

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 12.30 pm on
Monday, 15th May, 2017 at Meeting Room 2,
Civic Centre, Stone Cross, Northallerton

Present

Councillor G W Dadd

Councillor C Patmore

Independent Person

Mr R C Pennington (Independent Person)

Parish Council Representative

Parish Councillor G Lidster

An apology for absence was received from Councillor Mrs C S Cookman

SHP.18 **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.19 **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.19 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.20 **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:

- (1) intimidated or attempted to intimidate the Complainant;

- (2) acted in a way which failed to show respect to the Complainant;
- (3) knowingly prevented, or attempted to prevent, the Complainant and others from accessing information to which they were entitled to by law; and
- (4) conducted himself in a manner which could reasonably be regarded as bringing the Town Council, or the Town Councillor's office as a member of the Town Council into disrepute.

The Panel heard from the person who had made the allegations ("the Complainant") and the Town Councillor against whom the allegations had been made.

Alternative options considered:

The Panel considered all the options outlined in paragraph 3.3 of the Deputy Monitoring Officer's report. Having concluded that the allegations were not upheld and therefore warranted no action to be taken, the Panel did not consider any alternative options to be appropriate in relation to these matters.

The reason for the decision:

The Panel considered:

- the Deputy Monitoring Officer's report;
- the written and oral submissions of the Town Councillor
- the written and oral submissions of the Complainant
- the written submissions of two witnesses; and
- the Town Council's Code of Conduct.

The Panel reached the following conclusions:

The Panel noted that the allegation related solely to the contents of an email dated 4th August 2016 sent by the Town Councillor to the Complainant.

The Complainant stated in his allegation that the email from the Town Councillor was intimidatory, disrespectful and aggressive towards the Complainant and in it the Town Councillor had attempted to prevent the Complainant and others from accessing information to which they are entitled. The Complainant told the Panel that the email was part of a wider issue that he had experienced with the Town Councillor and other town councillors. The Complainant told the Panel that he had written the letter alleging the breach of the Code of Conduct in the heat of the moment and, had he written it again now, he would not use the same opinionated language to describe the contents of the email.

The Town Councillor told the Panel that he did not accept that the email was a breach of the Code of Conduct in the manner in which it was alleged. The Town Councillor denied preventing the Complainant or any other person from accessing information to which they are entitled by law.

The Panel considered the contents of the email dated 4th August 2016 and two preceding emails, one dated 3rd August 2016 from the Complainant to the Town Councillor and other town councillors and one dated 29th July 2016 from a Town Council employee to all of the town councillors.

The Panel concluded that the contents of the email dated 4th August 2016 was unthreatening and no different from what would ordinarily be expected in correspondence between council members. The Panel concluded that the email did

not give any indication that the Town Councillor had attempted to prevent others from accessing information. The Panel was therefore not satisfied on the balance of probabilities that the Town Councillor had intimidated or attempted to intimidate the Complainant or that he acted in a way which failed to show respect to the Complainant. Similarly, the Panel was not satisfied that the Town Councillor had knowingly prevented, or attempted to prevent, the Complainant and others from accessing information to which they were entitled by law. Furthermore, the Panel was not satisfied that the Town Councillor had conducted himself in a manner which could reasonably be regarded as bringing the Town Council, or the Town Councillor's office as a member of the Town Council into disrepute.

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 the Complainant.

THE DECISION:

The Panel recommends to the Town Council that the complaint not be upheld in relation to the allegations that the Town Councillor:

- (1) intimidated or attempted to intimidate the Complainant;
- (2) acted in a way which failed to show respect to the Complainant;
- (3) knowingly prevented, or attempted to prevent, the Complainant and others from accessing information to which they were entitled to by law; and
- (4) conducted himself in a manner which could reasonably be regarded as bringing the Town Council, or the Town Councillor's office as a member of the Town Council into disrepute.

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

The meeting closed at 1.20 pm

Chairman of the Panel