 2 Performance Report or the Corporate Peer Challenge Report - which highlights under paragraph 5.1.1 that: *"NSDC provides well and effectively run services"*.

5.66 Whilst we agree that the post was very likely made and posted by Cllr Lee's administration team, it was published under his name. In addition, Cllr Lee

clearly endorsed the content and was happy to claim the credit for it when speaking to Balderton Parish Council on the same day it was published.

- 5.67 The fact that the post was published on the 'Johnno Lee' Facebook page which does not reference Cllr Lee's role as a district councillor is irrelevant. Applying the Code of Conduct, if an individual who is a councillor makes statements relating the performance of that council, then we are clear that any reasonable person knowing both these facts would conclude that that individual was acting as councillor.
- 5.68 Accordingly, we find that Cllr Lee brought the Council into disrepute through first publishing fictional information about the Council's performance on the 'Johnno Lee' Facebook page on the 29<sup>th</sup> January 2025, failing remove that information when advised to so by the Monitoring Officer on the 24<sup>th</sup> March 2025, and further by repeating verbally it at a meeting of Balderton Parish Council on the 29<sup>th</sup> January 2025.
- 5.69 At his interview Cllr Lee offered to remove the post if it was found to be inaccurate. Whilst welcome, given that the Monitoring Officer advised Cllr Lee to do the same as long ago as the 24<sup>th</sup> March 2025, we can give only very limited weight to this as a mitigating factor.

## 6 Conclusions

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6.2 As a result, we conclude that there is sufficient evidence to suggest that Cllr Lee **did** breach the Council's Code of Conduct for Members as approved by the Audit & Governance Committee on the 25<sup>th</sup> September 2025 in relation to the following complaints:

- **Complaint Number 20241126** made by Cllr Mike Pringle
- **Complaint Number 20250205** made by Cllr Forde and supported by the Chief Executive.

6.3 As referenced in Section 4, a draft copy of our investigation report was sent to Cllr Lee for comment (on the 28<sup>th</sup> July 2025). It was made clear in the covering email that, consistent with the Council's procedure for Code of Conduct investigations, the draft report and the investigation itself should remain strictly confidential.

6.4 Subsequently, our attention has been drawn to an email written by Cllr Lee to four parish councils on the 29<sup>th</sup> July 2025 which clearly references aspects of the draft investigation report in a partial and misleading manner, and to a Facebook

post by Cllr Lee (made on or around the 29<sup>th</sup> July 2025 and subsequently removed) which does similar. Both are set out in Appendix 8.

6.5 The Council's Code of Conduct makes it clear that councillors should not disclose information given to them in confidence by anyone unless the disclosure is:

- *reasonable and in the public interest; and*
- *made in good faith and in compliance with the reasonable requirements of the local authority; and*
- *you have consulted the Monitoring Officer prior to its release*

6.6 In our view none of these tests have been met and as a result, Cllr Lee's email and Facebook post of the 29<sup>th</sup> July 2025 both represent a further breach of the Council's Code of Conduct.

## 7 Recommendations

7.1 Based on the consideration of the evidence received during this investigation, we recommend this the following complaints should be escalated to the Monitoring Officer.

- **Complaint Number 20241126** made by Cllr Mike Pringle
- **Complaint Number 20250205** made by Cllr Forde and supported by the Chief Executive
- In addition, we conclude that Cllr Lee further breached the Council's Code of Conduct by publicising aspects of the draft investigation report by email and on Facebook on the 29<sup>th</sup> July 2025.

7.2 It will be for the Council to determine what further action is required.

7.3 We welcome the Cllr Lee's apparent willingness to settle the original two complaints informally. However, against this we note that Cllr Lee had opportunities to make the same offer to the Monitoring Officer some months ago but chose not to. In addition, we believe that weight should be given to Cllr Lee's relative experience and seniority as a councillor, both with the District Council and with the County Council.

7.4 As noted at the start of this report, we received a substantial amount of additional material relating to Cllr Lee's alleged conduct on other matters. Whilst we have not formally investigated these matters, the volume and consistency of the allegations suggests that the two complaints we have upheld are likely to be symptomatic of a wider pattern of behaviour which is bringing the Council into disrepute, as well as consuming a disproportionate amount of officer time.

## 8 Organisational Learning

8.1 Based on the evidence received during this investigation we have not identified any areas where the Council might wish to consider changes to current practices and arrangements.

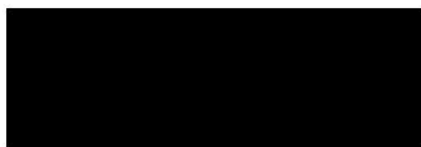
8.2 However, we do believe the investigation has re-enforced comments made in the LGA Peer Corporate Peer Challenge, a document which Cllr Lee himself initially referred us to. Specifically, under Section 5.3 Governance and Culture:

*“Whilst relationships between councillors, and between councillors and officers is generally respectful and constructive, the Peer Team heard that there were examples where behaviour was felt to be unacceptable. Senior officers and councillors spend significant time addressing the conduct of a small number of individuals, some of whom appeared unwilling to respond to professional and peer advice. The Audit and Governance Committee has already agreed to explore how to strengthen the application of the Code of Conduct, something which the Peer Team supports to mitigate the risk of the reputation, effectiveness and positive culture of the Council being undermined.”*

8.3 And then later under the same section:

*“Being in opposition means constructively challenging to ensure the best outcomes for communities, and not automatically opposing everything that the administration puts forward.”*

8.4 It appears to us that both these comments are consistent with the evidence we have received relating to Cllr Lee’s behaviour.



Andrew Pritchard BA (Hons), MA, MRTPI,  
FAcSS, FRSA



Samantha Maher MA, FCIPD



## **Appendices**

1. Letter from the Chair of Balderton Parish Council to the Monitoring Officer dated the 11<sup>th</sup> December 2024
2. Email from [REDACTED] to the Monitoring Officer 31<sup>st</sup> January 2025
3. Post made on the 'Johnno Lee' Facebook page on the 29<sup>th</sup> January 2025
4. Analysis of post made on the 'Johnno Lee' Facebook page on the 29<sup>th</sup> January 2025
5. Email exchange between Cllr Lee and the Monitoring Officer 13<sup>th</sup> February 2025
6. Email exchange between Cllr Lee and the Monitoring Officer 24<sup>th</sup> March 2025
7. Schedule of comments received on the Draft Report.
8. Email from Cllr Lee & Facebook post by Cllr Lee 29<sup>th</sup> July 2025

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**From:** [REDACTED]  
**Sent:** 31 January 2025 09:09  
**To:** Sue Bearman <[Sue.Bearman@newark-sherwooddc.gov.uk](mailto:Sue.Bearman@newark-sherwooddc.gov.uk)>  
**Subject:** Clarification on Facebook Page Admin

**[CAUTION: This email originated from outside of the organisation. Do not click on links or open attachments unless you recognise the sender and know the content is safe]**

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Good morning Sue,

I'm writing to you this morning to clarify the management and administration responsibilities of the Johno Lee Facebook page, particularly in relation to recent questions that have been asked.

For the past six months Johno has delegated the management of his social media presence to a small team of independent administrators. There are currently three of us including myself and another primary admin based in Bolton named [REDACTED]. We have full access to the page's analytics and linked accounts (Johno Lee, Jonathan Lee and David Lee).

Johno retains admin privileges through his Jonathan Lee account, but he has minimal direct involvement. His role is limited to providing a briefing on Mondays, during which he outlines key messages or topics he wants covered. From there, we schedule posts to ensure a consistent and active presence throughout the week.

Our role includes:

- Posting Conservative-aligned content in support of Johno's campaigns.
- Critiquing Labour and opposition groups based on publicly available information from NSDC, Newark Advertiser, Spotted pages, and local community groups.
- Managing interactions and comments, with Johno only engaging occasionally on specific topics where his expertise is required.

We became aware of the recent complaint after removing an individual who falsely claimed to be a Conservative voter while attempting to undermine Johno's campaign.

Upon investigation, we identified that this individual had a Labour sign at their residence and had publicly declared their intention to vote Labour. When confronted with this, they pushed back, and we responded by sharing a screenshot of their own statement showing Labour support. This individual did not take issue with the accuracy of the evidence but was unhappy with its exposure. Following this, they were removed from the page for attempting to mislead others about their political stance and disrupt the campaign.

It is important to stress that this issue was not a failure of the page's administration but a deliberate attempt by the complainant to interfere with its operations.

As part of our work, I also receive payment for producing video content that is distributed via Facebook and YouTube channels to reinforce Johnno's messaging.

We've always made it clear that the page has nothing to do with Councillor Lee.

The page currently reaches an average of half a million views every 30 days, significantly surpassing our target of 30,000. This success demonstrates the effectiveness of independent administration in engaging with the electorate while allowing Johnno to remain focused on his responsibilities without unnecessary distractions.

If further clarification is required, I am happy to provide additional details.


Make it clear Johnno is very hands off and will interact every so often, but mostly it's the admin team that are engaging these days.

Thank you for reading today.


Warm regards,


██████


You don't have to take my word for it—this report contains the Council's own self-assessment, acknowledging where they are failing to meet targets.


 Full report here : Newark and Sherwood District Council 2024-2025 Q2 Performance Report


Here's what the Council admits is NOT working:


 Litter bin collection delays, leading to overflowing bins across the district.


 Page 8 – “The report highlights delays in emptying litter bins, leading to waste accumulation and hygiene concerns.”


 Inconsistent grass cutting & shrub maintenance, leaving public spaces overgrown and neglected.


 Page 9 – “There are noted inconsistencies in grass cutting schedules and shrub maintenance, resulting in some public spaces appearing overgrown.”


 Weed control below target, leading to overgrown pavements and public areas.


 Page 10 – “The council's weed control efforts have not met the desired targets, leading to overgrown pavements and public areas.”


 Poor maintenance of garage sites, with sites left in bad condition for long periods.


 Page 11 – “Several garage sites are reported to be in substandard condition, with delays in necessary repairs.”


 Waste collection delays, including missed bin collections and slow fly-tipping enforcement.

 Page 12 – “Instances of missed bin collections and slow responses to fly-tipping incidents have been highlighted as recurring issues.”


 Slow housing repair response times, leaving tenants frustrated.

 Page 14 – “The council has not met its response targets for social housing repairs, causing dissatisfaction among tenants.”

 Limited investment in affordable housing, failing to address local demand.

 Page 16 – “The report criticizes the lack of new affordable housing initiatives, despite a growing demand in the district.”

 Town centre remains stagnant, with no clear economic growth strategy.

 Page 18 – “There is little progress in revitalizing the town centre, with business footfall remaining low.”

✖ Poor public engagement, with the council failing to properly listen to residents.

📌 Page 20 – “Residents feel disconnected from decision-making processes, and public concerns are often overlooked.”

✖ Slow responses to public complaints, leading to ongoing frustrations.

📌 Page 21 – “The council has been criticized for failing to respond to complaints promptly, leading to frustration among local residents.”

## Analysis of Facebook Post by Cllr Lee of 29 January 2025

Post Extract	LGA Corporate Peer Challenge Report	Q2 Performance Review Report 2024-25
<p>Page 8: Litter bin collection delays, leading to overflowing bins across the district.</p> <p><i>“The report highlights delays in emptying litter bins, leading to waste accumulation and hygiene concerns.”</i></p>	<p><b>Quote not found</b></p> <p>Page 8 outlines the Peer Challenge process and makes no reference to litter.</p>	<p><b>Quote not found</b></p> <p>Page 8 details 2 examples of customer suggestions and makes no reference to litter.</p>
<p>Page 9: Inconsistent grass cutting &amp; shrub maintenance, leaving public spaces overgrown and neglected.</p> <p><i>“There are noted inconsistencies in grass cutting schedules and shrub maintenance, resulting in some public spaces appearing overgrown.”</i></p>	<p><b>Quote not found</b></p> <p>Page 9 sets out general feedback on Local priorities and outcomes and makes no reference to grass cutting and shrub maintenance.</p>	<p><b>Quote not found</b></p> <p>Page 9 sets out examples of the Council receiving complements on its services, and makes no reference to grass cutting and shrub maintenance</p>
<p>Page 10: Weed control below target, leading to overgrown pavements and public areas.</p> <p><i>“The council’s weed control efforts have not met the desired targets, leading to overgrown pavements and public areas.”</i></p>	<p><b>Quote not found</b></p> <p>Page 10 sets out further feedback on local priorities and outcomes, and gives an overview of performance, which notes that ‘NSDC provides well and effectively run services’. There is no reference to weed control.</p>	<p><b>Quote not found</b></p> <p>Page 10 deals with measures to Improve Health and Wellbeing. There is no reference to weed control.</p>
<p>Page 11: Poor maintenance of garage sites, with sites left in bad condition for long periods.</p> <p><i>“Several garage sites are reported to be in substandard condition, with delays in necessary repairs.”</i></p>	<p><b>Quote not found</b></p> <p>Page 11 provides further summary feedback on the performance of council services which is generally positive. There is no reference to the maintenance of garage sites.</p>	<p><b>Quote not found</b></p> <p>Page 11 details further measures to Improve Health &amp; Wellbeing. There is no reference to the maintenance of garage sites.</p>
<p>Page 12: Waste collection delays, including missed bin collections and slow fly-tipping enforcement.</p> <p><i>“Instances of missed bin collections and slow responses to fly-tipping incidents have been highlighted as recurring issues.”</i></p>	<p><b>Quote not found</b></p> <p>Page 12 refers to organisational and place leadership – which is described as ‘strong and respected’. There is no reference to waste collection.</p>	<p><b>Quote not found</b></p> <p>Page 12 details further measures to Improve Health &amp; Wellbeing. There is no reference to waste collection.</p>
<p>Page 14: Slow housing repair response times, leaving tenants frustrated.</p> <p><i>“The council has not met its response targets for social housing repairs, causing dissatisfaction among tenants.”</i></p>	<p><b>Quote not found</b></p> <p>Page 14 deals with the role of councillors and the scrutiny function. There is no reference to social housing repairs.</p>	<p><b>Quote not found</b></p> <p>Page 14 details further measures to Improve Health &amp; Wellbeing. There is no reference to social housing repairs.</p>
<p>Page 16: Limited investment in affordable housing, failing to address local demand.</p> <p><i>“The report criticizes the lack of new affordable housing initiatives, despite a growing demand in the district.”</i></p>	<p><b>Quote not found</b></p> <p>Page 16 deals with financial management and audit. This includes the discussion of the finances of the Council’s housing development company Arkwood Developments – but there is no reference to a lack of affordable housing initiatives.</p>	<p><b>Quote not found</b></p> <p>Page 16 details some of measure that the Council to tackle homelessness and the effects of homelessness and does not criticize the Council for a lack of investment in affordable housing initiatives.</p>
<p>Page 18: Town centre remains stagnant, with no clear economic growth strategy.</p> <p><i>“There is little progress in revitalizing the town centre, with business footfall remaining low.”</i></p>	<p><b>Quote not found</b></p> <p>Page 18 makes references to flexible working and details next steps of the Peer Review process. There is no reference to the condition of the town centre.</p>	<p><b>Quote not found</b></p> <p>Page 18 details KPIs relating to housing and planning. There is no reference to the condition of the town centre.</p>
<p>Page 20: Poor public engagement, with the council failing to properly listen to residents.</p> <p><i>“Residents feel disconnected from decision-making processes, and public concerns are often overlooked.”</i></p>	<p><b>Quote not found</b></p> <p>There is no page 20.</p>	<p><b>Quote not found</b></p> <p>Page 20 details measures to the raise skill levels and create employment opportunities There no reference to poor public engagement.</p>
<p>Page 21: Slow responses to public complaints, leading to ongoing frustrations.</p> <p><i>“The council has been criticized for failing to respond to complaints promptly, leading to frustration among local residents.”</i></p>	<p><b>Quote not found</b></p> <p>There is no page 21.</p>	<p><b>Quote not found</b></p> <p>Page 21 details KPIs for measures to the raise skill levels and create employment opportunities There no reference to poor public engagement.</p>



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**From:** Johnno Lee <Johnno.Lee@newark-sherwooddc.gov.uk>  
**Sent:** 13 February 2025 19:43  
**To:** Sue Bearman  
**Subject:** Re: FB post by Cllr Lee of 29 January 17.39

OFFICIAL

Subject: Clarification on Report References and Political Page Independence

Dear Sue,

I am writing to confirm that the information referenced in the recent post is factually correct, as it is drawn directly from two Newark & Sherwood District Council reports:

1. LGA Corporate Peer Challenge Final Report (18.02.25)
2. Newark & Sherwood District Council 2024-2025 Q2 Performance Report

The peer review report itself references performance issues and cites the Q2 Performance Report, which includes details on service delivery concerns. The post highlights these documented failures and presents them with their correct sources and reference points.

While this was produced by the administration and published without my prior knowledge, I support its validity based on the evidence provided by the admin team. Their work in compiling and presenting this data appears to be proper and accurate, and I see no reason to dispute the findings.

I acknowledge that this post takes a political stance, as it critiques the Labour-Independent-run council. However, this is not written in any capacity as an elected member, but rather as a political comment on council performance. The post is not misleadingâ€”it is based entirely on the councilâ€™s own reports.

Clarification on the Political Page & its Role

The Facebook page is a right-leaning political page, and as such, the admin team frequently shares content directly from CCHQâ€™s â€œShare to Winâ€™ platform.

For context, Share to Win is a Conservative Party platform designed to help supporters easily share party-approved content on social media to promote key messages and campaign material. This is a standard practice across Conservative digital networks, and the admin of the page regularly shares posts from this platform.

Additionally, the page is often asked by other Conservative elected members and party members to share content on their behalf, something that has been done regularly. In fact, much of the criticism of Balderton Parish Council has come from Conservative members and former District Councillors who will be standing against them in the next election. However, I am not willing to disclose their names, as that is not my place to do so.

### The District Council's Role in Political Pages

The district council must understand that the Facebook page with my name on it is a political page and has nothing to do with the council.

The council has had no involvement in the page for many years, and it is entirely independent from Newark & Sherwood District Council. The appropriate route for any concerns about content on the page would be to contact the page admin directly, rather than involving me in what is ultimately a matter between the council and the page's administrators.

### Concerns About Political Interference

If the district council believes any specific point in the post is factually incorrect, the admin team is more than willing to correct it. However, given that the information comes directly from council-published documents, any interference in this post would raise serious concerns about the council interfering in political communications.

I am also aware that the district council does not intervene in other political Facebook pages, which makes this situation particularly concerning. If there is an official reason for the council's involvement in this matter, I would appreciate a clear explanation of exactly what is being challenged and on what basis the council is seeking to intervene.

Best regards,

Johnno

---

**From:** Johnno Lee  
**Sent:** Thursday, February 13, 2025 2:45:08 PM  
**To:** Sue Bearman  
**Subject:** Re: FB post by Cllr Lee of 29 January 17.39  
Dear Sue,

Just to clarify, I did not personally make or post the information on social media. The information was researched and prepared by administrative team, and it was posted on the Johnno Lee Facebook page by them. I reported this information back to the Parish because I believed it was very useful to the residence to see what is working and what isn't.

Best regards,  
Johnno

Sent from [Outlook for iOS](#)

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**From:** Johnno Lee  
**Sent:** Thursday, February 13, 2025 2:30:28 PM  
**To:** Sue Bearman  
**Subject:** Re: FB post by Cllr Lee of 29 January 17.39  
Dear Sue,

Upon reviewing the concerns raised, I would like to clarify that the information shared in the Facebook post dated 29 January and the comments made during the Balderton Parish Council meeting were sourced directly from the Newark and Sherwood District Council's own reports. Specifically, the details were drawn from the Council's Corporate Peer Challenge report published in January 2025, which is publicly available on the Council's website.

The administrative team took every step to ensure that the information was accurate and provided the appropriate references for transparency. Likewise, at the Parish Council meeting, I presented this information in response to requests, believing it to be correct as it was taken directly from the Council's own documentation.

If any part of this information is incorrect, I would appreciate clarification on exactly which details are inaccurate. If the District Council can indicate the specific inaccuracies, we are more than happy to amend or correct the information. However, we presented it in good faith, believing it to be accurate at the time, based on your own report.

Given that this information originates from the District Council's report, I do not understand why the Parish Council is raising a complaint. Our intention has always been to ensure transparency and to share publicly available data with the community.

I look forward to your response.

Best regards,

Johnno

Sent from [Outlook for iOS](#)

---

**From:** Sue Bearman  
**Sent:** Thursday, February 13, 2025 1:01:03 PM  
**To:** Johnno Lee  
**Subject:** FW: FB post by Cllr Lee of 29 January 17.39

OFFICIAL

Dear Johnno

I have received a complaint about a Facebook post, which I am told is in your name dated 29 January (see below), and similar comments made at a Balderton Parish Council meeting on 29 January. The complaint is that the information published, and communicated at the Parish meeting, is false and misleading.

Under the procedure for dealing with Code of Conduct (the Code) complaints, it is my responsibility to review every complaint received, and after consulting with the Council's Independent Person, decide whether it merits formal investigation, whether informal resolution is appropriate, or whether no further action should be taken.

The first step with complaints is the jurisdictional test; was the councillor acting as a councillor at the time and if proven would the issue complained about amount to a breach of the Code.

In order to decide what action to take I have considered the criteria set out in the complaints procedure. My initial view is that the complaint contains sufficient evidence to demonstrate a potential breach of the disrepute provision of the Code, and that it is in the public interest to consider the matter further.

Before reaching a final view on how to proceed I am inviting your initial feedback. I am minded to refer for investigation but will wait for your response before making a final decision. I also need to consult with the Independent Person.

Further details about the process are published here - <https://www.newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/your-council/councillors-and-committees/member-code-of-conduct/231024Procedure-for-dealing-with-Code-of-Conduct-Complaints.pdf>

I would be grateful for your initial response to the complaint. Please could you provide within 7 days of the date of this email.

Do not hesitate to contact me in the meantime if you have any questions.

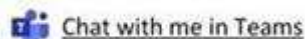
With Kind Regards

**Sue Bearman**

**Assistant Director Legal and Democratic Services**

## Monitoring Officer

Working days Monday to Friday | [REDACTED] | [REDACTED]  
[sue.bearman@newark-sherwooddc.gov.uk](mailto:sue.bearman@newark-sherwooddc.gov.uk) | [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)



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Please quote this reference in your reply: 20250205

**Subject:** Re: FB post by Cllr Lee of 29 January 17.39

## OFFICIAL

You don't have to take my word for it—this report contains the Council's own self-assessment, acknowledging where they are failing to meet targets.

Full report here: Newark and Sherwood District Council 2024-2025 Q2 Performance Report

Here's what the Council admits is NOT working:

- ✗ Litter bin collection delays, leading to overflowing bins across the district.  
Page 8 – “The report highlights delays in emptying litter bins, leading to waste accumulation and hygiene concerns.”
- ✗ Inconsistent grass cutting & shrub maintenance, leaving public spaces overgrown and neglected.  
Page 9 – “There are noted inconsistencies in grass cutting schedules and shrub maintenance, resulting in some public spaces appearing overgrown.”
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Page 10 – “The council's weed control efforts have not met the desired targets, leading to overgrown pavements and public areas.”
- ✗ Poor maintenance of garage sites, with sites left in bad condition for long periods.  
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**From:** Johnno Lee <Johnno.Lee@newark-sherwooddc.gov.uk>  
**Sent:** 24 March 2025 17:50  
**To:** Sue Bearman  
**Subject:** Re: FB post by Cllr Lee of 29 January 17.39

OFFICIAL

The post wasn't written by me. It was written by my admin after research on their behalf. It was put as a political post and was nothing to do in my capacity as an elected member or something. I've stated to you on more than one occasion as this information was granted from public access and not through my role as an elected member.

I believe this information was taken from two independent reports

And as I wasn't acting in a formal capacity and elected member, the district council has no formal ability to ask anything to be removed from a page that not associated with my role my position as a counsellor .

However, if you do have any issues with anything posted, you have the admin communications you can contact them directly

Johnno

Sent from [Outlook for iOS](#)

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**From:** Sue Bearman  
**Sent:** Monday, March 24, 2025 8:00:00 AM  
**To:** Johnno Lee  
**Subject:** RE: FB post by Cllr Lee of 29 January 17.39

OFFICIAL

Dear Johnno,

Firstly – apologies for the delay getting back to you on this complaint.

Following your initial response, we have undertaken an exercise to compare your social media post with the corporate peer challenge report, and the performance report you referenced. The outcome was that no correlation was found between your post and the documents.

Accordingly I consulted with the Independent Person and they agreed with my recommendation to refer this matter for investigation.

In the meantime, you may wish to consider deleting the post to lessen the possible harm it has caused. You may also wish to consider changing arrangements with your admin team, so that you can review posts in your name, before they are published. Such posts are caught by the District Council's code of conduct if they are in your name and relate to you acting in your District Council capacity, or to District Council matters.

As stated below, the remit of the investigation is to consider if there has been a potential breach of the disrepute provisions of the Code of Conduct.

I will email separately regarding the investigation.

With Kind Regards

Sue

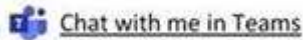
**Sue Bearman**

**Assistant Director Legal and Democratic Services**

**Monitoring Officer**

Working days Monday to Friday | [REDACTED] | [REDACTED]

[sue.bearman@newark-sherwooddc.gov.uk](mailto:sue.bearman@newark-sherwooddc.gov.uk) | [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)



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Do not hesitate to contact me in the meantime if you have any questions.

With Kind Regards

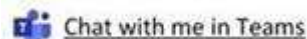
**Sue Bearman**

**Assistant Director Legal and Democratic Services**

**Monitoring Officer**

Working days Monday to Friday

[sue.bearman@newark-sherwooddc.gov.uk](mailto:sue.bearman@newark-sherwooddc.gov.uk) | [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)



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✗ Inconsistent grass cutting & shrub maintenance, leaving public spaces overgrown and neglected.

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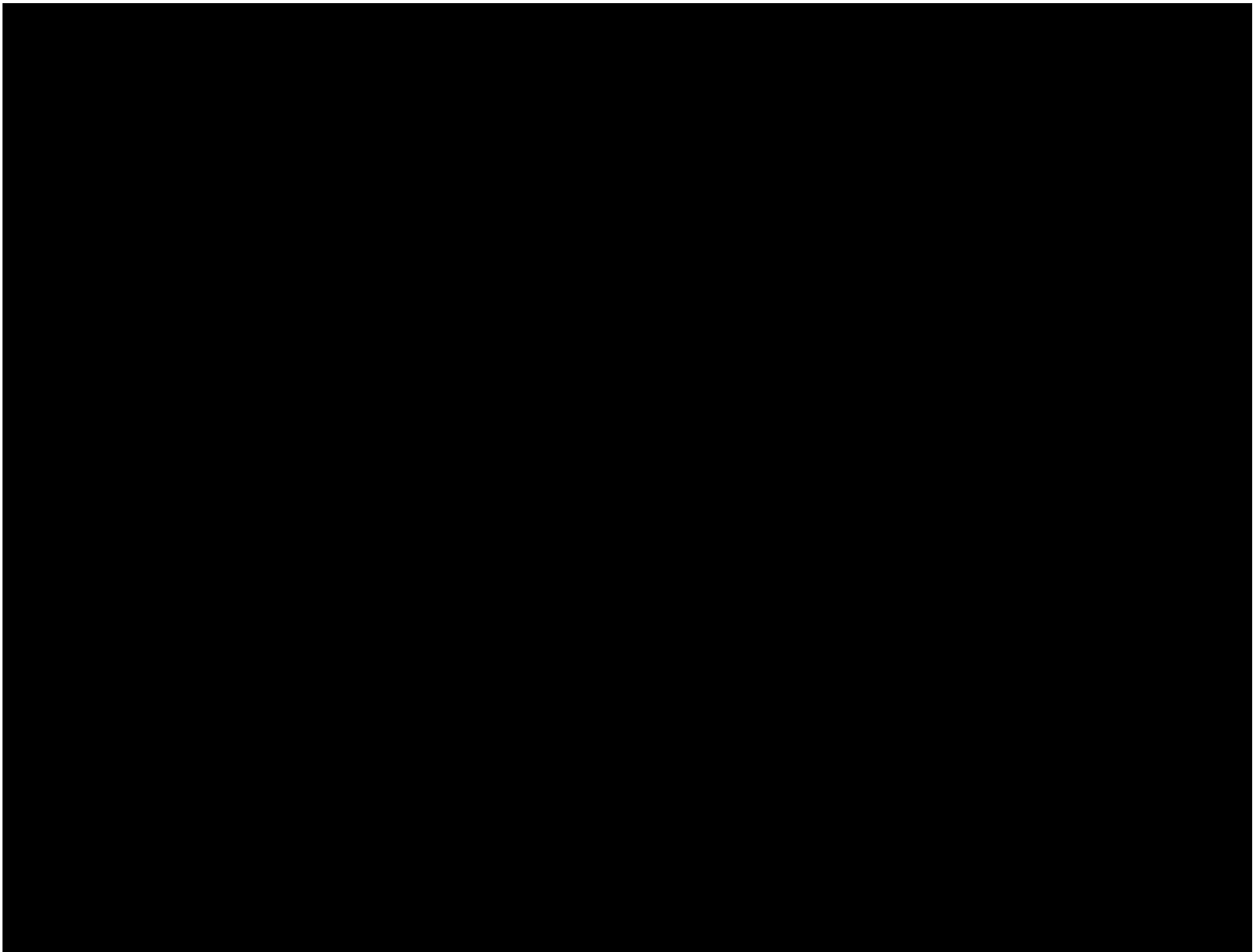
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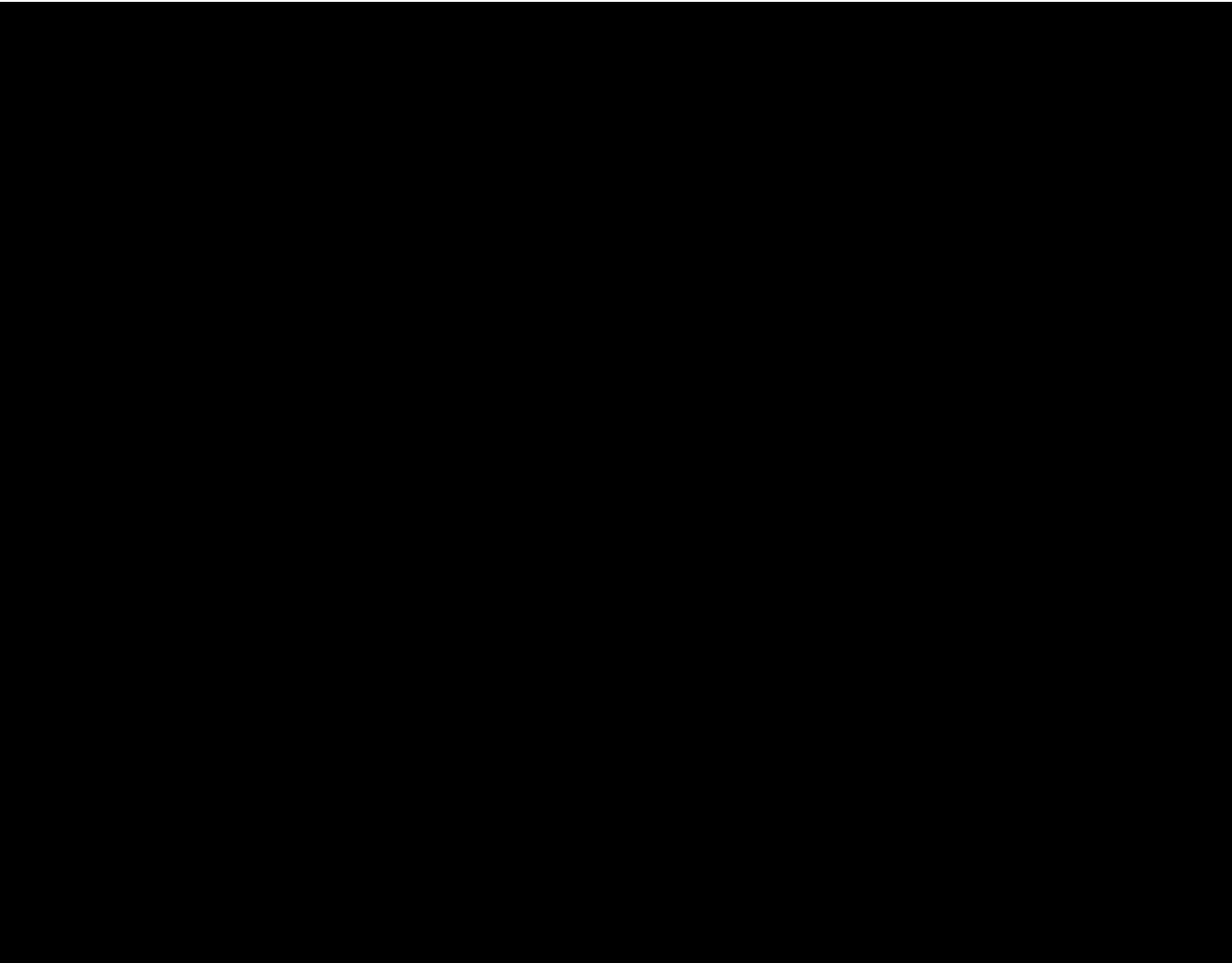
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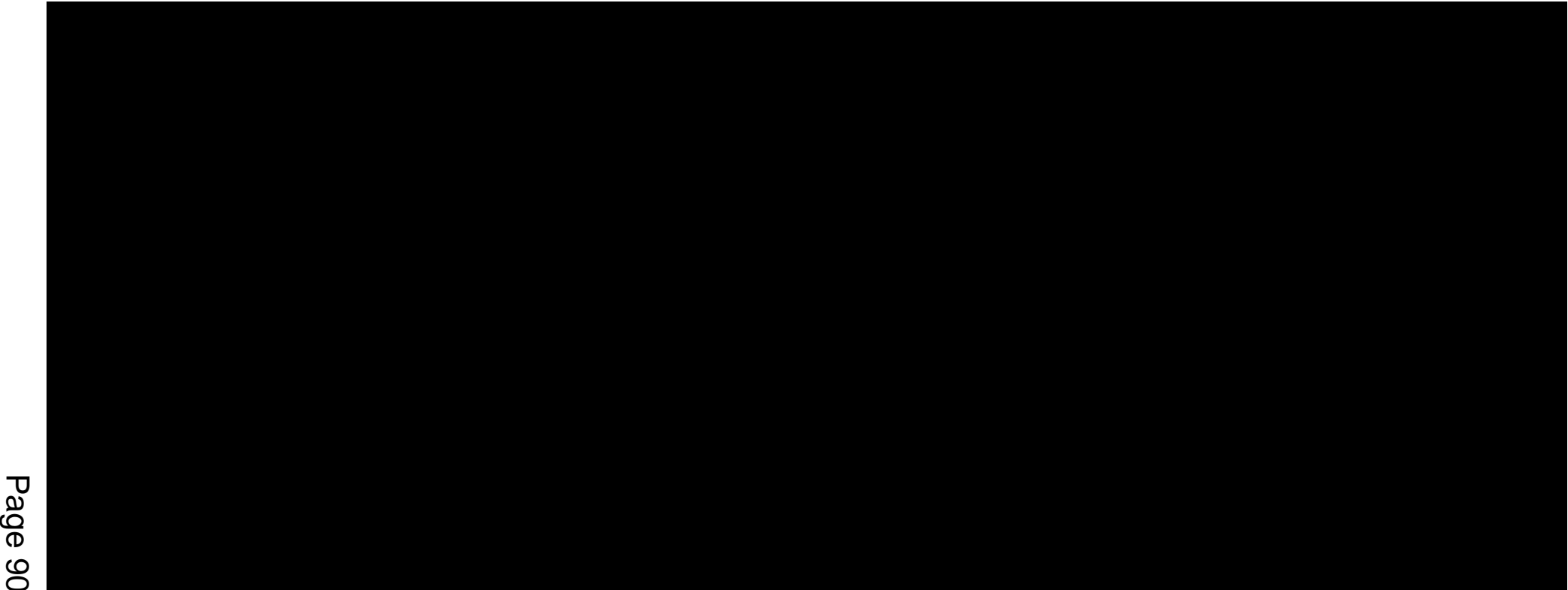












**From:** johno lee <[johnoxlee3@gmail.com](mailto:johnoxlee3@gmail.com)>

**Sent:** 29 July 2025 10:05

**To:** Balderton Parish Council <[office@baldertonparishcouncil.gov.uk](mailto:office@baldertonparishcouncil.gov.uk)>; Parish Clerk Barnby <[parishclerk@barnbyinthewillows.com](mailto:parishclerk@barnbyinthewillows.com)>; [clerk@bernwood-pc.co.uk](mailto:clerk@bernwood-pc.co.uk); Coddington Parish Council <[coddingtonpc@hotmail.com](mailto:coddingtonpc@hotmail.com)>; P L

[REDACTED]>

**Subject:** Subject: Thank You for Your Support

Dear all,

I want to take a moment to thank each of you sincerely for your support, patience, and professionalism over what has been a very difficult six months.

As you may now be aware, the formal allegation of bullying made against me has been entirely dismissed. I have been fully cleared of any wrongdoing. The investigation confirmed what I have maintained from the outset: there was no bullying, no intimidation, and no breach of the councillor code of conduct.

This has been a challenging period—not just for me, but for everyone who believes in fair and honest public service. I've continued to work hard for our communities throughout, despite being the subject of what I believe was a politically motivated attempt to damage my reputation and silence my voice.

One point was upheld relating to tone in a meeting. I accept that. I care deeply about the people I represent, and in standing up passionately for them, I came across too strongly, then I will take that on board and do better. But let's be clear: the core accusation—the most serious allegation—was baseless, and it has now been exposed as such.

This has been a test of resilience and principle. And I am proud to say I have come through it still standing, still serving, and more determined than ever to represent the people who put their trust in me.

I don't believe this will be the last attempt to undermine my work. But I do believe in accountability, transparency, and the power of community. I will continue to stand up for my residents and for the values we all share—and I will do so with the same energy and commitment you've seen from me over the years.

Once again, thank you for your continued support. It has meant more than you know.

Warm regards,

Cllr. Johno Lee

County Councillor for the Balderton Division

## Facebook Post by Cllr Lee retrieved on the 29<sup>th</sup> July 2025

For six months, I've been forced to live under the shadow of a serious accusation that I knew was completely false. Yesterday, I finally received confirmation that the bullying allegation made against me has been entirely thrown out. I've been cleared. The truth is now on record.

The official findings confirm what I've said from day one: there was no bullying, no intimidation, and no breach of the code. It never happened.

For half a year, I've been the target of a political smear campaign—deliberately designed to damage my name and reputation. While I've been working hard for my community, someone's been working just as hard to try and destroy me from the sidelines. They've used social media, backroom whispers, and false accusations, all in an attempt to silence me.

Well, I wasn't silenced.

And now I've been vindicated.

Let's be honest—this wasn't about bullying. This was about political tactics. They couldn't beat me in the chamber. They know they can't beat me on the ballot. So they tried to take me out another way. They failed.

Yes, I'm passionate. That's never been a secret. I speak up for my community, and I speak up strongly. One point was upheld—rudeness in a meeting.

That means I raised my voice fighting for my residents, I'll take that. Because I'd rather be guilty of caring too much than guilty of sitting silent while my community goes unheard.

But the core accusation—the one designed to finish me off—was a lie. And now it's been exposed for what it was.

This whole ordeal could have ended my political career. It could have silenced me. But it didn't. I've stood firm, I've been cleared, and I'm still here. And now I will be seeking full legal advice to explore what action can be taken. Because people who deliberately try to ruin others for political gain must be held accountable.

So to those watching from the sidelines or hoping I'd go quietly:

The gloves are off.

Not in the way my opponents operate—not with lies and dirty tricks—but with results, with truth, and with the backing of the people I serve. You won't beat me in the shadows. You'll have to face me where it counts: on the ballot paper.

I've been the victim of a six-month campaign to try and take me down.

But I'm still standing. And now it's your credibility that's in question.

Let's be clear I don't think they'll stop. I think they'll keep coming for me , but we'll keep fighting for you , and I need you to keep backing me .

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## 6 Conclusions

6.1 In summary, the following complaints **have** been upheld:

- **Complaint Number 20241126** made by Cllr Mike Pringle. We conclude that Cllr Lee's conduct at the Policy & Performance Improvement Committee on the 24<sup>th</sup> November 2024 brought the Council into disrepute through not treating Cllr Pringle or Cllr Hall with respect and by Cllr Lee not leading by example in a way that secures public confidence in the role of councillor.
- **Complaint Number 20250205:** made by Cllr Forde and supported by the Chief Executive. We conclude that Cllr Lee brought the Council into disrepute by publishing fictitious information about the Council's performance on the 'Johno Lee' Facebook page in the 29<sup>th</sup> January 2025, failing remove that information after being advised to do by the Monitoring Officer on the 24<sup>th</sup> March 2025, and further by repeating it verbally at a meeting of Balderton Parish Council on the 29<sup>th</sup> January 2025.

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### Appendix 3

Transcript extract meeting of Balderton Parish Council 29 January 2025

00:28:59

On the District Council, really interesting stuff at the moment.

00:29:03

been a peer review that's come out and it's commented.

00:29:07

It's not actually a very good report.

00:29:08

It's actually a really bad report actually.

00:29:10

I've gone through it with a fine tooth comb.

00:29:12

It's probably an average report.

00:29:15

However, what has come back in the report is that they have major concerns.

00:29:20

The council accepted poor maintenance of garage sites, waste collection delays concerns, club housing repair concerns, limited investment of affordable housing concerns.

00:29:31

*Sorry, is this is this relevant to Balderton?*

00:29:33

Yes, because these are services that Balderton get.

00:29:35

So we have garage sites, we have the grass cutting, we have the town centre regeneration, our residents used to use the town centre, poor public engagement.

00:29:44

These are all negatives that have come back from the peer review.

00:29:47

These are services, these are residents from Balderton that have engaged with it.

00:29:51

So if I can carry on shall I?

00:29:52

*Well, no.*

00:29:53

No, could I just ask you one minute?

00:29:55

*I'm not hearing this.*

00:29:56

*So we've got the fan on.*

00:29:59

*That's buzzing.*

00:30:00

*I'm really...*

00:30:00

*I'm leaving you, isn't it?*

00:30:05

Is that better?

00:30:06

*Thank you.*

00:30:06

Not a problem.

00:30:07

So yeah, the services that are covering Balderton have been heavily criticized in the peer review, and anybody that doesn't know what a peer review is...

00:30:14

*But aren't these all for Newark and District?*

00:30:17

*isn't this as the Newark and District Council as a whole?*

00:30:20

*So not specifically for Balderton, which you are highlighting.*

00:30:25

Yes, I'm highlighting the services that we get.

00:30:28

*So can we say then, so if members of this council wish to know more, can we just know where we can gain the link?*

00:30:36

*We've got a pretty big...*

00:30:37

Nobody else gets criticised for not talking to .....

00:30:39

I've been here when Councillor Oldham has talked about the things she didn't put forward and she's never been criticised.

00:30:44

I think it's a bit unfair.

00:30:45

I think if I just

00:30:46

get to finish my report.

00:30:48

I think that'll be fair, Chairman.

00:30:49

*I've got three minutes.*

00:30:51

Thank you very much.

00:30:53

The services that are failing in the district that we have services, social housing, dustbin collection was a big one as well.

00:31:03

We also had criticisms from the town council for the poor maintenance garage sites as well.

00:31:09

Bin collection was a big one and I know residents in Balderton bin collection and recycling is a massive one.

00:31:15

Also, we are working with the council and district council to make sure that these big issues, are resolved.

00:31:22

I know that you've also had complaints about the lighting that they would access as well that I have wrote to you about.

00:31:27

I'm hoping to get a response from you that I've still not had yet.

00:31:30

I know residents are really concerned about the light shining into people's houses.

00:31:35

I know residents have contacted you.

00:31:36

Can you hear me?

00:31:45

Thank you.

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JG/EB/1168649/1  
Your ref: Legal/SLB/lk

29 September 2025



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**By email only:**

[sue.bearman@newark-sherwooddc.gov.uk](mailto:sue.bearman@newark-sherwooddc.gov.uk)

Dear Sue

**STANDARDS COMMITTEE HEARING – COUNCILLOR LEE’S REPRESENTATIONS**

This letter contains representations on behalf of Councillor Lee for the Standards Committee hearing in relation to:

- Complaint 20241126; and
- Complaint 20250205.

These representations relate to the interpretation and application of the provisions of the District Council’s Code of Conduct by the Investigating Officers, Mr Pritchard and Ms Maher.

The representations address an instance in which the Investigating Officers have failed to provide sufficient reasoning for their conclusion.

They then address the failure of the Investigating Officers to apply correctly the right to freedom of expression afforded to Councillor Lee by Article 10 of the European Convention on Human Rights (ECHR).

It is helpful to first set out the provisions of and cases relating to Article 10 as it relates to political speech (paragraphs 1 – 7 below).

**Article 10 ECHR**

1. Article 10 ECHR states:

*“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.*



2. *The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*"

2. Freedom of expression is protected more strongly in the context of political speech. A wide degree of tolerance is accorded, and this enhanced protection applies to all levels of politics, including local government.

***Jerusalem v Austria (2003) 37 EHHR 25***

*"In this respect the court recalls that while freedom of expression is important for everybody, it is especially so for an elected representative of the people. He or she represents the electorate, draws attention to its pre-occupations and defends its interests. Accordingly, interference with the freedom of expression of an opposition member of parliament, like the applicant, call for the closest scrutiny on the part of the court."*

3. Political expression is a broad concept.

***Heesom v Public Services Ombudsman for Wales [2014] EWHC 1504***

*"Article 10 protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated. ... Whilst, in a political context, article 10 protects the right to make incorrect but honestly made statements, it does not protect statements which the publisher knows to be false.*

*...*

*The protection goes to 'political expression'; but that is a broad concept in this context. It is not limited to expressions of or critiques of political views, but rather extends to all matters of public administration and public concern including comments about the adequacy or inadequacy of performance of public duties by others. The cases are careful not unduly to restrict the concept; although gratuitous personal comments do not fall within it."*

4. Incorrect statements are also protected.

***Heesom v Public Services Ombudsman for Wales [2014] EWHC 1504***

*"The cases draw a distinction between fact on the one hand, and comment on matters of public interest involving value judgment on the other. As the latter is unsusceptible of proof, comments in the political context amounting to value judgments are tolerated even if untrue, so long as they have some – any – factual basis. What amounts to a value judgment as opposed to fact will be generously construed in favour of the former; and, even where something expressed is not a value judgment but a statement of fact (e.g. that a council has not consulted on a project), that will be tolerated if what is expressed is said in good faith and there is some reasonable (even if incorrect) factual basis for saying it..."*

See also *R (Robinson) v Buckinghamshire Council [2021] EWHC 2014 (Admin)* at 6. below.



5. There are three questions which should be considered when dealing with Article 10.

***Sanders v Kingston (No.1) [2005] EWHC 1145 (Admin)***

Wilkie J stated that, on the issue of freedom of expression, there were three questions to answer: *“1. Was the Case Tribunal entitled as a matter of fact to conclude that Councillor Sanders conduct was in breach of paragraph 2(b) [respect] and/or paragraph 4 [disrepute] of the Code of Conduct?*

*2. If so, was the finding in itself or the imposition of a sanction prima facie a breach of Article 10?*

*3. If so, was the restriction involved one which was justified by reason of the requirements of Article 10(2)?”*

6. A finding of a breach of the Code of Conduct is an interference with Article 10 rights. Where an interference is not proportionate, it is a violation of Article 10.

***R (Robinson) v Buckinghamshire Council [2021] EWHC 2014 (Admin)***

*“In re-making the decision under Article 10(2), I conclude that the interference did not fulfil a pressing social need, and nor was it proportionate to the aim of protecting the reputation of the other councillors. As an elected councillor, taking part in a public meeting called by the PC to discuss the Green Belt, the Claimant was entitled to the enhanced protection afforded to the expression of political opinions on matters of public interest, and the benefits of freedom of expression in a political context outweighed the need to protect the reputation of the other councillors against public criticism, notwithstanding that the criticism was found to be a misrepresentation, untruthful, and offensive. Although no further action was pursued against the Claimant, beyond recommending that he apologise, it was a violation of Article 10 to subject the Claimant to the complaints procedure, and to find him guilty of a breach of the PC Code. Therefore Grounds B and C succeed.”*

7. **The Local Government Association Guidance on the Model Councillor Code of Conduct (the LGA Guidance) is clear that this right must be considered when dealing with issues of respect and disrepute.**

Complaint 20241126 – Disrespect

8. In Paragraph 5.16 of the Final Report, the Investigating Officers state that *“Cllr Lee... made what we can only conclude to be a personal attack on another councillor who was not a member of the committee or even present at the meeting.”* They do not provide any reasoning as to why they take this view.
9. In the comments provided on the draft report, we asked the Investigating Officers to explain the grounds on which quoting from a Councillor’s political Facebook post could be considered a *“personal attack”*. In the response to this comment, they did not provide any reasoning, and simply repeated that *“In our view, the comments Cllr Lee made referencing Cllr Hall can only be reasonably interpreted as a personal attack”*.
10. The recording of the meeting clearly shows that Councillor Lee simply read out Councillor Hall’s Facebook post as he disagreed with the political comment it made relating to a controversial political issue. The below is what Councillor Lee said in the meeting which related to Councillor Hall:

*“There is a comment here on social media that was talking about the Kiddey Stones, you’re right – by Councillor Jean Hall. And it stated ‘The Kiddey Stones consultation is nearly finished these amazing sculptures would really highlight the entrance of Newark... Please join in this consultation and let’s grow the town’s aspirations.’*

*That had 35 negative comments. No mention of Council Tax in that.”*

11. Oxford Languages (publishers of the Oxford English Dictionary) define personal as *“of or concerning one’s private life, relationships, and emotions rather than one’s career or public life. Referring to an individual’s character, appearance, or private life in an inappropriate or offensive way.”*
12. It is clear that Councillor Lee did not make any comment relating to Councillor Hall as an individual. There is nothing said which concerns her character, appearance, private life, or any other personal attribute. There is no reasonable interpretation upon which Councillor Lee’s comments could be considered personal. They are solely political.
13. The LGA Guidance is clear that: *“Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. ... You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. ... In a democracy, members of public bodies should be able to express disagreement publicly with each other.”*
14. Further, the District Council’s Code of Conduct includes, in its definition of respect, that: *“Debate and having different views are part of a healthy democracy...”*
15. Councillor Lee is entitled to disagree with the political comments made by other members of the District Council. That Councillor Hall was not present at the meeting does not change the nature of Councillor Lee’s comments or his entitlement to make them. As they are not personal comments against or about another person, there is nothing disrespectful about what Councillor Lee said.
16. In the comments provided on the draft report, we highlighted to the Investigating Officers that they needed to consider Councillor Lee’s Article 10 rights in making their finding at Paragraph 5.20 of the Final Report. With respect, despite this, the Investigating Officers have failed to appropriately apply Article 10.
17. In Paragraph 5.16 of the Final Report, the Investigating Officers state, *“in our view his rhetoric and demeanour went beyond what was reasonable in the context of the meeting and Cllr Pringle was right to attempt to bring him to order.”*
18. We have set out above that the comments made by Councillor Lee are clearly not a *“personal attack”* and are therefore not disrespectful. If the Investigating Officers wished to maintain that the comments made by Councillor Lee could have been disrespectful (and thus a potential breach of the Code), they should have given consideration to the enhanced protection of Article 10 as it is evident from the case of *Heesom* that the comments were within the realm of political expression.
19. If they had done so, they would have unavoidably concluded that a finding of disrespect was fundamentally a breach of Councillor Lee’s enhanced Article 10 right and that it was not a justified interference as such a finding did not *“fulfil a pressing social need, and nor was it proportionate to the aim of protecting the reputation of the other councillors”*, in line with *Robinson*. There is no basis on which they could reasonably reach any other conclusion.

#### Complaint 20241126 – Disrepute

20. The LGA Guidance states:

*“In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor’s behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:*

- 1. reducing the public’s confidence in them being able to fulfil their role; or*

2. adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.

*Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring **the authority** into disrepute."*

21. In applying the Code of Conduct to the circumstances of alleged disrepute, it is established that it is not necessary for the Councillor's actions to have actually diminished public confidence or harmed the reputation of their Council. The question is whether or not the conduct could 'reasonably be regarded' as having these effects. **The conduct must be sufficient to damage the reputation of the Councillor's office or their Council, not just the reputation of the Councillor as an individual.**
22. It is clear from the LGA Guidance that the kind of conduct that will be capable of bringing a Councillor or authority into disrepute is quite serious:

*"For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute."*
23. The Investigating Officers misrepresent the events of the meeting in the Final Report when they state in Paragraph 5.16 that, *"Cllr Lee clearly knew that he was speaking out of order, and yet he persisted and made what we can only conclude to be a personal attack on another councillor..."*.
24. Councillor Lee had been invited to speak on the issue by Councillor Pringle; he was not speaking out of turn. When he commented on Councillor Hall's Facebook post (which we have already explained is not a personal attack), he had only just begun speaking. He did not *"persist"* against the orders of the Chair in order to make his comment.
25. Councillor Pringle then asked Councillor Lee to get to his question, which he did so. Councillor Lee began speaking at timestamp 1:58:59 of the recording and finished speaking at timestamp 2:00:51, when Councillor Pringle ended his speech. Councillor Pringle did not struggle to bring Councillor Lee to order.
26. The Investigating Officers also misrepresent the events of the meeting in Paragraph 5.11 of the Final Report, when they state, *"The episode concluded with Cllr Lee leaving abruptly but continuing to direct comments towards Cllr Pringle from off camera"*.
27. Councillor Lee left as Councillor Pringle was admonishing him, stating that Councillor Lee's response was *"shocking from an elected member"*. Councillor Lee stated *"Answer the question Chairman. Answer the question."* whilst Councillor Pringle is reprimanding him and says nothing further. He does not make any comment once the meeting continues, despite the implication of the Final Report. This is all evident from the recording of the meeting.
28. Councillor Lee's conduct towards Councillor Pringle cannot reasonably be said to have brought his role or the Council into disrepute. It does not have any bearing on the ability of Councillor Lee, nor the District Council, to fulfil their respective roles. It is conduct that can only reasonably be regarded as having a potential impact on Councillor Lee's reputation as an individual, and it is clear that this is not sufficient for a finding of disrepute.

Complaint 20250205

29. In Paragraph 5.65 of the Final Report, the Investigating Officers state that *“we are clear that the information posted on the ‘Johnno Lee’ Facebook page on 29<sup>th</sup> January 2025 relating to the Council’s performance was entirely fictitious and therefore calculated to unfairly damage the reputation of the Council”*. They do not provide any evidence as to their conclusion that the post was deliberately malicious, they simply decide that it is an inevitable conclusion on the basis of the finding that the post was incorrect, which does not necessarily follow.
30. In the comments provided on the draft report, we highlighted to the Investigating Officers that they needed to consider Councillor Lee’s Article 10 rights in making their finding at Paragraph 5.68 of the Final Report. With respect, despite this, the Investigating Officers have failed to appropriately apply Article 10.
31. As set out at paragraph 4 of this letter, Article 10 protects the right to make incorrect but honestly made statements in a political context. Incorrect statements of fact are tolerated as long as there is some reasonable factual basis for saying them. Having briefly reviewed the reports in question, there are comments which support some points made in the post. For example, in relation to missed bins, page 33 of the Q2 Performance Report states the number of missed bins was 66.1 per 100,000 households compared to a target of 45.0. In relation to slow responses, page 7 of the Q2 Performance Report states that 74 complaints were responded to late.
32. The post was published on 29<sup>th</sup> January 2025. At the time the post was made, the statements within it were clearly honestly made. Councillor Lee was not told by the Monitoring Officer to remove the post until 2 months after it was originally published, which was also after the complaint was made. The complaint is that he published the post in the first place, not that he did not subsequently take it down. As set out above, the post is protected by Councillor Lee’s enhanced Article 10 right. A finding of disrepute is in breach of that Article 10 right.

Yours sincerely

[Redacted Signature]

Jonathan Goolden  
Partner  
WILKIN CHAPMAN ROLLITS  
Email [Redacted]  
Tel [Redacted]

## Appendix 5

### Extracts from Local Government Association Guidance on Local Government Association Model Councillor Code of Conduct

#### **Respect**

##### **As a councillor:**

- 1. I treat other councillors and members of the public with respect.**
- 2. I 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.**

Showing respect to others is fundamental to a civil society. As an elected or appointed representative of the public it is important to treat others with respect and to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech, and in the written word. It also relates to all forms of communications councillors undertake, not just in meetings. Rude, offensive, and disrespectful behaviour lowers the public's expectations and confidence in its elected representatives.

#### **Respect**

The key roles and responsibilities of councillors; representing and serving your communities and taking decisions on their behalf, require councillors to interact and communicate effectively with others. Examples of councillor interaction and communication include talking to constituents, attending local authority meetings, representing the local authority on outside bodies, and participating in community meetings and events. In turn this means that as a councillor you are required to interact with many different people, often from diverse backgrounds and with different or conflicting needs and points of view.

You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.

Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.

## **Disrespectful behaviour**

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

Disrespectful behaviour can be harmful to both you and to others. It can lower the public's expectations and confidence in you and your local authority and councillors and politicians more generally. It influences the willingness of fellow councillors, officers, and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine willingness of officers to give frank advice, damage morale at a local authority, and ultimately create a toxic culture and has been associated with instances of governance failure.

## **Freedom of expression**

The requirement to treat others with respect must be balanced with the right to Freedom of expression. Article 10 of the European Convention on Human Rights protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. Protection under Article 10 extends to the expression of views that may shock, disturb, or offend the deeply-held beliefs of others.

However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it offensive or insulting. A balance must still be struck between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.

Freedom of expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance is accorded to political speech, and this enhanced protection applies to all levels of politics, including local government. Article 10 protects the right to make incorrect but honestly made statements in a political context but it does not protect statements which the publisher knows to be false. Political expression is a broad concept and is not limited to expressions of or criticism of political views but extends to all matters of public administration including comments about the performance of public duties by others. However, gratuitous personal comments do not fall within the definition of political expression.

Public servants such as local government officers are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are for elected politicians such as councillors. Officers do not necessarily have the same right of reply to such comments as councillors do and councillors should take care not to abuse or exploit this imbalance.

Recent case law has confirmed that local authority officers should be protected from unwarranted comments that may have an adverse effect on good administration and states that it is in the public interest that officers are not subject to offensive, abusive attacks and unwarranted comments that prevents them from carrying out their duties or undermine public confidence in the administration. That said, officers who are in more senior positions, for example chief executives or heads of services, will also be expected to have a greater degree of robustness.

### **Is the Respect provision of the code a gag on councillors?**

This provision of the Code (Paragraph 1) is not intended to stand in the way of lively debate in local authorities. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through councillors' arguments and public debate are an essential part of the cut and thrust of political life. Councillors should be able to express their opinions and concerns in forceful terms. Direct language can sometimes be appropriate to ensure that matters are dealt with properly. The code is not intended to stifle the expressions of passion and frustration that often accompany discussions about local authority business.

### **Can councillors criticise officers?**

Yes. In some cases, officers have been known to reject reasonable criticism appropriately made and describe it as disrespectful or bullying. The Code of Conduct is not intended to constrain councillors' involvement in local governance, including the role of councillors to challenge performance. Councillors can question and probe poor officer performance provided it is done in an appropriate way. In the everyday running of a local authority, it is inevitable that councillors may have disagreements with officers from time to time.

This paragraph of the code does not mean that councillors cannot express disagreement with officers. This disagreement might, in the appropriate context, manifest itself in criticism of the way in which an officer or officers handled particular matters.

It is important that councillors raise issues about poor performance in the correct way and at the appropriate forum in accordance with your local authority's processes and procedures, and not in a public meeting or through a published attack in the media.

All local authorities should have clearly defined policies, procedures, and occasions where such issues can be properly raised. It is only where councillors' conduct is unfair, unreasonable, or demeaning that the code will be relevant. If a councillor's criticism is abusive or offensive it is likely to breach the code.

### **What kinds of conduct are not covered?**

A very clear line must be drawn between the Code of Conduct's requirement of respect for others, including councillors with opposing views, and the freedom to disagree with the views and opinions of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other.

### **What if a member of the public is being unnecessarily disrespectful to me?**

Councillors are allowed to respond to criticism, and where that criticism is robust, then they can be robust in response. However, councillors should always seek to try to be civil and demonstrate leadership in their communication. Even where councillors have been wrongly accused, responding in an angry, defensive way can often escalate the situation.

There has been a growing tendency for members of the public to use social media channels to unfairly criticise local councillors. For this reason, many local authorities now offer social media guidance to councillors in addition to the civility in public life resources available on the **LGA's website**.

### **Examples**

The complaint alleged that the councillor posted on their blog a highly critical comment and an offensive caption about a former councillor, who had passed away and whose funeral had taken place the previous day. The councillor was found to have breached the provisions of his local authority's Code of Conduct relating to councillors treating others with respect; as well as conducting themselves in a manner which could reasonably be regarded as bringing their role or their authority into disrepute.

The complaint alleged that a councillor commented under a pseudonym on a local authority blog referring to possible nepotism in the awarding of a contract to a local firm by the local authority. The standards committee found that the councillor had breached the Code of Conduct in making the posts because he had failed to treat others with respect and, in doing so, he had conducted himself in a manner which brought his role and his local authority into disrepute.

The complaint alleged that a councillor had made remarks of an abusive, insulting and



personal nature to the complainant, a police officer, and also made a number of unfounded allegations about him during two telephone calls to a police station made in his capacity as a ward councillor. It was found that the comments amounted to an unacceptable personal attack on the complainant and that the councillor had breached the respect provisions in his local authority's Code of Conduct.

## **Confidentiality and access to information**

**As a councillor:**

### **4.1 I do not disclose information:**

**a. given to me in confidence by anyone**

**b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**

- **I have received the consent of a person authorised to give it;**
- **I am required by law to do so;**
- **the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- **the disclosure is:**

**1. reasonable and in the public interest; and**

**2. made in good faith and in compliance with the reasonable requirements of the local authority; and**

**3. I have consulted the monitoring officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer, or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently. Their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents, and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **Confidential information**

While local authority business is by law generally open and local authorities should always operate as transparently as possible, there will be times – for example, when discussing a named individual, confidential HR matters or commercially sensitive information – when it is appropriate for local authority business to be kept confidential or treated as exempt information.

In those circumstances, you must not disclose confidential information, or information which you believe to be of a confidential nature, unless:

- you have the consent of the person authorised to give it

- you are required by law to do so
- the disclosure is made to a third party for the purposes of obtaining professional advice (for example, your lawyer or other professional adviser) provided that person agrees not to disclose the information to any other person
- the disclosure is in the public interest

### **Disclosure in the public interest**

Disclosure ‘in the public interest’ is only justified in limited circumstances, when all the following four requirements are met:

- the disclosure must be reasonable
- the disclosure must be in the public interest
- the disclosure must be made in good faith
- the disclosure must be made in compliance with any reasonable requirements of your authority

In relation to the disclosure of confidential information in the public interest, the four requirements are outlined in more detail below.

1. The first requirement, that the disclosure must be reasonable, requires you to consider matters such as:

- Whether you believe that the information disclosed, and any allegation contained in it, is substantially true. If you do not believe this, the disclosure is unlikely to be reasonable.
- Whether you make the disclosure for personal gain. If you are paid to disclose the information, the disclosure is unlikely to be reasonable.
- The identity of the person to whom the disclosure is made. It may be reasonable to disclose information to the police or to an appropriate regulator. It is less likely to be reasonable for you to disclose the information to the world at large through the media.
- The extent of the information disclosed. The inclusion of unnecessary detail, and in particular, private matters such as addresses or telephone numbers, is likely to render the disclosure unreasonable.
- The seriousness of the matter. The more serious the matter disclosed, the more likely it is that the disclosure will be reasonable.
- The timing of the disclosure. If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, the disclosure may be less likely to be reasonable than if the matter is continuing or is likely to reoccur.
- Whether the disclosure involves your authority failing in a duty of confidence owed to another person.

2. The second requirement, that the disclosure must be in the public interest, needs to involve one or more of the following matters or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:

- a criminal offence is committed.
- your local authority or some other person fails to comply with any legal obligation to which they are subject.
- a miscarriage of justice occurs.
- the health or safety of any individual is in danger.
- the environment is likely to be damaged.
- that information tending to show any matter falling within the above is deliberately concealed.

3. The third requirement, that the disclosure is made in good faith, will not be met if you act with an ulterior motive, for example, to achieve a party-political advantage or to settle a score with a political opponent.

4. The fourth requirement, that you comply with the reasonable requirements of your local authority, means that before making the disclosure you must comply with your local authority's policies or protocols on matters such as whistle-blowing and confidential information. You must first raise your concerns through the appropriate channels set out in such policies or protocols.

In summary, to decide whether the disclosure is reasonable and in the public interest, you may need to conduct a balancing exercise weighing up the public interest in maintaining confidentiality against any countervailing public interest favouring disclosure. This will require a careful focus on how confidential the information is, on any potentially harmful consequences of its disclosure, and on any factors, which may justify its disclosure despite these potential consequences. If in doubt you should always seek advice from the monitoring officer. Always keep a note of the reason for your decision.

In some situations, it is extremely unlikely that a disclosure can be justified in the public interest. These will include where the disclosure amounts to a criminal offence, or where the information disclosed is protected by legal professional privilege.

### **Circumstances in which a local authority can treat information as confidential**

The presumption under local government law is that local authority business is open unless it falls within a specific category of confidential or exempt information as set out in legislation. These categories are:

1. information given to the local authority by a Government Department on terms which forbid its public disclosure or
2. information the disclosure of which to the public is prohibited by or under another Act or by Court Order.

Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

Exempt information means information falling within the following categories (subject to any condition):

1. relating to any individual.
2. which is likely to reveal the identity of an individual.
3. relating to the financial or business affairs of any particular person (including the authority holding that information).
4. relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
5. in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. which reveals that the authority proposes:
  1. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  2. to make an order or direction under any enactment
7. relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

Where information is legally classified as ‘confidential’ under the above categories the public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

Where an officer recommends that a report to a decision-making committee should be treated as exempt information under the above categories the committee must still agree that the matter should be heard in a closed session. The committee may disagree with any recommendation and decide that those legal tests have not been met; or they may agree that those tests have been met but nevertheless it is in the public interest that the matter be considered in an open session. Again, you should keep a record of the rationale for the decision.

Once the local authority has agreed that the matter be treated as exempt, public access to relevant reports, background papers and minutes will also be excluded and an individual councillor must abide by that collective decision or risk breaching the code if they disclose that information (papers and content of discussion) without lawful excuse.

**Does confidentiality under the code apply only to information which is classified as confidential or exempt by law?**

No. The code goes wider than matters simply considered in a formal local authority setting. Information is a broad term. It includes facts, advice, and opinions. It covers written material, including tapes, videos, CDs, DVDs, and other electronic media. It covers material in unwritten form, including intellectual property. Information can only be confidential if all the following apply:-

- it has the necessary ‘quality of confidence’ about it (trivial information will not be confidential but information that you would expect people to want to be private would be);
- it was divulged in circumstances importing an obligation of confidence (information properly in the public domain will not be confidential);
- disclosure of it would be detrimental to the party wishing to keep it confidential.

For example, you may be told confidential information by a constituent in the course of your duties. That is why the code is written broadly to cover information classed as confidential which you may come across in your duties.

You should use your judgment when you are given information. An individual does not have to explicitly say that information is confidential if they tell you something which a reasonable person would regard as sensitive. You may, however, wish to clarify if somebody tells you something whether they want you to treat it as confidential.

### **Examples**

A councillor was assisting a resident in an adoption process, which the resident decided to subsequently withdraw from. The resident’s estranged parent contacted the councillor for information as to what was happening with the case and the councillor inadvertently shared confidential information as she had not realised that father and son were estranged. This was found to be a breach of the code.

A councillor circulated information about an officer’s medical condition to other councillors and a local headteacher with whom he was acquainted. He was found to have disclosed information which should reasonably be regarded as being of a confidential nature and without the officer’s consent in breach of the Code of Conduct.

### **What does consent by the person authorised to give it mean?**

If somebody, for example a constituent, has told you something in confidence – for example in the line of casework – you may later want to put that in the public domain as part of pursuing that case. You should always check with the individual before you disclose something you believe is confidential to ensure that they are comfortable with that information being disclosed. You should also be clear with them as to how you may use the information, they give you to help resolve their issue.

### **In what circumstances am I required to disclose confidential information by law?**

This would be where a law enforcement or regulatory agency or the courts required disclosure of information.

### **In what way could I use information I have obtained to advance myself or others?**

As a councillor you will often receive commercially sensitive or other confidential information. You must not use that information to your own advantage. For example, if you know the local authority is considering the purchase of a piece of land, you should not use that information in your private dealings to seek to purchase the land.

### **How does this relate to the Data Protection Act?**

As part of their role councillors will receive personal information. They should seek to ensure they are familiar with how the Data Protection Act applies to their role in handling such information through training, and if they are not sure to seek advice from an appropriate officer in the council.

Although councillors are not required to register as a data controller, they will receive personal information from residents in their area. They should only use it for the purpose for which it has been given and must ensure this information is held securely and only share with others that are entitled to it.

In contrast, the local authority is responsible for information they provide to councillors and ensuring they know how it can be used.

### **Access to information**

Transparency is a very important principle underpinning local democracy and public decision-making. The public are entitled to see information about the way decisions are made unless there are specific reasons why that information is confidential. Your local authority should have a publication scheme setting out what information is accessible to the public and you as an individual councillor must not prevent any person from accessing information which they are entitled to by law. This includes information under the Freedom of Information Act 2000 or those copies of minutes, agendas, reports, and other documents of your local authority which they have a right to access.

If in doubt seek advice from the relevant local authority officers.

### **The 'need to know'**

As a councillor, you are not automatically entitled to access all information the local authority holds. For example, the local authority may deal with highly confidential and sensitive information about employees or about residents involved in complex cases.

In addition to rights set out in law or conferred by your local authority constitution, you have a right to inspect documents if you can demonstrate a "need to know". This isn't a right to a roving commission but must be linked to your performance of your duties and functions as a councillor. For example, the need could more easily be demonstrated by membership of a relevant committee, such as a staffing committee than simply because you are interested in seeing the information. Local authorities have more justification for denying free access to particularly sensitive papers such as childcare or staffing records. You should not seek to get information if you have a declarable interest in it.

Most local authorities will have a nominated officer you can seek advice from if you feel you are not being given access to information you seek.

You can also exercise the “need to know” in respect of attending meetings. Access to Information Rules set out an Overview and Scrutiny Committee’s rights of access to documents and additional rights of access to documents for councillors to carry out their functions.

Where you are given access to documents which are not available to members of the public, you should ensure that any confidential information is used and protected in an appropriate and secure manner and shared with authorised persons only.

### **Can I use local authority information for matters outside the local authority?**

A councillor is entitled to access information held by the local authority for the performance of their duties as a councillor. If a councillor wishes to use local authority information for any purpose other than in connection with their duties as a councillor, and that information is not in a publicly available document, however, then that councillor should submit a freedom of information request so that it can be given to them to use freely.

The general rule is that any information held by the local authority and given directly to a councillor may only ever be used for the purpose for which it was provided. That purpose may add particular restrictions, for example where it relates to an individual constituent or sensitive matter. The purpose should not be for anything other than use in connection with the proper performance of the councillor’s duties as a councillor. The exceptions to this are where the information has already been published, it has been given as a result of a request under Freedom of Information or Environmental Information Regulations or it is in the public interest (‘whistleblowing’) for which provisions are made in the Code of Conduct as explained above.

Please see the **ICO website** for helpful guidance on data protection and freedom of information.



## **Disrepute**

### **As a councillor:**

#### **5.1 I do not bring my role or local authority into disrepute.**

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions.

In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:

1. reducing the public's confidence in them being able to fulfil their role; or
2. adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring **the authority** into disrepute.

For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute.

## **Questions**

### **What distinguishes disrepute to "your role or local authority" from disrepute to you as a person?**

The misconduct will need to be sufficient to damage the reputation of the councillor's role or local authority, as opposed simply to damaging the reputation of the individual concerned.

Certain kinds of conduct may damage the reputation of an individual but will rarely be capable of damaging the reputation of the role of councillor or the reputation of the authority.

Here are some of the situations that might tip the balance in favour of disrepute to the role of councillor or to the authority in particular cases:

1. Situations where councillors have put their private interests above the public interest, which they are expected to promote as councillors, and therefore reduced the standing of their role. For example, councillors using their position to secure a secret personal profit.
2. Similarly, situations where a councillor defies important and well-established rules of the authority for private gain.
3. Where a councillor engages in conduct which directly and significantly undermines the authority's reputation as a good employer or responsible service provider.

### **Examples**

A councillor posted a tweet reading "Cllr Blogs why don't you just throw in the towel, just go before you cause any more damage to the reputation of the council. You and some members of your cabinet have failed. I hope that the SFO is brought in to investigate your conduct. #failedleadership." The complainant stated that she found the tweet 'very offensive' and bullying and also considered that the tweet would reasonably bring the councillor's office and the authority into disrepute. The councillor was found to have brought his authority into disrepute by reducing public confidence in the council.

A councillor brought his role and authority into disrepute by taking advantage of a local authority mistake and failing to prevent local authority-employed contractors from working on his privately-owned home. The local authority mistakenly sent decorators to the home, an ex-local authority property. The councillor only told the local authority about the mistake after the work had been completed and then said he could not be charged for the work.

The chair of a local authority made a deeply inappropriate remark at a local authority meeting that was reported in the local media and was accused of bringing his role and authority into disrepute. It was clear in both the meeting and the local media reporting that other councillors expressed concerns about his comments and found them inappropriate. It was found that he had not brought his authority into disrepute but that he had brought his role into disrepute.

## Appendix 6

### Standards Complaint Hearing Panel Procedure

1. Chair opens the meeting, introduces all parties present, and briefly outlines the process for the meeting.

2. The Investigation Officer presents a summary of their report and their conclusions.

The Member who is the subject of the investigation, if present, (the Subject Member) can then ask questions of the Investigating Officer. The Committee may also wish to ask

questions.

3. The Subject Member or their representative, if present, will then present their case. The Investigating Officer may wish to ask questions. The Committee may also wish to ask questions.

4. Chairman invites comments of the Independent Person.

5. At the end of this process the Sub- Committee will ask the parties to leave whilst it considers the facts and on whether there has been a breach of the code. Any officer who retires with the panel is there to advise on matters of procedure and law. Any advice given must then be conveyed back publicly to the meeting.

6. The parties will then be asked to return and the Investigating Officer and Subject Member or their representative, if present, will be asked to make representations on what sanctions should be imposed, if the decision is that there has been a breach. If the Subject Member or their representative are not present, the Sub-Committee will move straight from paragraph 5 of this process to paragraph 7.

7. The parties to leave room whilst Sub-Committee sits in private to decide on

appropriate sanctions, if the decision is that there has been a breach. Any officer who

retires with the panel is there to advise on matters of procedure and law. Any advice given must then be conveyed back publicly to the meeting.

8. The parties will then be asked to return and Chair advises parties of decision, which

will be confirmed in writing in the next few days.

9. Chair closes meeting

Although no formal time limits will be imposed on presentations the Chair will have the right to curtail excessive presentations. The Panel will concentrate on those areas of the investigation that are in dispute and all parties are asked to be as succinct as possible and ensure all information presented is relevant.

The hearing must follow the rules of natural justice and allow parties to have their say. The Chair may make slight amendments to the procedure during the hearing for the smooth running of proceedings, but at all times following the rules of natural justice. The Monitoring Officer or their nominee will advise as necessary.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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