

MINUTES

**STANDARDS COMMITTEE
MONDAY, 19 DECEMBER 2011
2.00 PM**



COMMITTEE MEMBERS PRESENT

Chairman: Mr. Chris Holtom CBE. - Independent Member

Councillor Harrish Bisnauthsing - Stamford St. Mary's Ward
Councillor Peter Connor - Barkston & Syston Parish Council
Councillor Vicky Dennis - Castle Bytham Parish Council
Councillor Irene Greenwood - Colsterworth & District Parish Council
Councillor Vic Kerr - Loveden Ward
Councillor Philip Knowles - Bourne Town Council
Mr. Fred Mann - Independent Member
Councillor David Nalson - Stamford St. John's
Councillor Nick Neilson - Market Deeping Town Council
Councillor Stephen Pearson - Long Bennington Parish Council
Councillor Robert Rose - Thurlby Parish Council

OFFICERS

Head of Legal and Democratic Services (Lucy Youles)
Service Manager: Legal and Democratic Services (John Armstrong)
Investigating Officer – Legal Team Leader (Paul Rushworth)
Principal Democracy Officer (Jo Toomey)

19. MEMBERSHIP

Councillors Irene Greenwood (Colsterworth & District Parish Council) and Pearson (Long Bennington Parish Council) were appointed as parish representatives with voting rights for this meeting.

20. APOLOGIES

An apology for absence was received from Councillor Richard Dixon-Warren (Haconby and Stainfield Parish Council).

21. DECLARATIONS OF INTEREST

Councillor Bisnauthsing declared a personal and prejudicial interest in agenda

item 5 'consideration / hearing of complaint SCC/21541' having an interest in the investigation.

22. MINUTES OF THE MEETING HELD ON 2 SEPTEMBER 2011

The minutes of the meeting held on Friday 2 September 2011 were agreed as a correct record, subject to amending the Ward for which Councillor Bisnauthsing was the representative from St. John's Ward to St. Mary's Ward.

23. APPLICATIONS FOR DISPENSATION BY THE STANDARDS COMMITTEE

None received.

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

The committee was notified that there was one outstanding assessment, which had been adjourned and two outstanding investigations.

25. UPDATE ON FUTURE STANDARDS ARRANGEMENTS

The Chairman informed the Committee that since the Localism Bill received Royal Assent, he had updated the Council's Engagement Policy Development Group. The Monitoring Officer explained that no further information had been received since the Bill was enacted. The initial date for implementation was April 2012, however, as no regulations were available, it was hoped implementation would take effect after the annual general meeting of the Council.

26. CONSIDERATION / HEARING OF COMPLAINT SCC/21541

The Chairman introduced the consideration / hearing and explained the procedure that the Committee would follow in considering the complaint. He asked Members to confirm any declarations of interest. Councillor Bisnauthsing declared a personal and prejudicial interest as he had an interest in the investigation.

The complainant and respondent were both present at the meeting.

Exclusion of the public

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 paragraph 10 of part 1 of Schedule 12A (as amended).

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 Code of

Conduct. The confirmed that the respondent was a district Councillor at the time the complaint was made and was acting in that capacity.

The complainant alleged that the Councillor breached the following paragraphs of the Code of Conduct:

- Failed to treat others with respect – para 3(1)
- Done something which has caused his authority to breach one of the equality enactments – para 3(2)(a)
- Bullied another person – para 3(2)
- Done something which compromises or is likely to compromise the impartiality of those who work for or on behalf of the authority – para 3(2)(d)
- Bought his authority into disrepute – para 5
- Used his position improperly in order to confer an advantage or disadvantage – para 6(a)

The complaint related to two incidents in April and May 2011.

The respondent said he agreed with the statement he had given. The Councillor stated that in May he had approached one of the complainant's witnesses to ask whether he could use the toilet connected to an SKDC communal room. He stated he did not recognise the person he approached as anyone involved in the incident in April. The Councillor saw the witness gardening at the communal rooms and thought he worked for South Kesteven District Council. The witness stated that he had never worked for SKDC and was wearing nothing that would give that impression; this was supported by a survey of residents that was included with the investigation.

The witness stated that when the Councillor approached him, his manner was not unpleasant or intimidating. There was no third party witness to the exchange. The witness stated he did not think it was appropriate following the incident in April, which was under ongoing investigation by Lincolnshire Police. After meeting the Councillor, the witness contacted the complainant, who encouraged the witness to report the encounter to the police. The complainant felt that in approaching the witness, the Councillor was attempting to intimidate him.

Reference was made to several historic encounters between the complainant and Councillor. These were not investigated because of the age of the incidents, however, they were noted.

The Committee turned its attention to the alleged incident of April 2011. The complainant was giving away St George's Day cupcakes on a British National Party stall. The Councillor stated that he approached the stall to find out whether it had the appropriate street trading consents. While the Councillor was speaking to the stallholder, the markets supervisor approached. Statements also indicated that a crowd had started to build around the stall. The Councillor stated he knew that the stall was being run by the British National Party as it was clearly sign-posted. He stated it was not the first time he had approached stallholders to see whether

they had the appropriate licences.

The complainant was given the opportunity to respond and gave her account of the alleged incident on 23 April 2011. She indicated that she had known the respondent for several years; at one point, they worked together for a charity. The complainant felt the respondent would have recognised her. He knew her to be a member of the British National Party and consequently approached the stall. The incident included intervention from the Market Supervisor and the police; their statements were attached to the investigating officer's report.

The Chairman explained the next stage to the Committee and entered a pre-hearing consideration.

The complainant, witnesses, respondent and investigating officer left the meeting

Members considered the report of the investigating officer, together with comments made by the complainant and respondent. It noted the significant political differences between the parties and the history of the complainant and respondent.

In considering the incident on 23 April 2011, the Committee agreed with the recommendations of the investigating officer and did not feel there was sufficient evidence that indicated the Councillor had breached the Code of Conduct. Similarly, the Committee could not find evidence to indicate a breach of the Code of Conduct on 3 May 2011. They noted inconsistencies between the accounts given of the incident.

During its deliberations, the Committee suggested the Councillor should conduct himself with care if a confrontation, political or otherwise, occurred in a public place as his words and actions could lead to further allegations of disrepute.

The Committee agreed that no further action was required.

The complainant, witnesses, respondent and investigating officer re-entered the meeting

The Chairman advised those present of the Committee's decision, as outlined below:

The Standards Committee considered investigation report LDS046 relating to complaints made against Councillor Harrish Bisnauthsing in regards to his alleged conduct in Stamford on 23 April 2011 and 3 May 2011.

In reaching its finding, the Committee noted that there were significant political differences between the complainant and the Councillor dating back several years. The Committee was also aware that two independent witnesses had been interviewed during the investigation into the incident on 23 April 2011 and that they provided no corroborative information or

evidence which would give reason to believe that any provisions under the Code of Conduct had been breached. There were no independent witnesses to the incident on 3 May 2011. The Committee also acknowledged that both the complainant and the Councillor gave conflicting evidence.

After careful consideration of the investigation report and after hearing and questioning those involved, the Committee endorsed the conclusion of the investigating officer. Therefore in relation to both the incidents under consideration no breaches of the Code of Conduct were found. However, the Committee did also fully endorse the investigating officer's view that the incident in Stamford High Street was regrettable. Furthermore, the Committee feels strongly that the incident should have been avoided and that the Councillor needs to conduct himself with care if a political, or indeed any, confrontation occurs in a public place as his words and actions clearly could lead to further allegations of disrepute.

Given this finding, no further action is required as the matter is closed.