

When calling please ask for:
Louise Fleming, Democratic Services and
Business Support Team Manager (Deputy
Monitoring Officer)

Policy and Governance

E-mail: louise.fleming@waverley.gov.uk

Direct line: 01483 523517

Date: 6 September 2022

Dear All

Councillors Maxine Gale, Michael Goodridge and John Ward, being members of the Council's Standards General Purposes Committee who had not been involved in the original panel nor the decision it reached about Haslemere Town Councillor Kirsten Ellis's conduct, met on Tuesday 6 September 2022 to consider an appeal by Cllr Ellis against the decision made by the Standards Panel made on 22 July 2022.

The decision of the Panel is set out below.

The Panel carefully considered all the evidence before it contained in the papers of the original Standards Panel meeting on 22 July 2022, and the written representations submitted by Councillor Ellis by way of an appeal. The Panel dealt with all eight grounds of appeal as follows:

1. The Panel could find no evidence that the original Standards Panel did not evaluate the report of the External Investigator; nor could they find any evidence to support the claim that the report had been changed due to pressure from the Monitoring Officer. It was not for the original Standards Panel to consider the draft report of the External Investigator. Therefore, the Panel found no substance to the first ground for appeal.
2. It was clear that the External Investigator found that there had been a breach of the Code of Conduct and therefore the Panel could find no reason to overturn the original Standards Panel decision.
3. Whether a complaint was vexatious, malicious or politically motivated or not was not a matter for the Standards Panel to consider. The Monitoring Officer had already considered that the complaint was valid and therefore the complaint warranted investigation and the Standards Panel had to consider it on its own merits. The Panel therefore dismissed the third grounds for appeal.
4. The Panel were satisfied, as were the original Standards Panel, that the correct procedure had been followed in respect of consulting the Independent Person and referring to an External Investigator.
5. The Panel accepted the conclusions of the original Standards Panel that the membership of the Haslemere South Residents Association had not been adequately declared on Councillor Ellis's Register of Interest form.
6. The Panel concurred with the decision of the original Standards Panel that there was a close connection between the Haslemere South Residents Association

and the discussion at the meeting in November 2019, which considered a change in the settlement boundary.

7. The Panel did not consider that there was substance to the grounds of appeal as there was no evidence that the original Standards Panel did not consider the Code of Conduct.
8. The Panel did not feel that there was any distinction between a discussion of a planning application and a discussion of a Neighbourhood Plan and therefore this was not a relevant consideration.

The Panel unanimously agreed that

- i. **The Monitoring Officer had followed the correct procedures throughout the investigation of the complaint against Councillor Ellis; and**
- ii. **That the appeal against the decision of the Standards Panel on 22 July 2022 should be dismissed.**

**Robin Taylor
Head of Policy and Governance
and Monitoring Officer**

When calling please ask for:
Louise Fleming, Democratic Services and
Business Support Team Manager (Deputy
Monitoring Officer)

Policy and Governance

E-mail: louise.fleming@waverley.gov.uk

Direct line: 01483 523517

Date: 5 September 2022

Dear All

Councillors Christine Baker, Steve Cosser and Peter Nicholson, being three members of the Council's Standards and General Purposes Committee who had not been involved in the original panel nor the decision it reached about Haslemere Town Councillor Nikki Barton's conduct, met on Monday 5 September 2022 to consider an appeal by Cllr Barton against the decision of the Standards Panel held on 21 July 2022.

The decision of the Panel is set out below.

The Panel carefully considered all the evidence before it contained in the papers of the original Standards Panel meeting on 21 July 2022 and the grounds of appeal submitted by Councillor Barton which are addressed as follows:

1. The Panel considered that a valid complaint had been made that was worthy of investigation and therefore whether the complaint had been made in good faith was not germane to the Panel's considerations.
2. The Panel felt that based on the evidence, it was unlikely that Councillor Barton's objectivity had not been impaired at the Town Council meeting in November 2019. The Panel could find no evidence to contradict the view of the original Panel that Councillor Barton had breached the Code of Conduct.
3. The Panel felt that the original Panel had applied the Code of Conduct properly and that it was difficult to see how any reasonable person could have concluded that Councillor Barton did not have an interest to declare.
4. The Panel felt that given the nature of the organisation, it was difficult to see how any reasonable person could have reached the view that the membership of the HSRA did not need to be registered.

The Panel unanimously agreed that the appeal against the decision of the Standards Panel on 21 July 2022 should be dismissed.

Robin Taylor
Head of Policy and Governance
and Monitoring Officer