

Minutes of the meeting of the STANDARDS  
HEARINGS PANEL held at 9.30 am on Monday,  
23rd January, 2017 at Main Committee Room,  
Civic Centre, Stone Cross, Northallerton

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Present

Councillor Mrs C S Cookman Councillor Mrs J Watson  
R W Hudson

Independent Person

Mr B Ferguson

Parish Council Representative

Parish Councillor Mrs C Artingstoll

SHP.4 **ELECTION OF CHAIRMAN**

**THE DECISION:**

That Councillor R W Hudson be elected Chairman for duration of the meeting.

(Councillor Hudson in the Chair)

SHP.5 **EXCLUSION OF THE PRESS AND PUBLIC**

**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.6 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.6 **ALLEGATIONS ABOUT A PARISH COUNCIL MEMBER**

Stokesley

**The subject of the decision:**

The Deputy Monitoring Officer presented a report about allegations that a Parish Councillor ("the Councillor") failed to comply with the provisions of the Parish Council's Code of Member Conduct. It was alleged that the Councillor behaved in a disrespectful way towards a member of the public ("the Complainant") during a meeting on 16 September 2016 and again in correspondence on 18 September 2016 and acted in a way that was bullying or intimidatory during a verbal exchange with the Complainant on 23 September 2016.

The Complainant had informed Hambleton District Council that he would not be attending the hearing. No adjournment was sought and the Panel considered the matter in the Complainant's absence.

The Councillor against whom the allegations had been made and the Councillor's wife attended the hearing.

**Alternative options considered:**

The Panel considered making recommendations contained within paragraph 3.3 of the Monitoring Officer's report. However, having concluded, that the Councillor had not breached the Code of Conduct, no further action was necessary.

**The reason for the decision:**

Having considered the Monitoring Officer's report, the written statement of the Complainant, the Parish Council's Code of Conduct, and having heard oral representations from the Councillor and his wife ("W"), the Panel reached the following conclusions:

The Panel noted that the Parish Council Code of Conduct for Members only applies where a parish councillor is acting in their capacity as a Member of the Parish Council and does not apply when a parish councillor is acting in a private capacity.

Both parties presented evidence that a meeting took place between the Complainant and the Councillor on 16<sup>th</sup> September 2016. The Complainant alleged that, at this time, the Councillor had told the Complainant that he was a parish councillor. The Complainant also alleged that the Councillor had used inappropriate language at the meeting. During the hearing, the Councillor told the Panel that, on 16<sup>th</sup> September 2016, he was acting as a mediator (appointed by a third party) on a business matter which involved the Complainant. The Councillor denied telling the Complainant that he was a parish councillor at that meeting. He also denied using inappropriate language. The Councillor told the Panel that the meeting was civilised and centred on the business matter in question. The Panel concluded that the Councillor was acting in a private employment capacity during the meeting and, therefore, he was not subject to the Parish Council Code of Conduct for Members at the material time.

The Complainant alleged that, following the meeting on 16<sup>th</sup> September 2016, the Councillor drove through a road closure claiming authorisation to do so by displaying a parish council identification badge on the dashboard of his vehicle. The Councillor provided to the Panel details of the route he had taken at the time and denied encroaching on the road closure. He told the Panel that his parish council identification badge was kept in the storage well of his car but denies displaying it on his dashboard. The Panel was not satisfied that the Councillor had misused his parish council identification badge. Furthermore, the Panel concluded that the Councillor was not acting in the capacity of a parish councillor during the car journey on 16<sup>th</sup> September 2016 and, therefore, he was not subject to the Parish Council Code of Conduct for Members at the material time.

Both parties presented evidence that text messages were exchanged between the Complainant and the Councillor on 18<sup>th</sup> September 2016. The Complainant alleged that, during this exchange, the Councillor had made reference to the Complainant's personal life. The Councillor told the Panel that he had exchanged approximately four text messages with the Complainant which he stated were in relation to the business

matter only. The Panel concluded that the Councillor was not acting in the capacity of a parish councillor at the time the text messages were exchanged and, therefore, he was not subject to the Parish Council Code of Conduct for Members at the material time.

Both parties presented evidence that a verbal exchange took place between the Complainant and the Councillor on 23<sup>rd</sup> September 2016. The Complainant alleged that the Councillor, during a verbal exchange with the Complainant at a public house, had acted in a way that was aggressive or intimidatory. The Complainant made representations that the Councillor had referred to other parish councillors and stated that "they will all be coming down with me". The Councillor told the Panel that he and his wife had attended a public house in a private capacity on 23<sup>rd</sup> September 2016. The Councillor told the Panel that the Complainant had approached the Councillor and asked the Councillor to leave. The Councillor told the Panel that he had explained to the Complainant that he was there to have a drink with his wife following a visit to a relative in hospital but, in any event, left the premises shortly afterwards. The Councillor denied using any aggressive or intimidatory language. The Councillor further denied referring to other members of the Parish Council in an intimidatory manner. W told the Panel that she was present during the incident on 23<sup>rd</sup> September 2016. She indicated that the conversation between the Councillor and the Complainant was quiet and civilised. W also informed the Panel that the Councillor did not act in an aggressive or intimidatory manner. The Panel concluded that the Councillor was not acting in the capacity of a parish councillor during his verbal exchange with the Complainant on 23<sup>rd</sup> September 2016 and, therefore, he was not subject to the Parish Council Code of Conduct for Members at the material time.

On concluding that the alleged incidents occurred when the Councillor was acting in a private capacity, the Panel did not make any further findings of fact in respect of the allegations.

It followed that, in the Panel's view, the Councillor had not breached the Code of Conduct.

**THE DECISION:**

The Panel recommends to the Parish Council that the allegation should not be upheld and that the Parish Council be notified of the Panel's findings.

The meeting closed at 10.35 am

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Chairman of the Panel