

MINUTES

**STANDARDS COMMITTEE
FRIDAY, 3 FEBRUARY 2012
2.30 PM**



COMMITTEE MEMBERS PRESENT

Chairman Mr. Chris Holtom CBE. - Independent Member
Vice Chairman Mr Fred Mann – Independent Member
Councillor Harrish Bisnauthsing - District Councillor - Stamford St. Mary's Ward
Councillor Peter Connor - Barkston & Syston Parish Council
Councillor Vicky Dennis - Castle Bytham Parish Council
Councillor Vic Kerr - District Councillor - Loveden Ward
Councillor Philip Knowles - Bourne Town Council
Councillor David Nalson - District Councillor - Stamford St. John's
Councillor Stephen Pearson - Long Bennington Parish Council
Councillor Robert Prabucki - Claypole Parish Council
Councillor Robert Rose - Thurlby Parish Council

OFFICERS

Head of Legal and Democratic Services - Lucy Youles
Legal Team Leader (Investigating Officer) – Paul Rushworth
Principal Democracy Officer – Jo Toomey

27. MEMBERSHIP

Councillors Peter Connor (Barkston and Syston Parish Council) and Robert Prabucki (Claypole Parish Council) were appointed as parish representatives with voting rights for this meeting.

28. APOLOGIES

Apologies for absence were received from Councillors Richard Dixon-Warren (Haconby and Stainfield Parish Council), Irene Greenwood (Colsterworth and District Parish Council) and Nick Neilson (Market Deeping Parish Council).

29. DECLARATIONS OF INTEREST

No declarations of interest were made.

30. MINUTES OF THE MEETING HELD ON 19 DECEMBER 2011

The minutes of the meeting held on Monday 19 December 2011 were agreed as a correct record.

The Head of Legal and Democratic Services explained a Lincolnshire-wide officer meeting was called to consider future standards arrangements. A second meeting was scheduled for the week commencing 6 February 2012 to discuss a common approach and process across the county. The Lincolnshire Association of Local Councils were expected to attend the meeting.

Councillors suggested that as part of new arrangements, the outcome of any investigation/hearings should be reported to full Council.

31. APPLICATIONS FOR DISPENSATION BY THE STANDARDS COMMITTEE

None received.

32. SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

The Committee was notified that there was one outstanding investigation and one outstanding assessment, which had been adjourned.

33. CONSIDERATION / HEARING OF COMPLAINT SCC / 21621

The Chairman introduced the consideration / hearing and explained the procedure that the Committee would follow in considering the complaint. Introductions were made. He asked members to confirm any declarations of interest and established the Committee was quorate.

Both the Complainant, witnesses and the Councillor were present.

It was resolved that:

In accordance with Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting because of the likelihood, in view of the nature of the business to be transacted, that if members of the public were present, there would be a disclosure to them of exempt information as defined in paragraph 10 of part 1 of Schedule 12A of the Act.

With the press and public excluded, the Monitoring Officer outlined the complaint and the findings of fact following the investigating officer's investigation. Members were advised that the allegations were investigated under the 2007 Members' Code of Conduct. It was confirmed that the respondent was a District Councillor at the time the complaint and was bound by the Code when acting in that capacity.

The Complainant alleged that the Councillor breached paragraph 3 (1) of the Code of Conduct by failing to treat others with respect. The Committee had to determine

whether the Councillor was acting in his capacity as a Councillor and whether his behaviour constituted disrespect.

The complaint related to an incident that took place on 19 May 2011. The Councillor was querying labelling against a product in a local shop.

The Councillor confirmed that the statement he had given to the investigating officer was accurate and that he had nothing further to add. The Complainant gave her account of the incident, which was supported by witnesses present at the meeting. The investigating officer had also viewed CCTV footage of the incident.

The Councillor explained that the incident occurred just before his first Council meeting and he showed his SKDC badge when asked to identify himself. He admitted stating that he would raise the issue within the Council but explained that his intention was to advise Trading Standards at the County Council.

The Councillor admitted being forthright in his dealings with the Complainant and his frustration might have caused him to allude to his position as a Councillor. The Councillor accepted that on this occasion he had breached the Members' Code of Conduct. He stated that the incident had led him to review the way he behaved when dealing with members of the public.

The investigating officer's report highlighted that the Councillor was newly elected and, at the time of the incident, had not received training on the Members' Code of Conduct. The Code of Conduct was included within the Constitution, a copy of which was given to all members on induction. In response to questions from Committee members, the Councillor stated he had never before held public office and consequently had never been required to abide by a similar code of conduct.

14:59 The Complainant, witnesses, Councillor and investigating officer left the meeting

Members considered the report of the investigating officer, together with comments made by the Complainant and Councillor. Standards Committee members agreed with the investigating officer's finding that the respondent had breached paragraph 3 (1) of the Model Code of Conduct.

Committee members noted an offer made by the Councillor to apologise to the Complainant.

The Monitoring Officer advised the Committee of the available sanctions; apology and censure were the two appropriate sanctions available. The Committee could also request the Councillor undergo training, suspend the Councillor or restrict the Councillor. Sanctions should be proportionate to the breach.

An element of mitigation was highlighted in that the Councillor was newly elected and had not received training on the Members' Code of Conduct at the time of the incident. The Committee noted that since the complaint was made, the Councillor had been aware of his behaviour and had made efforts to modify his behaviour.

The Committee agreed that the Councillor should be required to make a written apology to the Complainant and receive formal censure for his behaviour.

15:49 The Complainant, witnesses, Councillor and investigating officer re-entered the meeting

The Chairman explained that the Committee had agreed with the findings of the investigating officer, finding that the respondent had breached paragraph 3(1) of the Members' Code of Conduct and failed to treat others with respect. The Vice-Chairman read the Committee's findings:

The Standards Committee has carefully considered the allegations of misconduct made against Councillor Bob Sampson.

The Committee considered the allegation to be serious as Councillors must behave in such a way as to not bring themselves into disrepute. The actions of Councillor Sampson on 19 May 2011 were such as to certainly bring disrepute upon himself.

The Committee endorsed the investigating officer's findings that Councillor Sampson used words that were patronising and disrespectful to the Complainant. It noted Councillor Sampson admitted he had acted in a way which was disrespectful. The Committee noted that there was inconclusive evidence in respect of any alleged physical contact. However, the Committee considered that the Councillor should not have put himself in a situation where such an allegation could be made.

The Councillor must accept that there is a higher degree of responsibility on an elected member acting in his official capacity when dealing with members of the public.

The Committee strongly censured Councillor Sampson for his actions on 19 May 2011. It furthermore instructed the Councillor to make a full written apology to the Complainant.

When considering the appropriate sanction, the Committee took into account the Councillor's admission that he had failed to comply with the Members' Code of Conduct and reminded the Councillor that he must, as a holder of public office, comply with the Members' Code of Conduct.

The Chairman explained that the findings would appear in a public statement that would be published in the local newspaper. He thanked the Complainant and witnesses for attending the meeting and raising the issue. He also thanked the Councillor for admitting the breach.

34. CLOSE OF MEETING

The meeting was closed at 15:57.

