



ETHICS AND ENGAGEMENT HEARING SUB-COMMITTEE

12 OCTOBER 2021

CITY OF LINCOLN COUNCIL
ETHICS AND ENGAGEMENT HEARING SUB-COMMITTEE
12th October 2021

DECISION NOTICE:

That Councillor Gary Hewson has breached the Member Code of Conduct.

Date of the report – September 2021

Subject Member – Councillor Gary Hewson

Complainant – Chris Morton

Chair of the Hearing – Councillor Adrianna McNulty

Members of the Hearing –
Councillors Thomas Dyer and Loraine Woolley
Mr Roger Vine (Independent Member)

Monitoring Officer/Investigating Officer – Carolyn Wheeler

Advisor to the Sub-Committee – Cheryl Evans

1.0 Summary of the Complaint

Complaint by Chris Morton

Councillor Gary Hewson is a Councillor of the City of Lincoln Council.

Chris Morton is the Council's Resident Involvement Manager.

The Monitoring Officer received a complaint from Chris Morton, on the 11th August 2021 against Councillor Gary Hewson, concerning Councillor Hewson's comments to him during a telephone conversation with him on the 10th August 2021.

The telephone conversation had arisen because Councillor Hewson had reasonably assumed that on an arranged tour of inspection, that housing officers would be inspecting St Andrew's Gardens, and had found out that wasn't the case.

Chris Morton stated that Councillor Hewson during that conversation with him, made comments such as 'he shouldn't be in his job if he didn't want to do it'; that 'he was making a reasonable request'; that 'when he was at work, if a reasonable request wasn't followed there would be disciplinary action'; and that 'he was going to speak to the Chief Executive, the Director of Housing and the press'.

Chris Morton said that these comments made him feel belittled and that he had never been spoken like that by a councillor before and that he was shocked and upset by Councillor Hewson's behaviour.

2.0 Code of Conduct

The Council adopted the 2012 Model Code of Conduct as its code of conduct, which was revised in 2019 and this revised version was the code of conduct in place at the time of the complaint.

Paragraph 3.1 of the code states;

"when acting in your role as a member of the authority: do treat others with respect and not bully any person".

Para 4.0 of the code details what constitutes bullying behaviour as follows:

4.1 you must not bully, harass or intimidate any person. This is completely unacceptable and will be considered to be a breach of the code of conduct.

4.2 harassment, bullying, discrimination, intimidation and victimisation (either directly or indirectly) are considered unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as the wider organisation in terms of morale and effectiveness.

4.3 Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating and which makes an individual or group feel undermined, humiliated or insulted, it is the impact of the behaviour rather than the intent which is the key.

4.4 Bullying usually arises as a result of an individual misusing their power and can occur through all means of communication. Bullying can be a pattern of behaviour or can be a one-off serious incident that becomes objectionable or intimidating.

4.5 examples of bullying behaviour are set out below

Unwelcome.....verbal contact

Intimidating behaviour including verbal abuse or the making of threats

Making someone's work life difficult

3.0 Summary of the evidence considered

During the investigation the following were included as Appendices to the Investigation Report:

- Complaint from Chris Morton dated the 11th August 2021
- Letter dated 17th June 2021 inviting Councillor Hewson to the tour of inspection
- Email with apology from Councillor Hewson dated the 13th August 2021
- Response to the apology from Chris Morton dated the 13th August 2021
- Member Code of Conduct

4.0 The findings of fact

During the investigation and the hearing there is no doubt that Councillor Hewson did make those comments to Chris Morton during the telephone conversation.

Councillor Hewson stated that he had to speak in that way and use those comments, as that was the only way he considered that officers would go down to St Andrew's Gardens.

There was a reasonable expectation on behalf of Councillor Hewson that the officers would be including St Andrew's Gardens on the tour of inspection, and that Councillor Hewson had advised those residents that that would be the case.

5.0 The finding as to whether Councillor Hewson failed to follow the code, including the reason for that finding

The Hearing Sub-Committee agreed with the Investigating Officer that Councillor Hewson had failed to comply with the Member Code of Conduct. The Sub-Committee concluded that Councillor Hewson's behaviour during the telephone conversation with Chris Morton on the 10th August 2021, and the comments and language used, constituted a breach of the Member Code of Conduct in that Councillor Hewson failed to treat Chris Morton with respect and displayed bullying behaviour towards him.

6.0 Action to be taken

The Hearing Sub-Committee unanimously agreed that Councillor Gary Hewson has broken the Code of Conduct for Members and applied the following sanctions:

- (1) That Councillor Gary Hewson be requested to send a sincere apology to Chris Morton (Resident Involvement Manager).
- (2) That a recommendation be made to Councillor Ric Metcalfe (Group Leader) that Councillor Gary Hewson be removed from the membership of the Performance Scrutiny Committee and the Housing Scrutiny Sub-Committee for the remainder of the civic year.
- (3) That a report be presented to the Council detailing the Sub-Committee's findings and decision.

7.0 The right to appeal

There is no right of appeal open to the Councillor.

Signed _____ Adrianna McNulty _____ Dated _____ 14 October 2021 _____

Chair of the Hearing Sub-Committee