

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 1.30 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.21 **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.22 **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.23 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.23 **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; and

(2) acted in a way which failed to show respect to the Complainant.

Prior to the hearing, the Town Councillor had informed the Council that he was unable to attend the hearing but had wished for the matter to proceed in his absence. The Panel concluded that the hearing would proceed.

The Panel heard from the person who had made the allegations (“the Complainant”).

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 submissions of the Town Councillor;
- the written and oral submissions of the Complainant;
- the written and oral submissions of six witnesses; and
- the Town Council’s Code of Conduct.

The Panel reached the following conclusions:

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

The Panel considered evidence from the Complainant that, following a meeting on 3rd January 2017, the Town Councillor had verbally abused the Complainant and threatened him with physical violence. The Complainant told the Panel that, following the meeting, on 3rd January 2017 the Town Councillor approached him and began shouting in an aggressive manner. The Complainant told the Panel that the Town Councillor had said to him “Before I am finished with you, you will be on that floor needing an ambulance to get you out of here”. The Complainant told the Panel that the Town Councillor was then assisted out of the room by other town councillors. The Complainant told the Panel that following the incident he left and went home where he telephoned one of the witnesses (“X”). The Complainant told the Panel that X had not been present during or after the meeting but he had informed X of what had taken place. The Panel noted that X had provided written evidence regarding the contents of his telephone conversation with the Complainant after the alleged incident.

The Complainant told the Panel that on 4th January 2017, he contacted the police to report the incident. The Complainant told the Panel that during the course of the police investigation, he had agreed that the investigation could be closed as he had concluded that it was unlikely that the Town Councillor would verbally abuse or threaten the Complainant in the future.

The Town Councillor, in his written submissions, stated that he had attended the meeting on 3rd January 2017 as a member of the public and was there to support an employee of the Town Council who he was mentoring. The Panel considered evidence from an employee of the Town Council, (“Y”) about the meeting on 3rd January 2017. Y

told the Panel that, at the time, she was being mentored by the Town Councillor. Y told the Panel that the Town Councillor attended the meeting as a member of the public in order to provide her with moral support. The Panel considered written statements of four other witnesses who supported the Town Councillor's position that he attended the meeting as a member of the public.

The Complainant told the Panel that the Town Councillor had been attending the meeting as a member of the public but that, after the meeting had closed, he believed that the Town Councillor was once again acting in his capacity as a town councillor.

The Panel accepted evidence from both parties that a verbal exchange took place following the meeting on 3rd January 2017. The Town Councillor stated in his written submissions that during the verbal exchange he had referred to the Complainant as an "idiot" and told the Complainant that he had upset him. The Town Councillor denied threatening the Complainant with physical violence. The Town Councillor also denied having to be assisted out of the room by other town councillors.

The Panel concluded that the Town Councillor had attended the meeting on 3rd January 2017 as a member of the public and not in his capacity as a town councillor. The Panel concluded that, followed the close of the meeting the Town Councillor was still acting in a private capacity and not as a town councillor and, therefore, he was not subject to the Town Council Code of Conduct at the material time.

On concluding that the alleged incidents occurred when the Town 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 Town Councillor had not breached the Code of Conduct.

THE DECISION:

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 the Complainant and acted in a way which failed to show respect to the Complainant.

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

The meeting closed at 2.05 pm

Chairman of the Panel