

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 9.30 am on
Thursday, 13th April, 2017 at Meeting Room 2,
Civic Centre, Stone Cross, Northallerton

Present

Councillor G W Dadd
 R Kirk

Councillor Mrs J Watson

Independent Person

Mr D Rudd (Independent Person)

Parish Council Representative

Parish Councillor Mrs C Artingstoll

SHP.7 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor G W Dadd be elected Chairman for duration of the meeting.

(Councillor G W Dadd in the Chair)

SHP.8 **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.9 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.9 **ALLEGATIONS ABOUT A TOWN COUNCIL MEMBER**

The subject of the decision:

The Deputy Monitoring Officer presented a report in relation to allegations that a Town Councillor ("the Town Councillor") had failed to comply with the provisions of the Town Council's Code of Member Conduct by:

- 1) conducting himself in a manner which could bring the Town Council or the Town Councillor's office as a Member of the Town Council into disrepute;
- 2) intimidating or attempting to intimidate another town councillor; and
- 3) acting in a way which failed to show respect to other town councillors.

The Panel heard from those who had made the allegations and the Councillor against whom the allegations had been made.

Alternative options considered:

Having concluded that two of the allegations were not upheld and therefore warranted no action to be taken, the Panel did not consider any alternative options in relation to these matters.

Having concluded that one of the allegations was upheld, the Panel considered making any of the options outlined in paragraph 3.3 of the Deputy Monitoring Officer's report. The Panel was satisfied that its recommendations would sufficiently address the matter and that none of the alternative options were necessary.

The reason for the decision:

The Panel considered:

- the Deputy Monitoring Officer's report;
- the written and oral submissions of two complainants and their witnesses; and
- the oral submissions of the Town Councillor, his representative and his witness.

The Panel reached the following conclusions:

The Panel considered evidence from the first complainant ("Complaint A") that the Town Councillor had, during two meetings held on 31st October 2016 and 12th December 2016, falsely claimed to be on the Swale and Ure Drainage Board and a member of ACAS. The Panel heard evidence from Complainant A's witness ("W"), who told the Panel that he had been present at meetings held on 31st October and 12th December 2016, during which the Town Councillor had indicated that he was on the Drainage Board and that he was a member of ACAS. The Panel considered an email addressed to Complainant A from ACAS dated 7th December 2016 which, according to Complainant A, demonstrated that the Town Councillor was not a member of ACAS. The Panel also considered an email addressed to W from the Swale and Ure Drainage Board dated 6th December 2016 which, according to Complainant A, demonstrated that the Town Councillor was not a representative of the Drainage Board.

The Town Councillor informed the Panel that he was referring to his "current and past connections" with the River Wiske Drainage Board and ACAS during public meetings where he was attending as a town councillor with a view to adding weight to his points and to "persuade others to listen". The Town Councillor produced copies of correspondence and notes of meetings of the Drainage Board in 2002-2005 to demonstrate his previous connection. The Town Councillor also produced a letter dated 10th February 2017 inviting him to a Board liaison meeting. The Town Councillor told the Panel that he was aware that ACAS was not a membership body and that he had signed up to an advisory service with the organisation. Copies of emails from ACAS to the Town Councillor were also considered by the Panel.

The Panel concluded that the Town Councillor had made representations during public meetings held on 31st October 2016 and 12th December 2016 in his capacity as a town councillor that he was on the Swale and Ure Drainage Board and that he was a member of ACAS. The Panel was satisfied that, whilst the Town Councillor had a past and current connection to the Drainage Board, he did not currently sit on the Board.

The Panel was satisfied that, whilst the Town Councillor had signed up to an email advisory service from ACAS, this did not constitute a membership. The Panel was satisfied that, by making inaccurate representations in respect of his position on the Drainage Board and ACAS, the Town Councillor brought his office as a member of the Town Council into disrepute.

It followed that, in the Panel's view, the Councillor had breached the Code of Conduct in respect of the allegation made by Complainant A.

The Panel was asked by Complainant A to consider whether the Town Councillor adequately represented constituents of the local area. The Panel was advised by the Deputy Monitoring Officer that the adequate representation of local constituents by their elected Town Councillor was not a matter for investigation under the Code of Conduct and the Panel concluded that this was not a relevant consideration for the purpose of the hearing.

The Panel considered evidence from the second complainant ("Complainant B") that, following a meeting on 21st March 2016, the Town Councillor intimidated or attempted to intimidate Complainant B. Complainant B informed the Panel that, during a meeting of the Town Council, he had cause to stand up and interrupt the Town Councillor while he was speaking. Complainant B alleged that, following that meeting, the Town Councillor had approached Complainant B in the meeting room and said in an aggressive manner "Don't you ever stop me from speaking again or I'll have you". According to Complainant B, there was no one else in the room at the time of the incident and he said nothing in response to the Town Councillor. Complainant B informed the Panel that he left the hall at the same time as the Town Councillor and they walked almost side by side or with the Town Councillor slightly behind him as they exited the building. Complainant B told the Panel that, whilst he had not felt physically threatened by the incident, he was intimidated by the Town Councillor. Complainant B told the Panel that the Town Councillor had said as they were going down the stairs "People out there think the Council is a load of muppets".

The Panel heard evidence from Complainant B's witness "X" who had been present during the Town Council meeting on 21st March 2016. X told the Panel that, following the meeting, she had been on her way to the general office with another witness ("Y"), when she saw the Town Councillor re-enter the main hall and then heard raised voices. X told the Panel that she heard the Town Councillor say "Don't you ever stop me speaking at a public meeting again". X told the Panel that she had asked another witness ("Z") to go and see what was going on. X told the Panel that the Town Councillor and Complainant B were alone for approximately two minutes before Z went into the hall. According to X, the Town Councillor then left the hall and came down the stairs to exit the building. X told the Panel that, as the Town Councillor was walking down stairs, he said "the Council are a bunch of muppets".

The Panel heard evidence from "Y", who told the Panel that she had attended the meeting on 21st March 2016 informally as part of her preparation to take over duties from Y. Y told the Panel that, following the meeting, she had been going down the stairs with X when she had heard raised voices coming from the hall, although she could not hear what was being said. Y told the Panel that she and X had asked Z to go back to the hall as they were concerned by the raised voices. Y told the Panel that Z entered the hall and, shortly afterwards, the Town Councillor left the hall and walked down the stairs to exit the building. According to Y, she heard the Town Councillor say "the Council is a load of muppets" as he passed her on the stairs.

The Panel heard evidence from "Z", who told the Panel that he had been present during the meeting on 21st March 2016 and was halfway down the stairs when X asked him to go back to the main hall. Z told the Panel that, on arriving in the doorway to the hall, he had seen the Town Councillor talking to Complainant B. Z told the Panel that the Town Councillor was stood in Complainant B's personal space and was pointing a finger towards the ground as he was speaking. Z told the Panel that he thought the Town Councillor had used "the odd swearword" during the verbal exchange with Complainant B.

The Town Councillor told the Panel that, during the meeting on 21st March 2016, Complainant B had stood up while the Town Councillor was speaking on an item. The Town Councillor told the Panel that he believed what he had been saying was beneficial to the debate but, in accordance with protocol, he stopped speaking when Complainant B stood up. The Town Councillor told the Panel that, following the meeting, he was alone in the hall with Complainant B when he said to Complainant B "Do not stop me when I'm speaking, you should listen and not try to stop the debate". The Town Councillor denied saying "or I'll have you" and denied being aggressive towards Complainant B. The Town Councillor told the Panel that he had said to Complainant B "Residents are calling the Council the muppet show" as he had heard comments to that effect from members of the public present at the meeting. The Town Councillor told the Panel that Y had not been present during the meeting of 21st March 2016 and her attendance was not recorded on the minutes.

The Panel heard evidence from another witness ("Q"), who had been present during the meeting held on 21st March 2016. Q told the Panel that, following the hearing, he had been leaving the building with the Town Councillor when the Town Councillor had told him he was going to go speak to Complainant B. Q then told the Panel that he had left the building and waited for the Town Councillor outside the main entrance. Q told the Panel that he did not hear the conversation between the Town Councillor and Complainant B. Q told the Panel that Y was not present during the meeting on 21st March 2016. However, after noting Y's evidence and the evidence of X and Z who had recollected Y's presence during and after the meeting the Panel was satisfied that Y had attended the meeting in an informal capacity.

The Panel concluded that the evidence of Complainant B and the Town Councillor was consistent to the effect that the Town Councillor stopped speaking during the meeting when Complainant B stood up. In consequence, the Panel was not satisfied that the Town Councillor failed to show respect to other town councillors during a meeting on 21st March 2016.

The Panel was satisfied that the Town Councillor had approached Complainant B after the meeting on 21st March 2016 and had said something to the effect that Complainant B should not stop him speaking in debate. The Panel was not satisfied on the balance of probability that the Town Councillor said "or I'll have you" and the Panel was not satisfied that the Town Councillor had sworn at Complainant B or that his physical actions were aggressive. The Panel was therefore not satisfied that the Town Councillor had intimidated or attempted to intimidate Complainant B.

The Panel concluded that the Town Councillor had made a comment on how the Town Council was viewed by the public as he was leaving the building following the meeting on 21st March 2016. The Panel noted that the comment was not made in a public meeting and that no members of the public were present. The Panel was not satisfied that the Town Councillor, in making the comment, had failed to show respect to other town councillors.

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It followed that, in the Panel's view, the Town Councillor had not breached the Code of Conduct in respect of the allegations made by Complainant B.

THE DECISION:

The Panel recommends to the Town Council that the complaint be upheld in relation to the allegation that the Town Councillor conducted himself in a manner which could bring the Town Council or the Town Councillor's office as a Member of the Town Council into disrepute. The Panel recommends to the Town Council that the Town Councillor undertake training on the Town Council's Code of Conduct.

The Panel recommends to the Town Council that the complaint not be upheld in relation to the allegations that the Town Councillor intimidated or attempted to intimidate another town councillor.

The Panel recommends to the Town Council that the complaint not be upheld in relation to the allegations that the Town Councillor acted in a way which failed to show respect to other town councillors.

The Panel recommends that the Town Council be notified of the Panel's findings.

The meeting closed at 1.05 pm

Chairman of the Panel