

DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE HEARING PANEL IN RELATION TO POSSIBLE BREACHES OF THE CODE OF CONDUCT

Reference Number: COM120

Name of Member: Councillor William Jeffrey

Relevant Authority concerned: Peterlee Town Council

Name of Investigating Officer: Clare Burrows

Date of Hearing: Thursday 6 April 2017

Standards Committee Hearing Panel:

Chairman: Councillor Bill Kellett
Member: Councillor John Lindsay
Member: Town Councillor Terry Batson

Name of independent person consulted: Judith Common

Legal Adviser to the Hearing Panel: Liam Henry

Clerk of the Hearing: Jill Errington

Preliminary Information

On 9th July 2015 the Deputy Monitoring Officer considered a complaint from Peterlee Town Council ("the Town Council") concerning the alleged conduct of Councillor William Jeffrey of the Town Council. A general summary of the complaint is set out below:-

The complainant alleges that Councillor Jeffrey contravened the Town Council's members' code of conduct by his involvement in conduct towards a former Clerk of the Town Council over a period of a number of months in 2013 and 2014. The alleged misconduct concerned statements and comments made at meetings of the Town Council relating to the former Clerk's terms and conditions of employment with the Town Council which it was alleged demonstrated a lack of respect, constituted bullying and harassment and involved the disclosure of confidential information, all matters pertaining directly to the former Clerk.

The complaint was referred for investigation by the Council's Governance solicitor Clare Burrows who concluded on 3rd February 2017 that breaches of the code of conduct had occurred. A Hearing Panel of the Standards Committee met on 6th April 2017 to consider the complaints where the Investigating Officer had found a breach to have occurred.

Oral and written submissions (procedural)

The Standards Committee Panel's decision on procedural matters was as follows:-

Hearing to be in public or private

Having heard from the member who expressed a desire that the meeting be held in private and from the Investigating Officer who had no objection to the press and public being excluded the Panel duly resolved to exclude the press and the public in respect of the entirety of the proceedings before the Panel.

Findings of Facts

The Chair invited Ms Burrows to present her report and address the issue of whether there had been a breach of the code of conduct.

In accordance with the Local Determination Procedure the Standards Committee Panel considered the verbal presentation of the Investigation report by the Investigating Officer; during which Ms Burrows called three witnesses. The witnesses answered questions from the Panel, the Independent Person and Councillor Jeffrey.

The Standards Committee Panel then invited verbal representations from Councillor Jeffrey in order to allow him to challenge any factual findings in the report which he disputed and to address the issue of whether there had been any breaches of the code of conduct. Councillor Jeffrey also responded to questions from the Panel but did not call any witnesses.

Having considered the evidence presented to them the Standards Committee Panel accepted the findings of fact made by the Investigating Officer.

Whether or not Councillor William Jeffrey has failed to follow the Code of Conduct

The Investigation report had explored potential breaches of paragraphs 1, 2 and 5 of the Town Council's Code of Conduct. Paragraph 1 requires members to behave in such a way that a reasonable person would regard as respectful. Paragraph 2 requires members not to act in a way which a reasonable person would regard as bullying or intimidatory and paragraph 5 prohibits the disclosure of confidential information.

The Independent Person was able to participate in the hearing, ask questions and give her views on whether the Member had failed to follow the Code of Conduct.

The Standards Committee Hearing Panel's decision on whether or not there has been a breach of the Code of Conduct

A The Panel accepted that Cllr Jeffrey behaved as he did in support of his fellow Member Councillor Thompson who was of the genuine belief that she had identified financial irregularities within the Town Council. However neither his wish to support Councillor Thompson nor his perception of the genuineness of her concerns could entirely justify or excuse his conduct and the Standards

Committee Panel were unanimous in their decision that paragraphs 1 and 5 of the Peterlee Town Council Code of Conduct had been breached in relation to the following matters:-

(i) That at a meeting of Peterlee Town Council on the 17th February 2014 in referring to a “cover up” in respect of the drafting of the minutes of the meeting of the Town Council’s Establishment Committee on the 3rd February 2014 which were under consideration at the meeting on the 17th February 2014 and the fact that the minutes would need to be rewritten Councillor Jeffrey had failed to treat the relevant officers responsible for the preparation and submission of those Minutes with respect contrary to paragraph 1 of the code of conduct.

(ii) That at a meeting of a Community Group on an unidentified date Councillor Jeffrey had, by his own admission, discussed in public, details associated with the former Clerk’s ill-health which the former Clerk had not consented to contrary to paragraph 5 of the code of conduct.

B The Standards Committee Panel were unanimous in their decision that paragraphs 1 and 2 of the Peterlee Town Council Code of Conduct had not been breached in relation to the following matters:-

(i) In relation to Councillor Jeffrey’s failure to provide any information about his part in the approval of the former Clerk’s phased return to work arrangements at a meeting of Peterlee Town Council’s Establishment Committee on the 3rd February 2014. The Panel found that while his failure in this regard was misguided it did not, of itself, constitute a breach of the code of conduct and paragraph 1 in particular.

(ii) That at the same meeting referred to in paragraph (i) immediately above where Councillor Jeffrey was supportive of critical comments made by a fellow member, Councillor Thompson, regarding a report on the review of the Town Council’s organisational structure which had been prepared by the former Clerk. These comments were found by the Panel not to demonstrate a lack of respect to the former Clerk and, therefore, not a breach of paragraph 1 of the code of conduct but rather were accepted by the Panel as a straightforward expression of Councillor Jeffrey’s genuinely held frustration at the apparent lack of progress with the item in question.

(iii) A failure, by Councillor Jeffrey, to disassociate himself from a fellow member, Councillor Thompson’s general conduct towards the former Clerk including in respect to various emails sent by his fellow member, Councillor Thompson, to the former Clerk. The Panel shared the Investigating Officer’s criticism of Councillor Jeffrey in this matter to an extent but could not find that his inaction constituted a breach of paragraph 1 of the code of conduct.

(iv) Council Jeffrey’s role in the deteriorating relationship between his fellow member, Councillor Thompson, and the former Clerk was regrettable the Panel found, but did not constitute the bullying or harassment of the former Clerk and therefore was not a breach of paragraph 2 of the code of conduct.

Sanctions

Notwithstanding the breaches of the code of conduct which had been found against Councillor Jeffrey the Panel concluded, particularly in light of the fact that he was not to seek re-election to the Town Council at the May 2017 local government elections, that no sanction should be imposed on Councillor Jeffrey.

Right of Appeal

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

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Councillor B Kellett
Chairman of the Standards Committee Panel

Date: