

Present

Councillor Mrs B S Fortune
M Rigby

Councillor J N Smith

Independent Person

Mr B Ferguson

Parish Council Representative

Mrs C Artingstoll

SHP.11

CHAIRMAN

THE DECISION:

That Councillor M Rigby be elected Chairman for duration of the meeting.

(Councillor M Rigby in the Chair)

SHP.12

LOCAL GOVERNMENT ACT

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute no SHP.13 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

SHP.13

ALLEGATION ABOUT A PARISH COUNCIL MEMBER

The subject of the decision:

The Monitoring Officer presented a report about allegations that a Parish Councillor failed to comply with the provisions of the Parish Council's Code of Member Conduct.

The Panel heard from those who had made the allegations. The Councillor against whom the allegations had been made was not present.

Alternative options considered:

None.

The reason for the decision:

Having considered the Monitoring Officer's report, the accompanying documents and the representations of those making the allegations, the Panel's findings were as follows:-

The Panel felt that the Councillor should not have sent the letter to those making the allegations when the Parish Council was due to consider a complaint by them which referred in large part to the Councillor. The Panel was satisfied that this letter was an attempt by the Councillor to influence the outcome of the complaint and as such was an improper use of his position as a Councillor and consequently a breach of the Member Code of Conduct.

In respect of the letter, the Panel felt that large parts of it were a reasonable attempt to set out the Councillor's views on points of contention between himself and those making the allegations and if they had been addressed properly to the Parish Council as part of the investigation of the original complaint then they would have been acceptable.

However, the letter went beyond seeking to be factual or providing opinion on the facts and contained a number of derogatory remarks aimed at those making the allegations, for example, suggesting that the original complaints might be vexatious, implying that one of those who had made the allegation was not a rational person and alleging "negative prejudice" on behalf of those making the allegations. The Panel felt that this went beyond what was acceptable for a Councillor in correspondence with constituents. In addition, the general tone of the letter was condescending. The Panel was therefore satisfied that the Councillor was in breach of the Member Code of Conduct by showing those who had made the allegations a lack of respect.

The Panel then considered the allegation that the letter was intimidatory. The Panel felt that the style of the letter was accusatory and overly forceful, implying that those who had made the allegations were not entitled to raise the complaints which they had done. In consequence the Panel was satisfied that the Councillor was in breach of the Member Code of Conduct.

THE DECISION:

That:-

- (1) there had been three breaches of the Code of Conduct;
- (2) the Parish Council be notified of the Panel's findings and that the Parish Council be advised to consider censuring the Member concerned, reminding him of the appropriate way to communicate with constituents and to remind all Councillors that they should not communicate directly with complainants.

The meeting closed at 2.10pm.

Chairman of the Panel