

At a meeting of the HEARING SUB-COMMITTEE OF THE STANDARDS COMMITTEE held in the CIVIC CENTRE, SUNDERLAND on TUESDAY, 6th JUNE, 2017 at 10.00 a.m.

Present:-

Councillor H. Trueman in the Chair

Councillors Curran and Wood

Also Present

Councillor Denny Wilson, the Subject Member

Ms Frances Randle, representing Councillor Wilson, Steel and Shamash, Solicitors

Mr Denis Cooper, Investigating Officer, Eversheds Solicitors

Ms Rhiannon Hood, Assistant Head of Law and Governance, representing the Council's Monitoring Officer and providing procedural advice to the Committee

Mrs Christine Tilley, Team Leader, Governance Services, clerk for the hearing

Witnesses in attendance to be called

Mrs Cheryl Moran (previously Knight), the complainant (accompanied by Mr Moran for support)

Ms Trina Murphy, Assistant Head of Service Museums, Heritage and Arts

Mr David Brown, Beaumont: Brown Architects LLP

Councillor J. Kelly

Councillor D. MacKnight

Welcome and Introductions

The Chairman welcomed everyone to the meeting and invited all those present to introduce themselves.

Chairman's Opening Comments

The Chairman advised that there would be a minute's silence at 11 am in remembrance of those people who had lost their lives on 3rd June in the terrorist attack in the London Bridge and Borough Market area. In order to show respect and solidarity with the people of London, he proposed to adjourn the hearing at 11 am to join the nation in observing the silence.

The Chairman outlined the procedure that the Committee would follow for the Hearing.

The Chairman advised that as the Independent Person was unable to attend the Hearing that day she had provided her views in writing. He proposed that the Committee take a brief adjournment before inviting both parties to sum up, at the

conclusion of the evidence, to allow an opportunity for Members and the parties to consider the Independent Person's views.

The Chairman advised that the parties had indicated that they were both content for the Hearing to proceed in public.

It was clarified that the witnesses would not be considered as Members of the Public and would be called to be questioned at the appropriate time and leave the Hearing after having done so.

It was therefore, in the above circumstances:-

1. RESOLVED that the Hearing be held in public.

Apologies for Absence

An apology for absence was received from Ms Sheba Joseph, Independent Person to the Standards Committee.

Declarations of Interest

There were no declarations of interest made.

Complaint Reference 04/14

The Assistant Head of Law and Governance submitted a report (copy circulated) to provide procedural advice to the Sub-Committee in respect of the hearing of complaint reference 04/14 against Councillor D. Wilson.

(For copy report – see original minutes).

The Assistant Head of Law and Governance, Ms Rhiannon Hood presented the report highlighting that Mr Denis Cooper, Investigating Officer, Eversheds Solicitors had concluded that there had been no breach of the Code by Councillor Wilson in respect of the following requirements of the Code:-

Paragraph 4: You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council or your office as a member of the Council into disrepute, and

Paragraph 2: You must not bully any person (including specifically any Council employee).

The investigator had, however, concluded that there had been a breach of the Code in respect of the requirements of the Code that:-

Paragraph 1: You must treat others with respect, including Council officers and other elected members.

Ms Hood advised that it nevertheless remained for the Sub-Committee to determine whether there had been a breach of the Code in respect of Paragraphs 4 and 2 above in addition to Paragraph 1.

The Investigating Officer, Mr Dennis Cooper, Eversheds Solicitors made his introductory remarks advising that it had been his task to investigate the allegations against Councillor Wilson. He referred the Sub-Committee to his report detailed at Appendix 2. He advised that evidence from three of the witnesses, Ms Lynn Rylance, Mr Keith Younghusband and Mrs Vicki Medhurst had been agreed between the two parties and therefore they would not be required to give evidence at the Hearing.

Mr Cooper stated that the key issue for the Sub-Committee to determine was whether the behaviour of Councillor Wilson at a meeting of the Hylton Castle Steering Group on 17th September 2014 was a breach of the Council's agreed Code of Conduct for Members.

Mr Cooper then called the complainant Mrs Cheryl Moran, who was accompanied by her husband and she confirmed that paragraph 3 of Mr Cooper's report from point 3.1 to 3.19 was an accurate account of the evidence she had provided.

Mr Cooper asked whether Mrs Moran had a line of sight to Councillor Wilson in the meeting held on 17th September.

Mrs Moran confirmed this was the case and gave an approximate measure of a few feet as the distance between where she was sitting and where Councillor Wilson was sitting at that meeting. Mrs Moran also stated that she had advised on a couple of occasions that she would have accepted an apology from Councillor Wilson in respect of the way he had spoken to her at the above meeting, however this had not happened.

Mrs Moran answered questions from Ms Randle in relation to the evidence she had provided in paragraph 3 of Mr Cooper's report concerning the Hylton Castle Steering Group meeting on 22nd July 2014 and to the suggestion Councillor Wilson had made about opening up the cellars and tunnels and having a camera relay images onto a screen for the community outside to see and as to what had been recorded in the minutes of that meeting in this regard.

Mrs Moran also answered questions from Ms Randle as to when the decision to open up the tunnels had been made, who had decided this and who was made aware that this was going to happen.

Ms Randle also asked Mrs Moran about the seating arrangements at the meeting on 17th September questioning why no one had intervened and commenting that Councillor Wilson had stated that she had been obscured from his view during much of the meeting.

Mrs Moran clarified that during most of the meeting she had been leaning on the desk, however after the incident which lead to the complaint she had sat back as she

had been upset. She advised that Mr Keith Younghusband had tried to intervene, however he had received the same treatment from Councillor Wilson.

Ms Randle also questioned Mrs Moran regarding her decision not to renew her contract following her return to work from holiday. Mrs Moran confirmed that she had not resigned but was contracted for 12 months, and did not agree to extend the contract. She would normally stay in a contract between 12 and 18 months.

Members of the Sub-Committee and Mr Cooper, in re-examination, also questioned Mrs Moran in relation to what had been decided at the Steering Group meeting concerning the possibility of having large TV screens to show what was in the cellars and tunnels at Hylton Castle and the reasons behind Mrs Moran's decision not to renew her contract. Ms Moran advised that it had been her view that the possibility of TV screens had been disposed of and it would have been minuted if it remained a possibility. She had returned from leave willing to reconsider her contract and would have accepted an apology, but felt the management actions put in place were inappropriate and that she had been undermined in front of key partners. In response to final questioning by Ms Randall regarding reconsideration of her contract, Mrs Moran advised that she had wanted to leave the project in good shape. She had taken advice and felt happier to leave the project in the hands of a colleague.

At this juncture, the Sub-Committee observed the minute's silence.

Mr Cooper then called Ms Trina Murphy who confirmed the evidence she had provided in paragraph 4.22 to paragraph 4.36 of his report was correct, other than her job title which she corrected to Assistant Head of Service, Museums, Heritage and Arts.

Mr Cooper questioned Ms Murphy on the content of her statement in relation to her understanding as to what had been agreed at the Steering Group's meeting on 22nd July.

Ms Murphy advised that there had been a general discussion about making the most of the opportunity to publicise the Hylton Castle project, look into the possibility of having TV screens by checking with English Estates as to whether this could be authorised and on the options raised around public engagement.

Ms Randle also questioned Ms Murphy on the above, in relation to how Mrs Moran had carried out the role of Project Manager and as to what had happened at the Steering Group meeting on 17th September 2014.

Ms Murphy had felt Mrs Moran had been on a learning curve and she had had to remind her to agree changes and timelines with the meeting before communicating these to Members.

Ms Murphy stated that it had been a failure in communications in the email of 26 August, which had set out the plans for the public engagement in the archaeological aspects of the project, that Councillors had not been told that the tunnels were to be opened up in the first week of September.

Ms Murphy confirmed that she had made Mrs Moran aware of the complaint from Councillor Wilson in his email of 5th September 2014 prior to the Steering Group meeting later that month.

Ms Murphy advised that Councillor Wilson had been agitated and very concerned in his role as Chair of the North Sunderland Area Committee at how the event and engagement at Hylton Castle during the first week of September had been delivered and that he had directed his anger at Mrs Moran and herself as Project Leads. She felt that he had not understood some of the constraints. He had addressed the Chair and stated that he felt himself and others had been made to look like idiots as they had told the community what they had thought was going to happen and it did not. She recalled the word 'liar' being used as part of the frustration Councillor Wilson expressed at that time. As officers had committed to having a TV screen, Councillor Wilson felt Members had been made to look like liars.

Ms Murphy added that she understood Councillor Wilson and felt that he was not aggressive but behaved in a particular way. He was seated close to Mrs Moran, if not next to her at the September Steering Group meeting but she was unable to say if he was stabbing his finger at her.

Ms Randle also asked Ms Murphy about Mrs Moran's statement that she had 'consistently asked her to reconsider her decision' to terminate her contract when it expired.

Ms Murphy disagreed with the word 'consistently' and advised that she had offered to put in place a number of interventions to manage communications with Councillor Wilson as she felt it was her duty to support Mrs Moran to stay as the project was at a crucial stage, although she did not agree that the project was at risk.

Members of the Sub-Committee questioned Ms Murphy in relation to what she had said in her statement about Councillor Wilson's behaviour at the September Steering Group meeting and the complaint he had raised with regards to the public engagement activities held at the beginning of that month and the communications around this.

In response to a question from Councillor Wood that it would be fair to say Councillor Wilson lost his temper, Ms Murphy agreed.

In response to a question from Councillor Curran, Ms Murphy agreed that it was important for Councillors to have communications and that she understood Councillor Wilson would feel let down.

Councillor Trueman asked if Ms Murphy agreed this had been an 'unjustified attack'.

In response Ms Murphy stated that she would take Councillor Wilson's attack differently, referring to different tolerance levels and that she would not have been as affected by the incident. Councillor Wilson felt let down and wanted the Steering Group to know about this. Cheryl had been very emotional after the meeting about

how she had been spoken to and was deeply upset. There were a lot of strong personalities and some people deal with things like this better than others.

Mr Cooper, in re-examination, also questioned Ms Murphy about Councillor Wilson's behaviour towards Mrs Moran at the September Steering Group meeting and Mrs Moran's reaction to this behaviour. As part of her response, Ms Murphy stated that in retrospect, she felt that the meeting should have been stopped. She further advised that she was not thinking that in the meeting.

Mr David Brown of Beaumont: Brown Architects LLP was then called to give evidence and confirmed his statement. He was asked by Ms Randle about what had happened at the September Steering Group meeting. He confirmed that Councillor Wilson and Councillor MacKnight had been visibly upset and disappointed that the tunnels had been opened up and had been resealed without their knowledge and that this event had not been relayed onto large screens as the Councillors had anticipated. He did not consider Councillor Wilson had been abusive.

Mr Brown added that he could understand the Councillors' disappointment that the above had happened without their involvement and that more had not been made of the opportunity.

Mr Cooper referred Members to the further statements of Lynn Rylance, Keith Younghusband and Vicki Medhurst which had been agreed by the parties.

Ms Randle then called Councillor Wilson, who confirmed his statement, and questioned him in relation to this.

Councillor Wilson expressed the importance to him of Hylton Castle and the possibility of the tunnels being opened and the pictures being relayed for the community to see and his understanding of what had been agreed at the Steering Group meeting around this when it had been discussed at the July meeting. He described the sense of betrayal he had felt when he found out the tunnels had been opened and resealed without the public having had the opportunity to see anything of this. Councillor Wilson confirmed his account of what had happened at the meeting on 17th September, advising that he could not see Mrs Moran from where he was sitting, and did not behave inappropriately or 'call' her.

Mr Cooper questioned Councillor Wilson in relation to his statement and as to why he had not complained that a giant TV screen was not going to be set up on receipt of the email dated 26 August 2014 from Mrs Moran but had only mentioned this in his email to Councillor Kelly dated 5th September 2014.

Members of the Sub-Committee asked Councillor Wilson about his behaviour at the Steering Group meeting on 17th September 2014 and he confirmed that he felt that he had not picked on any one person at the meeting but had shared his feelings on the matter with the Group as a whole. He reiterated his disappointment that Councillors and the community had not been given the opportunity of viewing the excavations on a giant TV screen when the tunnels were opened at the Hylton Castle site and that public engagement had not been maximised.

Ms Randle commented that the facts of what had been agreed at the July Steering Group meeting and how Councillor Wilson had behaved at the September meeting were disputed between the two parties. The minutes of the July Steering Group meeting did not reflect the idea of having a screen set up to show the tunnels when they were opened, which Councillor Wilson had believed to have been agreed. Councillors were not told that the tunnels were to be opened up on 4th September and were denied the opportunity of being present to see them; something Councillor Wilson had been waiting over 20 years to see. Councillor Wilson had felt that he had been misled as to what was going to happen and wanted to know why what he thought was going to happen, did not.

Ms Randle then called Councillor John Kelly, Chair of the Hylton Castle Project Steering Group.

Councillor Kelly confirmed that the Steering Group membership was a settled Group which had been there from the outset and was an arena in which they could have a full discussion of any issues raised.

Councillor Kelly confirmed the statement he had made including the point that the television companies were to be contacted to provide cameras in the tunnels of the castle and for this to be relayed to screens for the public to view and was something for the Steering Group Officers to action.

Councillor Kelly advised that he had not been aware that the tunnels were going to be opened up on 4th September and was not invited along to see them. He may have been invited to attend on 5th September but he as a Cabinet Member may have had other things he needed to attend to.

Cllr Kelly advised that he had left clear instruction that the Ward Councillors needed to be kept fully informed. The Project had been 20 years in the making. It was an opportunity to engage with the community and the Councillors needed to know about proposals so as they were able to do this.

Councillor Kelly advised that in his opinion Councillor Wilson had expressed his views at the Steering Group meeting very strongly and passionately towards everyone present and that this was not a personal attack on Mrs Moran but it was a failing of everyone that things had not happened. Councillor Kelly stated that Mrs Moran did not show any signs of being upset and had continued to participate in the meeting. Councillor Wilson had been incredibly frustrated by the fact that something had not happened that he thought had been agreed and he felt that Councillor Wilson had a right to behave in the way he did.

Councillor Kelly advised that the incident had highlighted a couple of issues which needed to be resolved namely, communications to the community and to Ward Councillors. The Steering Group was a robust and strong meeting and there was no point in having it if people could not speak openly.

Mr Cooper questioned Councillor Kelly in relation to the meeting on 17th September putting across the view that Mrs Moran had not been able to contribute further to the meeting after Councillor Wilson had made the comments he had at that meeting.

Councillor Kelly advised that Mrs Moran had made a couple of comments then nothing further as it was not her area of expertise. More recently a more formal structure had been put in place in respect of meetings concerning the Hylton Castle Project after the success of the Stage 2 application.

Councillor Kelly then answered questions from Members of the Sub-Committee commenting that he felt it was obvious Mrs Moran was not used to dealing with Councillors and did not understand their role. Councillor Wilson had been trying to get to the reason why things he had expected to happen, had not and that he had felt an opportunity had been missed to work with English Heritage and the Hylton Castle Steering Group and to get some good publicity.

Ms Randle then called Councillor Doris MacKnight, Member of the Hylton Castle Project Steering Group.

Councillor MacKnight advised that it was her understanding that Officers were going to seek permission from English Estates to go into the cellars and if this was granted they would have cameras on their helmets which would be relayed outside onto screens to show the public what was going on. Councillors had been telling residents this would be happening and to get along there to see.

Councillor MacKnight reported that she had received an email informing of the excavations and telling her to come along to the Public Meeting on 5th September. On the Thursday (4th September) she had found out that the cellars had been open but Councillors had not been told about this and she had been gutted and shocked to have missed this especially as she had found out that other Members of the Steering Group had been present.

Councillor MacKnight confirmed that she could not see Mrs Moran in the meeting other than her hands as she was sitting next to Councillor Kelly and that she was sitting to the left of Councillor Wilson.

Councillor MacKnight advised that she had been shocked to hear of the complaint against Councillor Wilson. They had only been in the meeting 15 minutes as they had another meeting to go to. Mrs Moran was taking the minutes. Her hands were not shaking. There had been no atmosphere in the meeting. Both she and Councillor Wilson had asked why it was not recorded in the minutes about getting permission for the tunnels to be opened up and setting up the TV screens to show the community what they looked like. Councillor Wilson had said that if it was not in the minutes then it could not be actioned. If Councillor Wilson had been aggressive, Councillor MacKnight stated that she would have said something to him and that while they were in the meeting everything was going well.

Councillor Kelly had chaired the meeting perfectly well and she felt that if Mrs Moran had been upset that he would have noticed.

Councillor MacKnight stated that she considered the criticisms made were to the Group and not just of Mrs Moran.

Ms Rhiannon Hood, Assistant Head of Law and Governance, circulated a copy of the views of Ms Sheba Joseph, Independent Person to the Members of the Sub-Committee and Mr Cooper and Ms Randle. There was a pause in the proceedings for this to be read out and considered by Members and the parties' representatives.

Mr Cooper then made his closing submissions to the Sub-Committee referring to paragraph 7 of his investigative report which was entitled 'Findings of Fact'.

Mr Cooper concluded that he found that Councillor Wilson had breached the Code of Conduct by failing to treat the complainant with respect.

Mr Cooper referred the Sub-Committee to the view of the Independent Person who had come to the conclusion on the balance of probabilities that she felt Councillor Wilson had behaved in a manner which was disrespectful towards Mrs Moran.

Ms Randle proceeded to sum up the case for Councillor Wilson and commented that the view of the Independent Person might have been different if she had been able to be present and that as she was not present, her view was almost irrelevant.

Ms Randle commented that some of the 'Findings of Fact' were not fact and she maintained that Councillor Wilson had behaved properly both in response to correspondence and at the meeting of the Steering Group on 17th September and felt that the Sub-Committee should clear Councillor Wilson of all charges.

The Sub-Committee then retired in private to consider its findings and in order to reach a decision in respect of the complaint. At this point, Mr Cooper, Ms Randle and Councillor Wilson all withdrew from the committee room.

The Sub-Committee having concluded its deliberations, Mr Cooper, Ms Randle and Councillor Wilson were then readmitted into the room.

The Chairman advised that having fully considered the Investigating Officer's report, and further documents included in the agenda for the Hearing, and having heard evidence from Mrs Cheryl Moran, the Complainant, together with Ms Trina Murphy, Assistant Head of Service Museums, Heritage and Arts, Mr David Brown, Beaumont: Brown Architects LLP, the subject member Councillor D. Wilson, Councillor J. Kelly and Councillor D. MacKnight, as well as the representations of Mr Denis Cooper, Investigating Officer, Eversheds Solicitors and Ms Frances Randle, representing Councillor Wilson, Steel and Shamash, Solicitors and having regard to the views of the Independent Person, the Committee had on the balance of probabilities and by a unanimous decision:-

2. RESOLVED that there had been no breach of the Code of Conduct by Councillor Wilson in respect of the matters referred to in the complaint.

Ms Hood advised that a formal written decision notice would be issued of the Hearing to all parties and that the minutes of the meeting would published.

The Chairman thanked everyone for their attendance and closed the meeting.

A copy of the full written decision notice in respect of the complaint is appended to these minutes.

(signed) H. TRUEMAN,
Chairman.

SUNDERLAND CITY COUNCIL

Hearing Sub-Committee of the Standards Committee

Complaint Regarding Cllr D Wilson

Case Ref 04/14

Hearing : 6th June 2017

Reasons for Decision

1. Introduction

We have carefully considered the Investigating Officer's report, and further documents included on the agenda for the hearing.

We have heard evidence from the following witnesses; the complainant Cheryl Moran; Trina Murphy, Assistant Head of Service Museums, Heritage and Arts; David Brown, Beaumont:Brown Architects LLP; and from Councillors Wilson, Kelly and MacKnight. We have considered the statements contained within the Investigating Officer's report of; Lynn Rylance, English Heritage; Keith Younghusband, chair of the Friends of Hylton Castle; Vicki Medhurst, Cultural Heritage Manager.

We have heard representations from Denis Cooper, Eversheds Sutherland LLP, and Frances Randall, Steel and Shamash, Solicitors.

2. Background

This case concerns complaints made by Cheryl Knight (now Moran) about the behaviour of Councillor Denny Wilson at a meeting of the Hylton Castle Steering Group held on 17 September 2014.

3. Findings

3.1 The purpose of the meeting was relevant to the Council's functions.

Accordingly attendance and behaviour at a meeting of this nature falls within the scope of the Code of Conduct and constitutes acting in a Member's official capacity.

3.2 During the meeting Councillor Wilson expressed frustration and concern that an action to arrange for TV coverage had not been progressed as part of the exploratory excavation of the Hylton Castle cellarage/subterranean area. He did so in strong terms addressed to all members of the steering group.

3.3 Councillor Wilson made a statement directed to the complainant regarding minutes of the previous and future meetings.

3.4 The Sub-Committee concluded that Councillor Wilson's conduct, including the making of this statement and the way in which it was delivered was not such as to amount to a breach of the Code of Conduct in relation to failure to treat the complainant with respect.

3.5 The Sub-Committee found no reason to disagree with the Investigating Officer's conclusion that further allegations regarding Cllr Wilson's conduct at the meeting, in relation to bullying the complainant and conduct bringing the council or office of councillor into disrepute were not substantiated.

4. Decision

The Sub-committee finds there was no breach of the Code of Conduct.

Signed _____

A black rectangular box redacting the signature of the Chairman.

Dated 9 June 2017

Chairman of the Standards Committee and of this Sub-Committee