

**Standards Hearing Sub Committee**

**2 September 2022**

Councillor E Pearson (City of York Council and Haxby Town Council)

**Complainants:** Councillor Mark Guilford (Haxby Town Council)

**Subject Councillor:** Councillor E Pearson (City of York Council and Haxby Town Council)

**Investigator:** Stephen Pearson, Freeths Solicitors

**Background**

The complaint was brought by Haxby Town Councillor Mark Guilford, against Councillor E Pearson of City of York Council and Haxby Town Council.

The complaint relates to the following allegations:

- It is alleged that Councillor E Pearson, prior to his co-option to the Town Council, verbally attacked Councillor Guilford at his home with regard to Councillor Guilford's alleged interference in a proposal to turn a local scout hut into a branch library;
- It is alleged that Councillor E Pearson acted in a disrespectful manner in seeking to overrule the decision of the Town Council following criticism of the Town Council made within a local newspaper, and his attempt to override the Town Council's reservations concerning an application for grant monies;
- Councillor E Pearson is accused of being one of a group of Councillors seeking to overrule the decision of the Town Council with regard to not placing a duck house and duck shelters around the village due to the Town Council reflecting concerns raised by

residents with regard to the proposal;

- It is alleged that Councillor E Pearson verbally attacked Councillor Guilford over the Town Council's refusal to permit construction to take place on the village green;
- Councillor E Pearson is alleged to have threatened Councillor Guilford with a campaign against him if he did not ensure that his mother, Councillor Ruth Pearson, did not get "*what she wanted*".

The Investigating Officer, Stephen Pearson of Freeths Solicitors, was asked to investigate the complaint. The Complaint and Mr S Pearson's report can be found at Annex A. City of York Council's [previous] Code of Conduct and the Code of Conduct for Haxby Town Council can also be found at Annex A. It will be noted from the report that Mr S Pearson is of the opinion that Councillor E Pearson:

- has breached paragraph 3(1) of the City of York Council Code of Conduct, and paragraph 3.1 of the Haxby Town Council Code of Conduct, in that he has behaved on at least one occasion, in a manner which is not respectful towards Councillor Guilford and other Members of the Haxby Town Council.
- (on balance) can be demonstrated to have behaved in a manner which is bullying/intimidatory and I find that he has not breached paragraph 3(3) of the City of York Code of Conduct.
- has sought to improperly confer an advantage on a person (constituting a breach within paragraph 3.1 of the Haxby Town Council Code and also paragraph 3(8) of the City of York Council Code of Conduct) (being his mother who was also elected to Haxby Town Council) by making inappropriate threats to support her political ambitions. In light of the clear personal conflict of interest demonstrated he should not have been involved in her appointment to Committees of Haxby Town Council any way.

The Investigation Report has been shared with the Parties. The draft report was presented to the Joint Standards Committee Assessment Sub Committee on 9<sup>th</sup> August 2022, where the Sub-Committee referred the matter to a hearing so that the opinion arrived at by the Investigator and the views of Councillor E Pearson could be further explored.

### **The Code of Conduct for City of York Council**

As required by the Localism Act 2011, City of York Council has adopted a Code of Conduct which sets out the conduct expected of Councillors when acting as such. The Code of Conduct for City of York Council appears at Annex A. It should be noted that for this complaint, the Code pre October 2021 was the relevant Code of Conduct for City of York and it is this Code which the Investigator has considered. Particularly relevant to this complaint are the following:

- 3(1) – “You must treat others with respect”
- 3(3) – “You must not bully or intimidate any person, or attempt to bully or intimidate them”
- 3(7) – “You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute”
- 3(8) – “You must not use your position as a Councillor improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so”

### **The Code of Conduct for Haxby Town Council**

As required by the Localism Act 2011, Haxby Town Council has adopted a Code of Conduct which sets out the conduct expected of Councillors when acting as such. The Code of Conduct for Haxby Town Council appears at Annex A. Particularly relevant to this complaint are the following:

- 3.1 – “When a member of the Council acts, claims to claim or gives the impression of acting as a representative of the Council, he / she have the following obligations:
  - He / she behave in such a way that a reasonable person would regard as respectful;
  - He / she shall not act in a way which a reasonable person would regard as bullying or intimidatory;

- He / she shall not seek to improperly confer an advantage or disadvantage on any person”

## **The Hearing Process**

The Joint Standards Committee has approved a procedure for hearings which can be found at Annex B. In line with that procedure the complainant and subject member have been asked to indicate whether they intend to attend the hearing, to identify facts which they say are in dispute, and provide their views as to whether any part of the hearing should be in private. These responses have been shared with the Panel.

As part of this pre-hearing activity Councillor E Pearson has provided a position statement which can be found at Annex C.

Mr S Pearson has requested the attendance of one witness, Councillor Carmichael.

## **Issues to be determined**

Has Councillor E Pearson breached City of York Council’s Code of Conduct?

Has Councillor E Pearson breached the Haxby Town Council Code of Conduct?

In the event that the Sub Committee finds that the Code has been breached, it will need to determine whether a sanction should be imposed and if so, what sanction.

## **Implications**

### **Financial**

Not applicable to this report.

### **Human Resources (HR)**

Not applicable to this report.

## Equalities

The Equality Act 2010 places specific duties on Local Authorities, including the presence of a clear and concise Code of Conduct which prohibits unlawful discrimination and gives the public confidence in Councillors. Ensuring that the Code of Conduct is maintained meets the Nolan Principles and supports the prohibition.

## Legal

As detailed within the report.

## Crime and Disorder, Information Technology and Property

Not applicable to this report.

### Author & Chief Officer Responsible for the report:

Janie Berry

Director of Governance &  
Monitoring Officer

Tel: 01904 555385

Report  
Approved

Date 24<sup>th</sup> August  
2022

### Specialist Implications Officer(s):

Wards Affected: Haxby Ward

All

For further information please contact the author of the report

### Background Papers:

- Annex A – Investigating Officers report

- Annex B – Hearing Procedure
- Annex C – Position Statement and additional material provided by Councillor E Pearson