



HASLEMERE TOWN COUNCIL

Town Hall, High Street, Haslemere, Surrey GU27 2HG
01428 654305 / town.clerk@haslemeretc.org

Minutes of the Extraordinary Haslemere Town Council Meeting held at 7pm on Monday 26th September 2022. The meeting was held in the Council Chamber, Town Hall, High Street, Haslemere, GU27 2HG

Mayor	*Cllr J Keen
Deputy Mayor	Cllr J Davidson
Councillors	*Arrick, *Barton, Cole, *Dear, *Dullaway, *Ellis, *Hewett, *Lloyd, *Matthes, Nicholson *Odell, Robini *Round, *Weldon, *Whitby

* present

The meeting was clerked by the Town Clerk, Lisa O'Sullivan, Deputy Town Clerk Pippa Auger, press representative and 17 members of the public were also in attendance.

At the beginning of the meeting, Cllr Keen reminded those assembled that this was a meeting in public, not a public meeting, and asked those present to refrain from disrupting the meeting.

68/22 APOLOGIES FOR ABSENCE

RESOLVED: Apologies are accepted from: Councillors Davidson (holiday) Cole (unwell) Nicholson (not present on advice of the Monitoring Officer) and Robini (not present on advice of the Monitoring Officer).

69/22 DISCLOSURE OF INTERESTS

Cllr Barton declared a non-pecuniary interest in the part of the item concerning her, she will not vote but may participate as a member of the public may.

Cllr Ellis declared a non-pecuniary interest in the part of the item concerning her, she will not vote but may participate as a member of the public may.

70/22 BREACH OF CODE OF CONDUCT BY MEMBERS

Cllr Keen stated that the breaches of the Code of Conduct were a matter of public record and not for discussion this evening. This item is to discuss what, if any, sanctions are imposed on the councillors. Any sanction should be reasonable, proportionate and relevant.

Cllr Barton raised a number of points of order in relation to how the meeting was convened and being run. She asked for the meeting to be postponed so that the Clerk could take legal advice.

The Clerk responded that she was satisfied that the meeting had been called legally. All the paperwork Cllr Barton wanted to be provided was in the public domain and easily found on the Waverley website. The meeting would be conducted under Haslemere Town Council rules since Waverley had not jurisdiction over the Town Council. Cllr Keen stated that the meeting would continue and reminded those assembled that all councillors had received Code of Conduct training since being elected and that they could access additional advice at any time should they require it.

Cllr Ellis asked to make a short statement. She stated that non-pecuniary breaches are normally resolved swiftly and quickly and no expense to the tax payer. Cllr Keen said that the councillors had been offered an informal resolution by the Monitoring Officer which both councillors disputed. Cllr Ellis stated that she had made her own judgement call and had been found not to have a pecuniary interest. Neither she nor Cllr Barton

had gained anything by not declaring an interest. She was an elected councillor doing her duty representing constituents. The breach did not warrant almost 3 years of investigation and tens of thousands of tax payer pounds. She suggested that the timing of the extraordinary meeting was suspect, being the day before a planning meeting where the second phase of Scotland Park was to be discussed. She also questioned the guidance given regarding options for sanctions.

Any sanction for Cllr Barton was considered first.

Cllr Barton asked to make a statement in mitigation. She stated that she had served the community for nearly 10 yrs. She has never been in breach before, has rectified her declaration, and there were no consequences to her breach of the code. She is committed to declaring interests in the future, but no longer has a conflict as she has resigned from HSRA. She has also undertaken code of conduct training, and the breach was found to be non-pecuniary. Cllr Barton stated that if had at any point she had a chance to settle without the £30-£40k cost per councillor she would have.

Cllr Odell stated that it was a situation no one wants to be in but felt that if HTC was seen not to impose a sanction it would be seen as condoning the breach and potentially declaring open season for councillors to act as they wished. She proposed that Cllr Barton was asked not to attend Planning, or any NP committee or working party until the end of this Council term. Seconded by Cllr Dear.

There was discussion amongst councillors as to the merits or otherwise of this approach.

Cllr Matthes said that in Cllr Barton and Cllr Ellis I believe we have two good councillors with the best interests of the communities they serve at heart. I am strongly against imposing sanctions that would actually impact the residents they represent the most.

Cllr Waters stated that, whilst he agreed that some sanction was required in relation to the breach, he did not think that Cllr Odell’s proposal was proportionate. He put forward a counter proposal to suspend Cllr Barton from planning from 1 December for a month. Seconded by Cllr Whitby.

The Town Clerk read back the wording of the motion before the vote was taken. There was a tie of votes and Cllr Keen used her second, casting vote.

RESOLVED: That Councillor Barton does not attend any Planning or Neighbourhood Plan committee or working party until end of this Council term.

Any sanction for Cllr Ellis was considered second.

Cllr Barton proposed that Cllr Ellis suspended from Planning committee from 1 January two weeks as a proportionate response. Seconded by Cllr Lloyd.

Cllr Odell proposed a counter proposal for Cllr Ellis to have the same sanction applied as Cllr Barton in order to have consistency. Seconded by Cllr Dear.

RESOLVED: That Cllr Ellis is suspended from the Planning committee from 1st January for two weeks.

Meeting finished at 19:43

Signed.....
Chairman of Meeting

Date.....

****AT THE FULL COUNCIL MEETING HELD 17TH NOVEMBER 2022 THESE MINUTES WERE AGREED AS A TRUE RECORD. COUNCIL DID HOWEVER ASK THAT THE FOLLOWING OBSERVATIONS FROM CLLRS BARTON AND LLOYD BE APPENDED TO THE MINUTES****



Lisa O'Sullivan <town.clerk@haslemeretc.org>

Document for meeting

Nikki Barton <nikki.barton@haslemeretc.org>
To: Lisa O'Sullivan <town.clerk@haslemeretc.org>

18 November 2022 at 15:58

Dear Lisa,

Please find the points raised last night so that the ECM minutes can be appended.

1. Cllr Lloyds point of order relating to the adequacy of the of the papers circulated prior to the meeting is not minuted.
2. Cllr Weldon's comments on the consequences already suffered by Cllr's Barton and Ellis, and therefore questioning the need for any sanction is not minuted.
3. Cllr Matthes discomfort, due to irregularities in the meeting process impacting her ability to make an informed decision- is not minuted.
4. I raised the point of order that the notice of the meeting was in breach of the council's standing orders- that fact that the chair of the meeting did not address this point of order is not minuted (This is separate from the point of order regarding legality).
5. The Mayors stated reason for not keeping the matter on the agenda of the Full Council meeting three days later (because that agenda was so full) is not minuted.
6. The wording of the resolution voted on in my case does not follow the wording proposed by Cllr Dear in the sixth paragraph of the original minuted item- it should read that Cllr Barton be asked not to attend planning and NP meetings.

Many thanks.

Best wishes

Nikki

Sent from [Mail](#) for Windows

[Quoted text hidden]



Lisa O'Sullivan <town.clerk@haslemeretc.org>

Agenda and Papers for Full Council meeting

Gary Lloyd <gary.lloyd@haslemeretc.org>

17 November 2022 at 22:54

To: Lisa O'Sullivan <town.clerk@haslemeretc.org>

Cc: Jacquie Keen <jacquie.keen@haslemeretc.org>, Jerome Davidson <jerome.davidson@haslemeretc.org>, Nikki Barton <nikki.barton@haslemeretc.org>, Claire Matthes <claire.matthes@haslemeretc.org>

Dear Lisa,

Following the agreement made during item 6 of today's FC meeting for amendments to the (provisionally-approved minutes) of the ECM of 26/9 to be provided and appended post meeting, and my own comments raised during the same item, please include the following [clarifications](#) (as indicated by the cyan text).

Firstly:

Any sanction for Cllr Barton was considered first.

...

Cllr Waters stated that, whilst he agreed that some sanction was required in relation to the breach, he did not think that Cllr Odell's proposal was proportionate. He put forward a counter proposal to suspend Cllr Barton from planning from 1 December for a month. Seconded by Cllr Whitby.

The Town Clerk read back the wording of [the Cllr Odell's motion](#) before the vote was taken. There was a tie of votes and Cllr Keen used her second, casting vote. [Cllr Odell's motion was carried, so Cllr Water's motion was not voted on.](#)

RESOLVED: That Councillor Barton does not attend any Planning or Neighbourhood Plan committee or working party until end of this Council term.

And secondly:

Any sanction for Cllr Ellis was considered second.

Cllr Barton proposed that Cllr Ellis suspended from Planning committee from 1 January two weeks as a proportionate response. Seconded by Cllr Lloyd.

Cllr Odell proposed a counter proposal for Cllr Ellis to have the same sanction applied as Cllr Barton in order to have consistency. Seconded by Cllr Dear.

[Cllr Barton's motion was carried by majority vote, so Cllr Odell's motion was not voted on.](#)

RESOLVED: That Cllr Ellis is suspended from the Planning committee from 1st January for two weeks.

These changes are not intended to conflict with any clarifications also requested during the meeting by Cllrs Barton or Matthes, which I was in general agreement with at the time of them being raised during FC.

I appreciate that the EGM was not a straightforward meeting to minute and so thank you for supporting this process of clarification.

Kind regards,

Gary

