

LONDON BOROUGH OF HARINGEY
NOTES OF A STANDARDS SUB-COMMITTEE DETERMINATION
HEARING, IN THE CASE OF Cllr Mrs S. PEACOCK
HELD ON: 16 JUNE 2005

Sub-Committee Members: Mr Nicholas Weber(Chair), Councillors Robertson and Winskill.

Investigating Officer:	Defendant's Side:
Mr John Suddaby - Deputy Head of Legal Services & Deputy Monitoring Officer.	Cllr Mrs S Peacock
	Mr Martin Singer- Representative
	Witness Statements Tabled :
	Cllr Sheila Peacock Maria Farrell David Adlington Angela Crawley Jonathan Marciano

In attendance:

Miss Davina Fiore - Head of Legal Services & Monitoring Officer (Advisor to the Panel)

Dr David Fishman - Principal Committee Secretary

1. **Introductions & Apologies**

The Chair welcomed those present to the Determination Hearing and asked those present to introduce themselves. The Chair intended the Hearing to be held on an informal basis. There were no apologies.

One additional letter In support of Cllr Mrs Peacock was circulated to those present.

As Mr Singer was not a lawyer, the panel agreed to his representing Cllr Mrs Peacock.

During panel deliberations the public present, together with Mr John Suddaby - Deputy Deputy Monitoring Officer would leave the meeting.

2. **Documentation**

Documentation had been prepared for the hearing, including the investigation report from Mr John Suddaby - Deputy Head of Legal Services & Deputy Monitoring Officer, the procedures to be followed and letters in support of Cllr Mrs Peacock. These had been provided to the Panel members at least 14 days prior to the hearing.

For conciseness of these notes, text which was set out in the above documents has not been reproduced, but its reference has been set out in bold.

3. **Declarations of Interest**

There were no Declarations of Interest.

4. **Members of the Public**

Members of the Public present were asked if they intended to address the meeting at the appropriate time.

Three such individuals made it known that they wished to do so, in support of Cllr Mrs Peacock.

- i) Mary Richards
- ii) Nigel Kielczewski
- iii) Clasford Stirling

The panel agreed to them speaking in support at the end of the hearing.
No procedural issues were raised.

5. **Consideration of agreement about facts**

There were no issues or findings of facts in dispute and the facts of the case were agreed. The conclusion in the Deputy Monitoring Officer's report was not disputed, that on the balance of probabilities on 15 November 2004, Councillor Peacock made the remark "arseholes" in public when referring to protesters gathered at the Civic Centre and that a member of the public was offended by this.

6. **Consideration of a breach of the Code**

i) **Cllr Mrs Peacock Representation**

Mr Singer presented the case for Cllr Mrs Peacock.

It was considered that there had not been a breach of the code.

At the previous Council meeting there had been severe disruption by members of the public and at the following Council meeting there was the possibility of a similar occurrence.

Cllr Mrs Peacock entered the Civic Centre by the rear doors, which was the correct procedure to be followed. This was a stressful situation in the light of what had happened before; Cllr Mrs Peacock had given instructions that this time the meeting was not to be disrupted. Something then happened and someone was offended. The different witness statements were inconclusive. Something was said, but Cllr Mrs Peacock had no recollection of offending anyone. Whatever happened occurred in a moment of stress and was a relief of tension. It was not like Cllr Mrs Peacock to use words of that type, but it was not exactly clear what was said. The evidence was not questioned and it was recognised that the offending action had to be remedied. 'Words to the effect of' had been used in the statement. It was clear that the witness was offended. There were errors in the report (eg: the child's age mentioned). It cannot be said what was intended. Statement was made as a result of the demonstrator's presence and not directed at any individual. Cllr Mrs Peacock was not aware of any offence caused and Cllr Mrs Peacock was, therefore, not aware of the need for an apology. When she was made aware of the

complaint and the offence caused she had sent a letter of apology. The apology made was genuine in that she recognised that she had caused offence, but not in the words used.

Cllr Mrs Peacock was hard working and described in a wide range of words. She was passionate in everything that she did. She had a desire for the Council to conduct its duties properly. She was prepared to apologise if any offence had been caused.

The question was raised as to how loud the comment was made - it was heard by Maria Farrell and the newspapers were looking for a story to report.

With regards to the chain of office comment, Cllr Mrs Peacock was at that time a private citizen and not acting as an elected member. The statement was made at a time of stress. Cllr Mrs Peacock recognised that she was an elected member 24 hours / day. Things were said in the heat of the moment. She had been an elected member since 1994. It was also recognised that few people in the world do not use bad language and it was considered that this was an example of selected reporting in the 'Ham & High' and had been taken out of context.

Para 4 was summarised in relation to a breach of the code of conduct.

One word had been used out of place - this had nothing to do with the report in the paper or discussion with the reporter. There was a slip of the tongue lasting a second. It was not felt there had been a breach for such a small item. It was recognised that a member of the public had been offended which needed rectifying and an apology was required, which would be given and acted upon straight away. The letter of apology which was given had been checked for its wording by the Chief Executive's office.

Maria Farrell was not the complainant to SBE. The complainant to the SBE was not present at the time. He had picked the item up from the press and initially SBE had turned down the complaint.

ii) **Monitoring Officer**

The fact that initially the complaint was turned down by SBE was irrelevant. It was referred back to the Monitoring Officer for investigation. The wording of the code of conduct, 'conduct herself in a manner which could reasonably be regarded as bringing her office or authority into disrepute' did not mean that the complainant had to be there at the time. It was the member of the public's view of events. It was the consideration of the complaint and the political implications of the complaint. They were still a member of the public, whoever they were.

iii) **Deputy Monitoring Officer**

There was acceptance of the facts. Something was said, although it was not accepted that 'arseholes' was used. Accepting that was said was on the balance of probability that the word was used. This was difficult to say, but no witness was able to be called to confirm the events.

iv) **Cllr Mrs Peacock Representation**

There was no recollection of the word stated - on the balance of probability (51%) the word may have been used. This was as a result of relief of tension at a time of stress. They were happy that the Deputy Monitoring Officer was not to call witnesses.

v) **Deputy Monitoring Officer**

Made representation on a breach of the code.

Findings on a breach of the code were summarised on **P6, Para 5.2** onwards of the report. 'Under stress' was not relevant in terms of a breach of the code, but how serious that breach was.

7. **Decision by Sub-Committee on breach of Code of Conduct**

'We have found that there was a breach of Para 4 of the Code of Conduct in that Cllr Mrs Peacock made a comment which offended members of the public and can reasonably be regarded as bringing her offices as Councillor and Mayor of Haringey Council into disrepute. We found there was no breach of Para 2b which requires councillors to treat others with respect, as we accept that her comments were not directed at members of the public or intended to offend.'

8. Consideration of the Penalty

i) Deputy Monitoring Officer

The previous difficult Council meeting may have influenced Cllr Mrs Peacock's response.

ii) Cllr Mrs Peacock Representation

In relation to Cllr Mrs Peacock's character, reference was made to the series of letters received and the public representation. An example was give of a shopping trip which had occurred 40 years previously.

She was described as selfless and not the foul-mouthed mayor, as portrayed. Actions took precedence over anything she said. There was no intention to offend, no financial impropriety and no officer guidance. Offence had been given to one member of the public. There had been acceptance of fault and an apology given. These were all aspects which required consideration. There was no likelihood of a repetition as it was made without forethought or intention. An apology was considered to be a suitable sanction. A suspension for a period of minutes rather than months might be more appropriate, although any suspension would affect her ability to represent the people of Haringey.

iii) Public Representation

Members of the public who wished to speak in support of Cllr Mrs Peacock were given the opportunity to address the hearing.

i) Mary Richards had been a resident of Broadwater Farm for the past 27 years and spoke of the way Cllr Mrs Peacock supported the pensioners on the estate. She stated surprise at what had happened and spoke of Cllr Mrs Peacock's charitable work and the support and encouragement she gave to others and the respect in which she was held by the elderly.

ii) Clasford Stirling spoke in support of the letter he had written, together with Nigel Kielczewski which had been tabled. He mentioned that the individual who was supposed to have heard the remark had not come forward. He had never heard a protest from anybody, both the young and the elderly. He had not heard any complaints over 25 years at Broadwater Farm. He thought this had all come about by an example of inaccurate reporting in the press.

iii) Nigel Kielczewski said that this was not word that Cllr Mrs Peacock used. Something was said, but it was not clear what that was. The case was based on an article in the 'Ham & High', who clearly had not ascertained the facts before publishing the report. This did not make it a fact - the case was not based on facts. Cllr Mrs Peacock's service as Mayor was impeccable, her having represented the community in a strong way for 11 years. Her character and personality were beyond question.

9. **Final Decision by Sub-Committee**

'We have listened carefully to everything said in mitigation and noted Cllr Mrs Peacock's letter of apology. We consider this to be a breach, but not one serious enough to justify a suspension. We have decided to censure Cllr Mrs Peacock. No other action will be taken.'

'This letter contains the short decision. A full decision which sets out our recognition of your contribution to the community will be given in writing within 14 days. You have a right of appeal; details will be in the letter. The decision will be announced at the next Council meeting and a notice has to be placed in a local paper'.

10. **Comments**

No further comments or additions and the hearing was concluded.

The hearing ended at 13.00 hrs.