

Standards Committee

Decision Notice

Dated: 7 November 2016

Member Complaint Reference:	NCC 04/15
Subject Member:	Cllr K Little of Haltwhistle Town Council
Subject Member's Representative:	None
Complainant:	Mr A Saunders
Chairman of Standards Committee:	Mr J Jackson, Independent Chairman
Members of Committee in attendance:	Cllr E Armstrong, Cllr E Burt, Cllr C Homer, Cllr P Kelly Cllr A Murray, Cllr D Parker, Cllr L Pidcock, Cllr A Tebbutt,
Other persons present:	Mrs J Common, Independent Person
Monitoring Officer:	Mr L Henry, Legal Services Manager, Northumberland County Council
Investigating Officer:	Ms H Lancaster, Principal Lawyer, Northumberland County Council
Committee Clerk:	Mr M Bird
Date of hearing:	4 November 2016
Place of hearing:	Committee Room 1, County Hall, Morpeth, Northumberland

1. Hearing

On 4th November 2016, the Standards Committee ('the Committee') of this authority considered a complaint from Mr Andrew David Saunders concerning the alleged conduct of Councillor Kevin Little, a member of Haltwhistle Town Council.

2. Summary of complaints

It was alleged:-

- (i) That Councillor Little had taken a stance against the Clerk to Haltwhistle Town Council ('the Town Council'), Mrs Susan Saunders ('the Clerk'), wife of the complainant, and had constantly belittled her, complained about her work, undermined her confidence at meetings and in emails which were circulated around the other Town councillors
- (ii) That despite having been requested by the Town Council not to contact the Clerk directly and to correspond directly and only with the Chairman that he, Councillor Little, bluntly refused to do so and increased the abuse of the Clerk seemingly unable to accept that she was part-time and should not work beyond her contracted hours

3. Relevant paragraph(s) of Haltwhistle Town Council's Code of Conduct

The following is an extract from the relevant provisions of the Code of Conduct:

Introduction - Pursuant to Section 27 of the Localism Act 2011, Haltwhistle Town Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

Paragraph 1 - He/ she shall behave in such a way that a reasonable person would regard as respectful.

Paragraph 2 - He/ she shall not act in a way which a reasonable person would regard as bullying or intimidatory.

Paragraph 3 – He/ she shall not behave in a manner which a reasonable person would regard as likely to bring the Council, or his/ her office as a member of the Council, into disrepute.

4. Summary of evidence considered by the Committee

Evidence was considered from the following sources:-

- (i) Investigating Officer's Report dated 6th July 2016 including interview records of the following persons:
 - Mr A Saunders
 - Mrs S Saunders
 - Former Cllr C Hedley
 - Cllr K Little
- (ii) Verbal evidence of:
 - Mr A Saunders
 - Mrs S Saunders
 - Former Cllr C Hedley

- Cllr K Little

In addition to the evidence considered by the Committee oral representations were made by both Councillor Little, who was not represented at the hearing, and the Investigating Officer

5. 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 1st 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 B and C 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 13th 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 in connection with the preparation and copying of a report for the meeting
- (iv) That again at a site meeting on the 18th 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

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

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

- (i) Paragraph 1
- (ii) Paragraph 2

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

- (i) Paragraph 3

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

- (a) That at all relevant times during the course of events referred to in the summary of allegations 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 investigation report and in Appendices B and C of that report and in his conduct towards her at the meetings on the 13th April 2015 and 18th 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 13th April 2015 and 18th 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.

7. Action to be taken/ sanctions to be imposed

The Committee, having heard from the Subject Member's representative, 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.
- (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 and make a decision in relation to 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.

Right of Appeal

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

Mr J Jackson
Chairman
7th November 2016