

NORTHUMBERLAND COUNTY COUNCIL

STANDARDS COMMITTEE

At a meeting of the **Standards Committee** held in Committee Room 1, County Hall, Morpeth on Friday 4 November 2016 at 12.30pm.

PRESENT

Mr J. Jackson
(Independent Chair, in the Chair)

COUNTY COUNCILLORS

Armstrong, E.
Burt, E.
Homer, C.
Kelly, P.

Murray, A.H.
Pidcock, L.
Tebbutt, A.

PARISH COUNCILLORS

Parker, D

INDEPENDENT PERSON

Common, J.

OFFICERS

Henry, L.
Bird, M.

Legal Services Manager
Team Leader (Scrutiny/Regulatory),
Democratic Services

01. APOLOGIES FOR ABSENCE

Apologies were received from County Councillor G Webb and Parish Councillors D Buckle and C Rawlings.

02. MINUTES

RESOLVED that the minutes of the meeting of the Standards Committee held on Tuesday, 19 April 2016, as circulated, be confirmed as a true record and signed by the Chair.

03. MEMBERSHIP AND TERMS OF REFERENCE

The committee noted the following membership and terms of reference as agreed by Council on 4 May 2016.

Members: 8 Councillors (3:3:1:1) (1 Lab place to Ind) and 3 Parish Council representatives (Only one member of the committee can be a member of the Cabinet).

Quorum - 4

Chair – Mr. J. Jackson.

Vice Chair – G. Webb

Labour	Conservative	Liberal Democrat	Independent
E. Burt	E. Armstrong	A. Tebbutt	P. Kelly
L. Pidcock	C. Homer		
G. Webb	A.H. Murray		

Three non-voting Parish/Town Council Members

D. Buckle	D. Parker	C. Rawlings	
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Independent Person - Mrs J. Common

Functions:

- (a) Promoting and maintaining high standards of conduct by councillors, town and parish councillors, co-opted members and church and parent governor representatives.
- (b) Assisting the councillors, town and parish councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct.
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct.
- (d) Monitoring the operation of the Members' Code of Conduct.
- (e) Advising, training or arranging to train councillors, town and parish councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct.
- (f) Granting dispensations to councillors, town and parish councillors, co-opted members, church and parent governor representatives from requirements relating to Disclosable Pecuniary Interests set out in the Members' Code of Conduct.

- (g) Assessing and reviewing complaints about councillors and conducting determinations' hearings.
- (h) Granting exemptions for politically restricted posts.
- (i) Such other roles as may be given by the Council.

04. DATE OF NEXT MEETING

It was noted that the next meeting would take place on Thursday, 19 January 2017 at 2.00pm in Committee Room 2, County Hall, Morpeth.

05. MEMBER COMPLAINT NCC 04/15

Members were asked to carry out a hearing in respect of member complaint NCC 04/15. (Report attached as Appendix A.)

Following representations from the Investigating Officer and the hearing of evidence from the Subject Member and a number of witnesses, the Committee found as follows:-

Committee's principal findings of fact including the reasons for them

- (i) That Councillor Little did continue to contact the Clerk on a regular basis by email, despite being asked not to do so in writing on the 1 April 2015 by the Chairman, Councillor Sharp, following a complaint made against Councillor Little under the Town Council's Bullying and Harassment Policy. The fact that contact was made subsequent to that date and that Councillor Sharp had made the request of Councillor Little in the way described has not been disputed by Councillor Little.
- (ii) That Councillor Little did send the Clerk, or copy her into, the emails particularised in the investigation report at paragraph 5.6 of that document and also at Appendices A and B of the report and at the times and dates referred to in respect of each email cited, the evidence for which is comprised in the documentation provided by the Clerk and Councillor Hedley which is not disputed by Councillor Little.
- (iii) That at the Town Council meeting on the 13 April 2015 Councillor Little did through his words or actions towards the Clerk during that meeting cause her to become upset and have to leave the meeting prematurely. There is no disagreement that the Clerk became upset during the meeting and there is no other reasonable explanation from the evidence presented to the Committee for her to become upset other than as she claims which was by virtue of comments made by Councillor Little.

(iv) That again at a site meeting on 18 June 2015 Councillor Little made comments to the Clerk in the presence of other members of the Town Council which also caused her to become upset to the extent that she had to leave the meeting. The detail of exactly what was said at the site meeting is not in material dispute and nor is the fact that the Clerk became upset. The only reasonable explanation for the upset from the evidence presented to the Committee were the comments made by Councillor Little to the Clerk in a public space.

Committee's findings as to whether the Subject Member failed to follow the Code including reasons for that finding

A. The Committee found that the Subject Member had failed to comply with the following paragraphs of Haltwhistle Town Council Members' Code of Conduct:-

- (i) Paragraph 1: He/she shall behave in such a way that a reasonable person would regard as respectful;
- (ii) Paragraph 2: He/she shall not behave in any way which a reasonable person would regard as bullying or intimidatory.

B. The Committee found that the Subject Member had **not** failed to comply with the following paragraphs of Haltwhistle Town Council Members' Code of Conduct:-

- (i) Paragraph 3: He/shall not act in a way which a reasonable person would regard as likely to bring the Council, of his/her office as a member of the Council, into disrepute.

The detail and reasons for those findings were as follows:-

- (a) That at all relevant times during the course of events referred to in the summary of the allegation above, the Subject Member had been acting in his official capacity as an elected member of Haltwhistle Town Council. As a consequence his authority's Code of Conduct had applied to him at those times.
- (b) That the Subject Member failed to treat the Clerk with respect contrary to paragraph 1 of the Haltwhistle Town Council Members' Code of Conduct in relation to the emails which he sent to her as particularised in paragraph 5.6 of the investigatory report and in Appendices B and C of that report and in his conduct towards her at the meetings on 13 April 2015 and 18 June 2015.

In reaching their finding in this regard, the Committee agreed with the reasoning provided by the Investigating Officer in paragraph 6.6 of her report.

- (c) That the Subject Member bullied the Clerk contrary to paragraph 2 of the Haltwhistle Town Council Members' Code of Conduct in relation again to the emails which he sent to her as particularised in paragraph 5.6 of the investigation report and also in Appendices B and C of that report and in his

conduct towards her at the meetings on the 13 April 2015 and 18 June 2015, all of which formed a pattern of criticism which constitutes bullying and harassment.

The Committee again agreed with the reasoning as outlined by the Investigating Officer in her report at paragraph 6.7 in this regard and also felt that the emails were designed to undermine the Clerk's position and would have put her in fear of what further emails and other contact might follow, all of which were sufficient to enable the Committee to conclude that the Clerk had been bullied by the Subject Member.

The Committee felt that they could not accept the claims made by the Subject Member that, in some way, his actions and conduct towards the Clerk were justified because of his belief that other members of the Town Council wanted him removed from the Council and again they agreed with the investigating officer that he should have addressed such concerns as he had about this issue to the members concerned and not allow his frustration to manifest itself towards the Clerk in such an unreasonable and unwarranted manner.

- (d) That the Subject Member did not conduct himself in a manner which could reasonably be regarded as bringing his office and his authority into disrepute contrary to paragraph 3 of the Haltwhistle Town Council Members' Code of Conduct.

The reasoning of the Investigating Officer in her report at paragraph 6.8 was again accepted by the Committee in reaching their finding on this matter.

Action to be taken/ sanctions to be imposed

The Committee, having heard from the Subject Member, the Investigating Officer and the Independent Person on the issue **RESOLVED** to impose the following sanctions:-

- (i) That it be recommended to Haltwhistle Town Council that the Subject Member be issued with a formal censure by that authority;
- (ii) That it be recommended to Haltwhistle Town Council that training be arranged for the Subject Member which shall include training in relation to the Members' Code of Conduct and Bullying and Harassment; and
- (iii) That it be recommended to Haltwhistle Town Council that the member be removed from any or all Committees and Subcommittees, including Joint Committees or Boards, for a period of 12 months with effect from the date at which Haltwhistle Town Council consider these recommendations;
- (iv) That the findings of the Committee be referred to Haltwhistle Town Council for their information.

Recommendations to the Subject Member’s Authority

The Committee, having heard from the Independent Person on the issue, **RESOLVED** to make the following recommendation:-

- (i) That it be recommended to Haltwhistle Town Council that training be considered for all members of the authority in relation to the Members’ Code of Conduct and Bullying and Harassment, and consideration be given to reviewing their policies and procedures on best employment practice.

CHAIR.....

DATE.....