

Member Complaint Ref:	NCC 16/11
Subject Member	Councillor I. Hutchinson of Northumberland County Council
Subject Member's Representative/Supporter	Councillor D Towns
Complainant	Councillor A Dale
Chairman of Standards Committee	Councillor A Murray
Other Members of Committee in attendance	Councillors A Tebbutt, A Pegg, V Tyler, P Scott, D. Buckle, E Burt
Independent Person	Mrs J Common
Legal Adviser	Mr. L Henry
Investigating Officer	Mr. I Spafford
Committee Clerk:	Ms. K Stubbs
Date, time and place of hearing:	Friday 14th September 2012 at 9.30 a.m. in Committee Room 1, County Hall, Morpeth, Northumberland and again on Tuesday 9th October 2012 at 9.30a.m in the Chairman's Dining Room, County Hall Morpeth, Northumberland

1. Hearing

On 14th September 2012 and 9th October 2012, the Standards Committee ('the Committee') of this authority considered a complaint from Councillor A Dale concerning the alleged conduct of Ian Hutchinson, a member of Northumberland County Council.

2. Summary of Complaint

It was alleged:-

- (i) That Councillor Hutchinson acted in an extremely aggressive and intimidatory manner towards the complainant at a meeting of the Area Planning Committee - West on the 15th June 2011 when he sought to stop the complainant, a member of the Planning Committee, from asking questions of officers present at the meeting
- (ii) That at a planning site meeting on the 22nd November 2009 Councillor Hutchinson acted aggressively towards the complainant
- (iii) That at a meeting of the Area Planning Committee - West on the 20th October 2010 Councillor Hutchinson would not allow the complainant to ask a question relating to flood zones
- (iv) That immediately before and at a planning site meeting on the 11th April 2011 Councillor Hutchinson again sought to frustrate the complainant's ability to ask questions of officers present

3. Relevant Section(s) of the Northumberland County Council Members' Code of Conduct in effect at the relevant time

- paragraphs 2, 3 and 5

4. Summary of evidence considered and representations made

Evidence was considered from the following sources:-

- (i) Investigation report dated July 2012
- (ii) Written response to the investigation report from Councillor Hutchinson submitted on his behalf by Councillor Towns and dated the 29th August 2012
- (iii) Written representations from the Investigating Officer dated the 13th September 2012

- (iv) Oral representations were made as follows:-
 - (a) By the investigating officer in relation to the main elements of the investigation report as to whether the relevant authority's Code of Conduct had been breached by the subject member
 - (b) By the subject member and his representative/supporter on the same matters as (a) above.
- (iv) Oral witness testimony from fourteen persons

5. Findings of fact including the reasons for them:-

(a) The Committee made the following findings of fact:-

- (i) In respect of the Rest and Be Thankful planning application the Committee find that Cllr Hutchinson did raise the question of relevance and did seek to stop Cllr Dale asking a question
- (ii) Again in respect of the Rest and Be Thankful planning application the Committee finds that Cllr Hutchinson in raising the question of relevance and seeking to stop Cllr Dale from asking a question he spoke to her in a manner which was unacceptable in that he raised his voice beyond that which was reasonably necessary in the circumstances of a public meeting
- (iii) In respect of the Stamfordham planning application the Committee finds that the version as outlined by Councillor Dale in her complaint is made out in terms of the order and content of events in that Councillor Hutchinson clearly demanded to know the relevance of Councillor Dale's question about the distances on more than one occasion despite the fact that he should, and would, have known that the question was clearly relevant and further that his involvement in this exchange with Councillor Dale was unjustified
- (iv) Again in respect of the Stamfordham planning application the Committee finds that Councillor Hutchinson raised his voice in an aggressive and intimidatory manner with the intention to demean Councillor Dale in front of everyone present and that she, Councillor Dale, was shocked and confused as a result of Councillor

Hutchinson's actions towards her. The Committee, however, does not find that Councillor Hutchinson screamed at Councillor Dale during this exchange

- (v) The Committee also finds that there was nothing in the way that Councillor Dale conducted herself at the meeting that justified Councillor Hutchinson's treatment of her at the meeting
 - (vi) Finally the Committee finds that Councillor Hutchinson showed a lack of restraint in sending the email to an officer on the 26th October 2011 which the Committee believes underlines his attitude to Councillor Dale generally and at the meeting on the 15th June 2011
- (b) The facts in relation to the other elements of the complaint at paragraph 2(ii) – (iv) above are not in dispute

6. Findings as to whether the member failed to follow the Code including the reasons for that finding.

A. The Committee finds

- (i) that the subject member has failed to comply with the Northumberland County Council Members' Code of Conduct**

The detail and reasons for that finding are as follows:-

- (a) That at all relevant times during the course of events referred to in paragraphs 2 above the subject member had been acting in his official capacity and as a consequence his authority's Code of Conduct had applied to him at those times

In chairing the meeting on the 15th June 2011 the subject member was clearly acting in an official capacity as he was when he sent the email of the 26th October 2011 and again when he attended the site investigation or meeting on the 22nd

November 2009

- (b) That the subject member had failed to treat Councillor Dale with respect contrary to paragraph 3(1) of the then Northumberland County Council's Members' Code of Conduct in relation to his behaviour towards Councillor Dale detailed in the Committee's findings of fact in paragraph 5 above at the meeting on the 15th June 2011, the site investigation or meeting on the 22nd November 2009 and the email which he sent to an officer on the 26th October 2011

The Committee is of the opinion that Councillor Hutchinson's behaviour towards Councillor Dale at the meeting on the 15th June 2011 was an unreasonable and excessive personal attack on her for which he had no justification and which went beyond the concept of firm chairing. The attack was carried out in a public meeting when members would be expected to be acutely aware of the need for them to behave responsibly and respectfully. Councillor Hutchinson demonstrated a lack of respect not only in the relation to the content of his exchanges with Councillor Dale but also in relation to the tone and volume of his voice which was aggressive and too loud to be justifiable in the prevailing circumstances.

The Committee concluded that Councillor Hutchinson's actions towards Councillor Dale at the site meeting on the 22nd November 2009, in losing his temper and shouting at her, to be unjustified in all the circumstances and to amount to an unreasonable and excessive personal attack on her

The Committee considered the content of the email which Councillor Hutchinson sent on the 26th October 2011 to be irresponsible and without justification which amounted to an unreasonable and personal attack on Councillor Dale

- (c) That the subject member bullied Councillor Dale contrary to paragraph 3(2)(b) of

the then Northumberland County Council's Members' Code of Conduct in relation to his behaviour towards Councillor Dale at the meeting on the 15th June 2011

The Committee concluded that Councillor Hutchinson's behaviour towards Councillor Dale at the meeting was offensive, intimidating and humiliating and without justification and that its effect on her was to leave her shocked and confused and was likely to be detrimental to her confidence particularly as the incidents took place in a public meeting

- (d) That the subject member had conducted himself in a manner which could reasonably be regarded as bringing his office and his authority into disrepute contrary to paragraph 5 of the then Northumberland County Council's Members' Code of Conduct, by virtue of his actions towards Councillor Dale at the meeting on the 15th June 2011 which were likely, the Committee concluded, to result in a reduction in public confidence in not just the subject member as a Councillor and Chairman of an important Committee such as the Area Planning Committee – West but also in the Council generally, viewed and heard, as they were, by several members of the public at the meeting on the 15th June 2011

B. The Committee further finds

- (i) **that the subject member has not failed to comply with the Northumberland County Council Members' Code of Conduct**

The detail and reasons for that finding are as follows:-

- (a) That the subject member neither compromised nor was likely to have compromised the officers' impartiality contrary to paragraph 3(2)(d) of the then Northumberland County Council's Members' Code of Conduct in relation to his sending of the email on the 26th October 2011 and his exchanges with an officer advising the Planning Committee at the meeting on the 15th June 2011

The Committee considered that while there was no reason or justification for the

content of the email, which was wholly inappropriate, it did not go so far as to compromise, nor was it likely to compromise, the officer's impartiality. Again while the exchanges with the officer advising the Planning Committee were inappropriate they did not, the Committee considered, amount to a breach of that paragraph of the Code

7. Sanctions imposed, including the reasons for the imposition of the sanction

The Committee resolved to impose the following sanctions:-

- (i) That it be recommended to full Council that the subject member be removed from being the Chairman of the Area Planning Committee – West for the remaining term of this Council i.e. to May 2013.**
- (ii) That the Monitoring Officer be instructed to arrange appropriate training for the subject member which shall include training in relation to Chairing skills.**

Right of Appeal

There is no right of appeal from this decision which is final

Councillor Anthony Murray

Chairman

9th October, 2012