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**FULL WRITTEN DECISION of HARINGEY COUNCIL
STANDARDS SUB – COMMITTEE DETERMINATION HEARING**

Name of authority:	Haringey Council
Name of member decision relates to:	Councillor Sheila Peacock
Name of person who made original allegation:	Peter Forest
Standards Board for England Case reference:	SBE9575.05
Independent Chair of Standard Sub Committee Determination Hearing:	Nicholas Weber
Other members of Standards Sub-Committee Determination Hearing	Councillors Robertson and Winskill
Name of Monitoring Officer:	Davina Fiore, Head of Legal Services and Monitoring Officer, Haringey Council
Name of Deputy Monitoring Officer who carried out the investigation:	John Suddaby, Deputy Head of Legal Services and Deputy Monitoring Officer
Name of Ethical Standards Officer who referred the matter:	Jennifer Rogers, Ethical Standards Officer, Standards Board for England
Name of Clerk of hearing:	David Fishman, Principal Support Officer, Haringey Council
Date of hearing:	Thursday 16 th June
Date decision issued:	29 th June 2005

1. Summary of the original allegation:

It is alleged that Councillor Ms Sheila Peacock referred to protesters gathered outside the Civic Centre as "arseholes" and therefore failed to comply with the following requirements in the Code of Conduct:

- i) Not to conduct herself in a manner which could reasonably be regarded as bringing her offices as Councillor and Mayor and Haringey Council into disrepute. (Paragraph 4 of the Code of Conduct).
- ii) While acting in her official capacity, failing to treat others with respect. (Paragraph 2(b) of the Code of Conduct).

2. Relevant sections of the Code of Conduct

2. A member must -

(b) Treat others with respect.

4. A member must -

not in her official capacity or any other circumstance, conduct herself in a manner which could reasonably be regarded as bringing her office or authority into disrepute.

3. Findings of Fact

Councillor Peacock did not dispute the findings of the Deputy Monitoring Officer's investigation, that is that on the balance of probabilities on 15 November 2004, Councillor Peacock made the remark "Arseholes" in public when referring to protesters gathered outside the Civic Centre and that a member of the public was offended by this.

4. Summary of the Evidence Considered and Representations made

The panel carefully read and considered the Deputy Monitoring Officer's report and considered representations made by Mr Martin Singer on behalf of Councillor Peacock. The panel also considered letters in support of Councillor Ms Peacock which had been submitted. In addition, three members of the public attended the hearing and asked if they could speak in support of Councillor Ms Peacock. The panel agreed and therefore heard statements in support of Councillor Peacock made by May Richards, Nigel Kielczewski and Clasford Sterling.

Councillor Peacock's representative said that the complaint had been made by someone who was not present on the day, but who had read an account in the newspaper. He stressed her contribution to the community and the importance of that. He pointed out that this was one short lapse of concentration when she was stressed at the thought of a difficult meeting coming up. He acknowledged that a member of the public was offended, but said that Councillor Peacock had written and apologised for any offence she may have caused. He said on her behalf that Councillor Peacock is hard working, energetic, enthusiastic and passionate, which makes her effective and drives her to achieve things in the community, but on this occasion, that passion was a problem. He said that the newspaper quotes were taken out of context, which was unfortunate and that any breach of the Code of Conduct did not involve financial impropriety and there was no likelihood of a repetition.

John Suddaby, the Deputy Monitoring Officer did not add to his written report. The panel read this carefully and considered it in full.

5. Finding as to whether or not the Member failed to follow the Code of Conduct

It was found that there was a breach of Paragraph 4 of the Code of Conduct, in that Councillor 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 and Haringey Council into disrepute. It was found that there was no breach of paragraph 2(b) of the Code of Conduct, which requires her to treat others with respect. This was because the panel accepted that her comments were not directed at members of the public or intended to offend.

6. Reasons for this decision

It was thought that a reasonable member of the public, knowing the facts, would regard the incident as bringing the office of Councillor and Mayor and Haringey Council into disrepute. However, as Councillor Peacock did not direct her comment at the members of the public and did not intend to offend any members of the public, it was found that there was no breach of her duty to treat others with respect.

7. Penalty

Censure.

8. Reasons for Penalty

The penalty is both reasonable and proportionate. The panel noted that Councillor Peacock has made an enormous contribution to the community throughout her time as Councillor and Mayor and that she apologised for any offence caused.

9. Right to Appeal

Cllr Peacock may apply in writing to the President of the Adjudication Panel for England for permission to appeal against this decision. The President must receive the written application for permission to appeal within 21 days of Cllr Peacock receiving the decision. An application for appeal must outline the reasons for the proposed appeal and whether or not the appeal is requested to be carried out in writing or in person. Contact details for the President of the Adjudication Panel are:

The Adjudication Panel for England
23 Victoria Avenue
Harrogate
HG1 5RD
Telephone: 01423 538 783
Facsimile: 01423 525 164
E – mail: enquiries@adjudicationpanel.co.uk
Website: www.adjudicationpanel.co.uk

From: Sheik Thompson
 Chair / Chesnut Area Residents Association (CARA-N-17)
 37 Hamilton Close, Tottenham, London N 17 9EG
 Tel 0208 808 6294 Email cueenterprises@btopenworld.com

To: Mr. Peter Lovegrove
 Chair / Standards Committee
 F.A.O: Mr. David Fishman
 Clark / Standards Committee

7th Floor
 River Park House
 225 High Road, Wood Green
 Haringey, London N22 8HQ
 Tel 0208 489 2615 Email david.fishman@haringey.gov.uk

25 April 2005

Re: Councillor Sheila Peacock

My name is Sheik Thompson and I am Chair of the Chesnut Area Residents Association N-17, one of the largest and most active tenants and residents groups in Haringey.

I am writing to express my strong support for the work of Councillor Sheila Peacock as Mayor of Haringey. As a community representative in Tottenham, I have dealt with Councillor Peacock on several occasions during her time as Mayor. She has always impressed me greatly with her energy, enthusiasm and real commitment to the people of Haringey. She has worked hard to promote the Council and bring benefits to people in more deprived parts of the Borough. She has lived in Tottenham for many years and has a deep local knowledge and affection for the place. She has often greatly assisted CARA-N17 in its work, and has an excellent reputation with so many of our members of all age groups, many whom she taught at school, their parents, and the very elderly even up to 100 years of age and more.

I was not present at the incident which has given rise to the complaint to the Standards Committee, so I cannot usefully comment on it. However, I have been upset to see critics reported in the local media as questioning Councillor Peacock's suitability for the office of Mayor. In my opinion, she has been an excellent and active Mayor and has represented the Borough very effectively indeed. We need more local representatives like her, not fewer. If she occasionally expresses herself in forthright fashion, that is no sin and in my opinion no barrier to her performing her duties. Anyone who thinks that the people of Tottenham will be shocked or angered by blunt speech should try using public transportation, decent public spaces

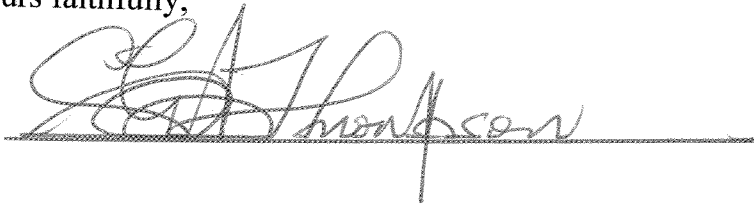
of congregation, the media, TV in general, listen to their own hearts and thoughts, and use the mirror a bit more frequently candidly. I still don't believe that this rumored allegation is really true in this context; certainly not in a reference to elderly people for whom we know she cares passionately, and affectionately. Please, surely one is allowed to belch, break wind, cough, mumble, sneeze, without being accused of impropriety. Excuse me!

I very much hope that the Standards Committee will not make a mountain out of what seems to me to be a trivial molehill. It seems to me that such Committees should be concentrating on important issues of probity and ethics in local public life, not on the occasional (alleged) vulgar word out of place.

Haringey has its problems. But having Councillor Peacock as Mayor is not one of them. Local people have benefited greatly from her work, and I believe we should be celebrating and supporting it, not trying to undermine or discredit it with frankly unimportant and obviously malicious accusations.

I hope this note will assist the Committee in its deliberations.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Sheik Thompson', written over a horizontal line.

Sheik Thompson
Chair
Chesnut Area Residents Association (CARA-N17)

Cc: Kay Hinds (Mayor's Office)

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

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

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 Peacock Representation

Mr Singer presented the case for Cllr 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 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 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 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 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 Peacock was not aware of any offence caused and Cllr 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 Peacock was hard working and described in a whole 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 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 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 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 all 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 Peacock's response.

ii) Cllr Peacock Representation

In relation to Cllr 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 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 Peacock supported the pensioners on the estate. She stated surprise at what had happened and spoke of Cllr 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 Sterling 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.

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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.

APPROVED AT MEETING.....^{5TH}.....DAY
OF.....SEPTEMBER.....2005.....
.....
CREATED *H. Weber*

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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.

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