

Minutes of the meeting of the STANDARDS
HEARINGS PANEL held at 9.30 am on
Thursday, 3rd October, 2019 at Main
Committee Room, Civic Centre, Stone Cross,
Rotary Way, Northallerton, DL6 2UU

Present

Councillor G W Dadd
A Robinson

Councillor P Thompson

Independent Person

Independent Person Mr S Green

Parish Council Representative

Parish Councillor P Hull

Also in Attendance

Independent Person Mr G Nelson

SHP.4 **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.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 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”) failed to comply with the provisions of the Town Council’s Code of Member Conduct, namely that she had:

- i) behaved in a bullying or intimidatory manner;
- ii) disclosed confidential information; and
- iii) prevented the complainant from carrying out her duties.

Alternative options considered:

The Panel considered all the options available but having concluded that the Town Councillor had not breached the Code of Conduct, none of the alternative options were deemed appropriate.

The reason for the decision:

The Panel considered:

- the 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 six witnesses; and
- the Town Council’s Code of Conduct.

The Panel reached the following conclusions:

The Panel considered evidence relating to the alleged disclosure of confidential information by the Town Councillor. The complainant alleged that on 5 July 2019 she entered the Town Council office and saw the Town Councillor reading a confidential letter which had been submitted by the complainant to another member of the Town Council “Y”. The complainant stated that when she entered the room the Town Councillor “jumped off her seat”. The complainant informed the Panel that the Town Councillor was not entitled to view the document and that the contents of that letter were later shared by the Town Councillor with a third party “X”.

The complainant told the Panel that she did not challenge the Town Councillor at the time of the alleged incident.

The Town Councillor refuted the allegation that she had read the complainant’s confidential letter and that she had “jumped off her seat”. The Town Councillor stated that she had attended the office to complete paperwork and meet with Y at his request. The Town Councillor informed the Panel that had she read the letter she would have been compelled to withdraw from her role as a point of contact for a third party.

The Panel considered the written submission of Y who stated that Town Councillor had not been shown the complainant’s confidential letter, nor had it left his possession.

The Panel also considered the written submission of X. X stated that the Town Councillor had not shared any information about Town Council business with X.

The Panel was not satisfied that the complainant had the requisite knowledge to be certain that the incident occurred in the way described by the complainant. The Panel was therefore not satisfied that the Town Councillor had read or disclosed any information in relation to the complainant's confidential letter.

The Panel considered an allegation that, during a telephone conversation which took place on 22 July 2019, the Town Councillor had behaved in an aggressive manner which amounted to bullying and intimidatory behaviour. The complainant alleged that during the conversation the Town Councillor persistently shouted at her in an aggressive manner. The Town Councillor informed the Panel that she had raised her voice during the telephone conversation but had apologised to the complainant throughout, explaining that her frustrations were not directed at the complainant. The Panel was also informed that, at no point during the conversation, did the complainant convey to the Town Councillor that she felt uncomfortable. The Town Councillor informed the Panel that she had brought the conversation to an end, informing the complainant that she would take up the matter with the relevant member of the Town Council.

The Panel concluded that the Town Councillor had shouted during the telephone conversation but the Panel was satisfied that she had apologised and her frustrations were not directed at the complainant. The Panel was not satisfied that the Town Councillor's behaviour during the telephone conversation amounted to bullying or intimidatory behaviour.

The Panel considered an allegation that the Town Councillor had behaved aggressively during a meeting of the Town Council. The complainant alleged that, during a meeting of the Town Council on 22 July 2019, the Town Councillor shouted at the complainant and stormed out of the meeting. The complainant stated that, during the meeting, the Town Councillor slammed her papers on the table and shouted orders at the complainant. The Town Councillor informed the Panel that during the course of the meeting she had become frustrated at a suspected breach of confidential information and had left the meeting in a frustrated manner. However, the Town Councillor denied shouting at the complainant.

The Panel was satisfied that the Town Councillor had expressed her frustrations during the meeting. However, there was insufficient witness support to satisfy the Panel that the Town Councillor behaved in the manner described by the complainant. Therefore the Panel was not satisfied that the Town Councillor's conduct during that meeting amounted to bullying or intimidatory behaviour.

The Panel considered an allegation that the Town Councillor had "bombarded" the complainant with emails. The complainant informed the Panel that the Town Councillor had sent the complainant twelve emails in a week, eight of which were sent over two days (22 and 23 July 2019). The complainant told the Panel that the volume and tone of the emails amounted to harassing and intimidatory behaviour. The complainant told the Panel that, on reflection, the content of the emails did not appear unreasonable but stated that they should be considered in the context of the Town Councillor's other behaviour.

The Town Councillor denied bombarding the complainant with emails and informed the Panel that her emails to the complainant were friendly and professional. The Town Councillor told the Panel that the eight emails sent on 22 and 23 July 2019 were generated as a result of both the Town Councillor and the complainant asking and answering questions.

The Panel considered the email exchange, in particular those which were sent and received on 22 and 23 July 2019. The Panel concluded that the emails sent by the Town Councillor were polite and appropriate in content. The Panel concluded that the volume of emails was an appropriate level of correspondence to be expected between the Town Councillor as an elected member and the complainant in her professional capacity.

The Panel noted that during the email exchange, the complainant had informed the Town Councillor that she felt as though she was being harassed. In her reply, the Town Councillor apologised to the complainant for causing her any upset and confirmed that she would no longer contact the complainant directly on the issue under discussion. The Panel concluded that the Town Councillor had responded appropriately to the complainant's email.

The Panel was not satisfied that the number of emails or the content of those emails constituted bullying or intimidatory behaviour.

The Panel considered an allegation that the Town Councillor had prevented the complainant from carrying out her duties. The complainant alleged that the Town Councillor had prevented the complainant from appointing a new employee and this had had a negative impact on other employees.

The Town Councillor told the Panel that, during a meeting of the Town Council, she had raised an issue regarding an inaccuracy in the minutes of a meeting and highlighted a procedural concern relating to the implementation of a previous resolution of the Town Council. The Town Councillor informed the Panel that, in raising her concerns, she was seeking to ensure the Town Council conducted its business correctly. The Town Councillor stated that she had not sought to prevent the complainant from carrying out her duties, nor was she aware that her actions may have had a negative impact on other employees.

The Panel considered the written submission of witness "Z" who confirmed that, without correction, the procedural concern highlighted by the Town Councillor would have left the Town Council open to challenge.

In any case the Panel was satisfied that the Town Councillor was not solely responsible for authorising Town Council business and that her concerns would need to have been supported by other members of the Town Council in order to take effect. Therefore, the Panel concluded that the Town Councillor could not be held responsible for any subsequent decisions in this regard.

The Panel concluded that the Town Councillor had acted appropriately in the ordinary course of Town Council business and therefore was not satisfied that the Town Councillor had deliberately pursued a course of action to prevent the complainant from carrying out her duties.

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:

That Panel recommends to the Town Council that the allegations that the Town Councillor:

- i) behaved in a bullying or intimidatory manner;

- ii) disclosed confidential information; and
- iii) prevented the complainant from carrying out her duties

are not upheld.

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

The meeting closed at 11.55 am

Chairman of the Panel