

# STANDARDS COMMITTEE

Decisions of the meeting of the Standards Committee held on Friday, 23 June 2023 in the Council Chamber - Council Offices at 10.00 am

## NORTH NORFOLK DISTRICT COUNCIL

### STANDARDS COMMITTEE HEARING PANEL

23 June 2023

### DECISION NOTICE

<b>Committee Members</b>	Cllr G Bull (Chairman) Cllr A Fitch-Tillett Cllr P Porter Cllr L Shires Cllr N Dixon Cllr R MacDonald
<b>Legal adviser to the Panel</b>	Ms C Jordan
<b>Subject Member</b>	Cllr Keith Bacon
<b>Investigating Officer</b>	Ms J Furner
<b>Independent Person</b>	Mr C Monteith

<b>PRELIMINARY</b>	<p>All persons detailed above attended the meeting in person. The complainant, Mr R Read also attended, as did two witnesses who assisted in the investigation of this matter.</p> <p>The hearing was to determine whether or not the Subject Member breached the Catfield Parish Council Code of conduct with regard to alleged behaviour at the Catfield Parish Council meeting of 7 July 2021 and by a comment made immediately thereafter.</p> <p>The Committee considered a preliminary issue: whether the matter should proceed in public session, or private session. It asked for the views of the Investigating Officer, the Independent Person and the Subject Member, all of whom were of the view that the matter could proceed in public. It also heard from the complainant and the two witnesses who confirmed that they were content for the matter to be heard in public. The Monitoring Officer provided advice to the Committee and drew its attention to other third parties, named in the</p>
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	<p>papers.</p> <p>The Committee considered this preliminary issue and resolved that the matter should be heard in public, but managed in such a way so as not to identify those other individuals who were not present.</p> <p>The hearing proceeded in public session.</p>
<b>ALLEGATIONS</b>	<p>In summary, two allegations were made against the Subject Member:</p> <p>(i) That during the Catfield Parish Council meeting of 7 July 2021, he treated others present at that meeting with disrespect; and</p> <p>(ii) That he made a disrespectful comment to a parishioner immediately following the Catfield Parish Council meeting of 7 July 2021.</p> <p>And that such conduct, if proved, breached the Catfield Parish Council Code of Conduct with reference to the following provision of the Code:</p> <p>“...  <i>When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:</i></p> <ol style="list-style-type: none"> <li>1. <i>He/she shall behave in such a way that a reasonable person would regard as respectful.</i> ...”</li> </ol>
<b>EVIDENCE HEARD</b>	<p>The Panel members</p> <ol style="list-style-type: none"> <li>1. Read all the documents before them, including the Investigator’s report and appendices.</li> <li>2. Heard oral submissions from the Investigating Officer</li> <li>3. Heard representations from the complainant</li> <li>4. Heard oral submissions from the Subject Member</li> <li>5. Heard from the Independent Person who gave his views</li> </ol> <p>The Investigating Officer found there was no breach in regard to the Subject Member’s conduct at the parish council meeting, but found a breach with regard to the comment he made immediately thereafter. She presented her report and addressed the Committee on the issue of capacity and freedom of speech. The Subject Member accepted that the comment in issue was made, but averred that he was acting in his personal capacity as the comment was made after he left meeting. Further that he had a right to freedom of speech.</p>
<b>INDEPENDENT PERSON ASSESSMENT</b>	<p>The Independent Person provided his views, in writing, following the Final Investigation report, and at the hearing.</p> <p>The Independent Person considered that although Dr. Bacon said the meeting had finished, and was therefore not acting in his capacity, he was directly approached by a parishioner over council business, relating to planning permission, which is councillor business. Moreover, that the comments made related to business that had occurred within the</p>

	<p>meeting.</p> <p>The Independent Person agreed with the Investigator. A reasonable member of the public with knowledge of all the facts would have the impression that he was still acting as a councillor immediately after the meeting when approached about council business, and he made the comment about controlling someone who had attended the council meeting.</p> <p>He added further information, in support of his views, at the hearing.</p>
<p><b>FINDINGS</b></p>	<p>The Committee considered all of the information before them, including the written and oral evidence.</p> <p>With regard to the two allegations it made the following findings:</p> <p><b><u>Allegation 1 – NO BREACH</u></b></p> <p>(i) That during the Catfield Parish Council meeting of 7 July 2021, the Subject Member treated others present at that meeting with disrespect</p> <p>The Committee noted that no breach was found by the Investigating Officer on this matter. She had considered and provided the Committee with the minutes of the relevant parish council meeting. Having heard from everyone at the meeting, and having considered the papers before them, the Committee found there to be <b>NO BREACH</b> on this matter.</p> <p><b><u>Allegation 2 – BREACH</u></b></p> <p>(ii) That the Subject Member made a disrespectful comment to a parishioner immediately following the Catfield Parish Council meeting of 7 July 2021.</p> <p>This relates to a comment made by the Subject Member to a parishioner that “you ought to keep your fucking mother under control”. This was made to a parishioner just after the meeting of 7 July 2021.</p> <p>The Committee noted that it was not disputed that this comment was made at that time. The Committee considered the issues raised regarding capacity and the right to freedom of speech.</p> <p>Looking at the issue of whether the Subject Member was acting in his capacity as a councillor at the time he made the comment, the Committee found, on the balance of probabilities, that the Subject Member was acting in that capacity.</p>

	<p>The Subject Member asserted that he was not acting in capacity because the meeting had finished; he was leaving, and he was speaking to another adult in a personal capacity. Further, that he had a right to freedom of speech. However, the Committee found the following factors led them to determine that he was acting in his capacity as a councillor:</p> <p>The proximity of the comment to the Catfield Parish Council meeting of 7 July 2021, with reference to</p> <ul style="list-style-type: none"> <li>• Time – the comment was made immediately after the meeting;</li> <li>• Place – the comment was made in the vicinity of where the meeting had just been held</li> <li>• Subject matter – the comment related to what had happened earlier at the meeting</li> </ul> <p>Whilst the Subject Member has a right to freedom of speech, the Committee was of the view that the comment made by the Subject Member was not protected, but was a personal and abusive comment that was not acceptable. Given its findings regarding capacity, it considered that the comment breached the Catfield Parish Council Code of Conduct, in that the Subject Member did not behave in a way that a reasonable person would regard as respectful.</p> <p>Accordingly, having heard from everyone at the meeting, and having considered the papers before them, the Committee found there to be a <b>BREACH</b> on this matter.</p>
<b>DECISION</b>	<p>The Committee considers that the Subject Member <b>did breach</b> the Catfield Parish Council Code of Conduct in respect of allegation (ii) above.</p>
<b>CONSIDERATION AS TO SANCTION</b>	<p>The Committee, having found a breach, gave all parties the opportunity to make any representation as to what, if any, sanction would be appropriate.</p> <p>The Committee, having considered the papers and any representations made, considered if there were any mitigating and aggravating factors and took the following into account:</p> <p>Aggravating factors</p> <ul style="list-style-type: none"> <li>• The Subject Member was given opportunities to make an apology and thereby resolve this matter, but failed to do so.</li> </ul> <p>Mitigating factors</p> <ul style="list-style-type: none"> <li>• It had been a long meeting which had presented some difficult</li> </ul>

	<p>challenge and aggravation</p> <ul style="list-style-type: none"> <li>• The Subject Member did not set out to make the comment, but made it on being approached by a parishioner, and after he had said that he did not want to talk.</li> </ul> <p>The Committee also noted the Subject Member’s long public service to the Parish Council, as well as charitable endeavours. It expressed surprise at the comment, given this experience. It noted that the Subject Member had said he had found the particular Parish Council meeting stressful.</p>
<b>RECOMMENDATIONS</b>	<p>The Committee considered what recommendations should be made to Catfield Parish Council in respect of sanctions. It considered, with reference to its findings and the aggravating and mitigating factors, that the following sanctions would be appropriate:</p> <ol style="list-style-type: none"> <li>1. The Committee considers that the Subject Member be required to make a clear apology, in writing, to Mrs Snelling and to Mr Snelling within 28 days of the hearing (23/6/23). Such apology needs to acknowledge that the comment made was disrespectful.</li> <li>2. The Committee recommends that the Subject Member be required to undertake and complete appropriate training in: <ul style="list-style-type: none"> <li>• Member Code of Conduct; and</li> <li>• Equality and Diversity</li> </ul> <p>within 6 months of the date of the hearing (23/6/23). Such training will be considered ‘appropriate’ where it is approved in writing by the Catfield Parish Council and will be considered as ‘completed’ where the Catfield Parish Council is satisfied that it has been completed and provides such confirmation in writing to the Subject Member.</p> </li> </ol> <p>It is recommended to the Catfield Parish Council that it does arrange such training within this period.</p>

*[Original signed and dated by  
Cllr Garry Bull  
Panel Chair of the Standards Committee of 23 June 2023]*

**PLEASE NOTE THAT THERE IS NO PROVISION FOR APPEAL AGAINST THIS DECISION**

