

Minutes of the meeting of the STANDARDS  
HEARINGS PANEL held at 2.30 pm on  
Thursday, 8th May, 2014 at Main Committee  
Room, Civic Centre, Stone Cross, Northallerton

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Present

Councillor Mrs B S Fortune Councillor J Smith  
M Rigby

Independent Person

Mr R C Pennington

Parish Council Representative

Mr E Dennison

SHP.26 **ELECTION OF CHAIRMAN**

**THE DECISION:**

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

(Councillor M Rigby in the Chair)

SHP.27 **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.28 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.28 **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 and the Councillor against whom the allegations had been made.

**Alternative options considered:**

None.

**The reason for the decision:**

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

The Panel accepted that a Councillor had the right to challenge the minutes of a previous meeting whether they were present at the previous meeting or not, particularly where the minutes purported to report matters of fact of which the Councillor might have knowledge. However, any challenge should be done in a measured and reasonable way.

The Councillor against whom the allegations were made had, in the e-mail dated 20 January, used intemperate and abusive language which amounted to showing the clerk a lack of respect and bringing the Councillor's office into disrepute.

The Panel accepted that the Chairman of a Parish Council was entitled to seek to discuss contentious matters with other Councillors or third parties in order to resolve them. This was common practice and did not normally require formal authorisation. Whilst a Councillor was entitled to object to being approached in this way and the manner in which he or she was approached, this objection had to be done in a measured and reasonable way.

The Councillor against whom the allegations were made had, in the e-mail dated 16 February, used intemperate language which amounted to bringing his office into disrepute.

The Panel accepted that a Councillor was entitled to ask the clerk for an explanation about how and why a Council meeting had been postponed. In the Panel's view, the e-mail dated 19 February from the Councillor against whom the allegations were made, did not express the request well or clearly.

Nevertheless, the clerk's response did not answer the question and she should have at least clarified the information requested. She did not respond to subsequent requests. The Councillor against whom the allegations were made was entitled to continue asking for a response and was not therefore in breach of the Code of Conduct.

It follows from this that the Councillor was also entitled to threaten to complain about the failure to respond and that that threat was not a breach of the Code of Conduct.

The Panel felt that some of the issues which had arisen in this case may be as a result of the inexperience of the clerk in taking minutes and procedural matters and it felt that the Parish Council should give support to the clerk to assist with this in the future.

The Panel noted that there appeared to be relationship issues within the Parish Council and that the language used and stances taken by some parties was not conducive to good local governance. The Panel recommended that the Council consider some form of mediation to assist those involved to moderate their behaviour and co-operate better in the future.

**THE DECISION:**

That:-

- (1) there had been a breach of the Code of Conduct in respect of paragraphs 2.3(a) and 2.3(b) of the Monitoring Officer's report; and
- (2) the Parish Council be notified of the Panel's findings.

The meeting closed at 4.30 pm

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Chairman of the Panel