



## Hart District Council Decision Report

Date	18 <sup>th</sup> April 2023
Title	Complaint: Alleged Breach of Fleet Town Council Code of Conduct by Councillor Schofield
Report from	Monitoring Officer
Purpose	Confirmation of findings from Monitoring Officer and Independent Person
Key Contact	Stephanie Baker, Monitoring Officer <a href="mailto:monitoringofficer@hart.gov.uk">monitoringofficer@hart.gov.uk</a> 01252 774136

### Background

1. In line with the Hart District Council Arrangements for Dealing with Allegations (herein referred to as 'the handling arrangements') in relation to the complaint received from Mr Steve Forster on 17<sup>th</sup> January 2023, the Monitoring Officer did not dismiss the complaint for one of the reasons specified within Section 2 (initial action by the Monitoring Officer) and the complaint was acknowledged and the complainant informed of the procedure to be followed.
2. The complaint was submitted by Mr Steve Forster in relation to the conduct of Councillor Bob Schofield of Fleet Town Council (FTC) during the FTC meeting on 4<sup>th</sup> January 2023. The complaint alleged inappropriate conduct, breaching the FTC Code of Conduct due to conduct as Chairman.
3. The matter relates to conduct by the Chairman during Item number 7 discussed at the FTC meeting on 4<sup>th</sup> January 2023. It concerns an FTC Councillor, Councillor Oliver challenging the appropriateness of Mr Forster using his mobile phone to take images of the Councillors during the proposition of several motions and the votes on those motions.
4. The Monitoring Officer and Independent Person concluded that there is an overarching right to record a public meeting as set out within legislation (The Public Bodies (Admission to Meetings) Act 1960 (as amended by The

Openness of Local Government Bodies Regulations 2014) as well as the FTC media policy (July 2021).

5. Regardless of whether the intent for the recorded material were private or otherwise, legislation and the Fleet Town Council media policy are both clear that recording of a public meeting is permitted. As a result, the Chairman ought not to have allowed an individual Councillor to challenge an individual on recording. There may be some wider learning points for Parish and Town Councils in general on effective Chairing of meetings.
6. Whilst the Monitoring Officer and Independent Person consider that this is not a breach of the FTC Code of Conduct itself, it goes against the spirit of the legislation and FTC's own published media policy. It also contravenes the FTC Code of Conduct Advice Note on Respect.
7. The Monitoring Officer also concluded that the omission of the incident from the FTC printed minutes was of some concern and did not reflect best practice. There is perhaps an opportunity for a wider learning point for all Parish and Town Councils in the District in this respect, minutes ought to include reference to any instances where the meeting is paused due to the Chairman or other Councillor interacting with individuals from the public gallery, even if such an exchange is merely summarised.

### Conclusion

8. The Monitoring Officer and Independent Person concluded that there was not a breach of the FTC Code of Conduct by Councillor Schofield.

### **Findings**

9. The Monitoring Officer and Independent Person concluded that allowing an individual Councillor who was not the Chairman to challenge an attendee for filming the meeting was inappropriate and contravened the spirit of the FTC media policy, FTC Code of Conduct Advice Note on respect and legislation.
10. The Monitoring Officer and Independent Person concluded that a proportionate and appropriate outcome would be for Councillor Schofield to apologise to Mr Forster for this failure.

### **SUGGESTED OUTCOME**

11. The Monitoring Officer and Independent Person's findings are to be reported to FTC.
12. It is recommended that FTC obtain an apology from Councillor Schofield to Mr Forster at the next available FTC meeting.