

TONBRIDGE & MALLING BOROUGH COUNCIL
COUNCIL

20 February 2024

Report of the Interim Chief Executive

Part 1- Public

Matters For Information

1 STANDARDS HEARING PANEL – 8 DECEMBER 2023 – CLLR MARK HOOD

The report sets out the decision of the Standards Hearing Panel held on 8 December 2023

1.1 Introduction

1.1.1 On 8 December 2023 the Hearing Panel of the Joint Standards' Committee met to determine an allegation that Councillor Mark Hood had breached the Code of Conduct of this Council.

1.1.2 The allegations within the complaint (made by Cllr Matt Boughton) relate to posts made in the name of the Tonbridge & Malling Green Party and the Judd Ward Green Party on 1 April and 5 April 2023 respectively. The latter of these posts took the form of a 'Personal Statement by Cllr Mark Hood'. The complaint alleged that these posts included details of a private and confidential workshop held at Tonbridge & Malling Borough Council offices on 13 March 2023, that workshop relating to the review of Council assets in Tonbridge town centre.

1.1.3 An independent external investigator (Mr Richard Lingard) was appointed to carry out the investigation into the allegation, and his report concluded, on the balance of probabilities, that Cllr Hood had breached the Code of Conduct by virtue of his disclosure of information given to him in confidence at the meeting on 13 March 2023. The specific obligation within the Code of Conduct is contained in paragraph 3(2)(d), set out in full below.

..(2) you must not

(d) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

(i) you have the written consent of a person authorised to give it; or

(ii) you are required by law to do so; or

(iii) *the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or*

(iv) *the disclosure is:*

- *reasonable and in the public interest; and*
- *made in good faith and in compliance with the reasonable requirements of the Authority*

Protocol D to the Code of Conduct contains additional guidance on the requirements of the Council relating to the disclosure of confidential information.

1.1.4 Having heard in person from Mr Lingard and Cllr Hood and considered the written representations of the Independent Person the Panel concluded, on the balance of probabilities on the evidence presented to it, that in relation to paragraph 3 (2) (d):

- (1) the nature of the consultant workshop in question was confidential; and
- (2) Cllr Hood had disclosed information acquired from the confidential workshop to the public on social media.

The Panel therefore found that Cllr Hood had breached the Tonbridge & Malling Borough Council Code of Conduct.

1.1.5 The full reasons for the decision are contained in the Decision Notice which is annexed to this report as **Annex 1**.

1.2 Sanctions

1.2.1 Once the Panel have found that there has been a breach of the Code of Conduct the adopted arrangements for dealing with complaints require the Panel to consider representations from the Subject Member i.e. Cllr Hood, the Monitoring Officer (“MO”) and the Independent Person (“IP”) on the application of sanctions. The representations made to the Panel have been recorded in the Decision Notice.

1.2.2 The Council’s adopted arrangements for dealing with Hearings contain the range of possible sanctions which the Panel can make. These are set out at paragraph 12 of the Hearing Panel procedure at **Annex 2**. The Panel are not entitled to apply or recommend any other sanctions.

1.2.3 At the Hearing the Panel imposed the following sanction:

- the Panel’s Findings be reported to the Full Council at its next ordinary meeting.

1.2.4 The Panel further recommended that consideration be given to the format of the workshops/informal meetings of such nature in the future, with particular reference made to notes and guidance provided for Members.

1.2.5 The Decision Notice has also been published on the Council's website.

1.3 Legal Implications

1.3.1 The Panel have determined that there was a breach of the TMBC Code of Conduct by Councillor Hood. There is no right of appeal against that decision, nor is full Council permitted to reconsider the decision or sanction(s).

1.4 Financial and Value for Money Considerations

1.4.1 The investigation into this matter involved the appointment of an external investigator, in the interests of ensuring an independent investigation. The total cost of his appointment, including attendance at the Standards Hearing Panel was £1448.75.

1.5 Risk Assessment

1.5.1 None arising from this report.

1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

1.7.1 Council is requested to note the findings of the Hearing Panel set out in this report and **Annex 1**.

Background papers:

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