

**BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**

**STANDARDS COMMITTEE – PANEL HEARING**

**Minutes of a Meeting of the Standards Committee held on  
Wednesday 21 April 2010 at 10.00 am in the Council Chamber,  
Town Hall, Saturday Market Place, King's Lynn**

**PRESENT:**

Mr M Sale (Independent Member and Chairman)  
Mr D Shepperson (Parish Member) and Councillor J Legg

**Also in attendance:** Jacqui Bullen (Investigating Officer)

Teresa Campion (Legal Advisor)

Wendy Vincent (Democratic Services Officer)

Councillors J Dawson and I Goodson for training purposes only

**Observing:** Nicola Leader, Monitoring Officer

**1 INTRODUCTIONS**

The Chairman welcomed everyone to the meeting and made introductions. He explained that Mr J Dawson and Councillor Goodson were members of the Standards Committee and were present for training purposes only and would not participate in the proceedings.

The Borough Council's Monitoring Officer was also present to observe the proceedings.

**2 DECLARATIONS OF INTEREST**

There were none.

**3 TO CONSIDER THE LOCAL INVESTIGATION AS TO AN ALLEGATION  
AGAINST PARISH COUNCILLOR MR JOHN HOUSTON OF  
DERSINGHAM PARISH COUNCIL (11/09)**

The Chairman confirmed that the Standards Committee, Panel Hearing was quorate and outlined the procedure which would be followed throughout the hearing.

Parish Councillor Houston was present and confirmed he had no questions on the procedure that would be followed at today's Panel Hearing. Councillor Houston referred to an email he had sent to the Monitoring Officer on the evening of 19 April 2010. In response, the Chairman explained that the purpose of the pre-hearing process was to obtain any relevant evidence from both the complainant and the member being complained of. If, however, the Panel agreed to consider the email dated 19

April at any stage during the hearing it would be necessary to give the Investigating Officer an opportunity to view the contents of the email and therefore it might be appropriate to adjourn the hearing. Parish Councillor Houston outlined the reasons why he had not provided any correspondence as evidence as part of the pre-hearing process and highlighted that he had been advised by his solicitor not to do so. Parish Councillor Houston also explained the reasons why he would not be calling any of his two witnesses.

Parish Councillor Houston stated that in his view complaints of this nature should not be determined at local level, but by Standards for England.

The Chairman advised that the Panel accepted the fact that Councillor Houston had obtained his solicitor's advice, but there was a process to be followed to allow the hearing to go ahead. The Chairman re-iterated that if appropriate at any stage the hearing would be adjourned to allow the Investigating Officer to view the contents of the email sent to the Monitoring Officer on the evening of 19 April 2010.

The Chairman invited the Legal Advisor to offer any advice to the Panel.

The Legal Advisor explained that if at any time during the course of the hearing the Panel felt it was necessary for Councillor Houston to call his two witnesses, the Panel could adjourn. However, she advised that the hearing should commence and the Panel adjourn at an appropriate point if it was necessary.

The hearing was conducted in open session.

The Chairman invited the Panel's Legal Advisor to present her Pre-Hearing Summary Report which had been circulated to Members and other interested parties in advance.

The Legal Advisor explained:

A complaint had been received from Mr Paul Burall against Dersingham Parish Councillor Mr John Houston, in that he had failed to treat others with respect and bullied another person at a meeting of the Finance and General Purposes Committee on the 21 July 2009 which was open to the public. During a discussion on the accuracy of the minutes, Parish Councillor Houston at least twice called the Chair, Councillor Mrs Sergeant "a thief" and refused to withdraw the allegation. It was further alleged that Parish Councillor Houston behaved in a threatening and abusive manner, standing up at the meeting and shouting at the Chair and other members of the Committee.

The Complainant completed a complaint form referring the above matter to the Borough Council of King's Lynn and West Norfolk for investigation.

The local investigation was carried out by Mrs Jacqui Bullen, Deputy Monitoring Officer and the Investigating Officer in the case. The Investigating Officer presented her final report on 17 March 2010.

In accordance with the Standards Committee Hearing Procedure as adopted on the 30 August 2006, the Legal Advisor wrote to Parish Councillor Mr Houston on the 22 March 2010, informing him of the hearing and requesting responses to the standard pre-hearing forms. It was requested that the responses to the forms be provided not later than 14 days from the date of receipt of the letter. To date no response had been received.

Findings of fact which are agreed:

Parish Councillor Mr Houston had not made any further comments as to the facts of this matter.

Points of Dispute

No specific points of dispute had been raised.

Attendance and Representation:

Parish Councillor Mr Houston had not indicated prior to the hearing if he would be attending the hearing, or if he had appointed a representative to attend the hearing.

The Chairman invited the Investigating Officer to present her report.

The Investigating Officer presented her report and outlined the details contained within her report circulated with the Agenda, drawing particular attention to the following points as set out below:

The allegation was that Parish Councillor John Houston failed to comply with paragraph 3(1) (failure to treat others with respect) and 3(2) (bullying any person) of Dersingham Parish Council's Code of Conduct, in that at a meeting of the Parish Council's Finance and General Purposes Committee held on the 21 July 2009 which was open to the public, during a discussion on the accuracy of the minutes, Parish Councillor Houston at least twice called the Chair, Councillor Mrs Sergeant "a thief" and refused to withdraw the allegation. It was further alleged that Parish Councillor Houston behaved in a threatening and abusive manner, standing up at the meeting and shouting at the Chair and other members of the Committee.

The Investigating Officer had undertaken an investigation as to whether Parish Councillor Houston had breached Dersingham Parish Council's Code of Conduct. The outcome of the investigation was a finding of a breach of Paragraphs 3(1) and 3(2)(b) of the Code of Conduct.

Mr John Houston accepted office as a Parish Councillor for Dersingham Parish Council on 10<sup>th</sup> May 2007. A copy of Parish Councillor Houston's Declaration of Acceptance of Office and Undertaking to observe the Code was included at Appendix A.

### Relevant legislation

On 21<sup>st</sup> May 2007 Dersingham Parish Council adopted the Model Code of Conduct ("the Code") in which the following paragraphs are included:-

Paragraphs 3(1) You must treat others with respect.

Paragraph 3 (2)(b) and 3 (2)(c) You must not—

- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be—
  - (i) a complainant,
  - (ii) a witness, or
  - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct.

The Investigating Officer advised that she had carried out an investigation as to whether Councillor John Houston had failed to comply with Dersingham Parish Council's Code of Conduct ("the Code"). In the course of the investigation she had interviewed Councillor Paul Burall and Dersingham Parish Councillor Gillian Sergeant.

### Allegations

The complainant stated that he believed that the accusation of calling the Chair "a thief" was unfounded, and even if it did have foundation, that the manner in which Parish Councillor Houston raised it was in breach of the way Councillors should behave in a public meeting. He also believed that by Parish Councillor Houston standing up and shouting at the Chair, Councillor Gillian Sergeant, was bullying behaviour.

The Investigating Officer interviewed Councillor Paul Burall and Dersingham Parish Councillor Gillian Sergeant separately about the complaint and made separate notes from each interview which had been independently agreed by them both. These were attached at Appendix B to the Investigation Report.

### Conclusion

The Investigating Officer explained that after having heard the evidence from both parties she concluded in relation to this allegation that she did find that there had been breaches of the Code of Conduct.

The Investigating Officer wrote to Parish Councillor Houston on 4<sup>th</sup> September 2009 and 4<sup>th</sup> December 2009, but had received no response to her letters. Parish Councillor Houston telephoned the Council offices on the 5<sup>th</sup> December 2009 and advised the Investigating Officer that he would not be making any contact or attending any interviews and that he wanted the case against him to proceed.

The draft report was sent with a covering letter inviting comments to both the complainant and Parish Councillor Houston on 12<sup>th</sup> February 2010. No comments were received from the complainant or Parish Councillor Houston.

The Standards Committee would have to consider all the evidence and the witnesses' testimonies and decide on the balance of probabilities whether the Code of Conduct had been breached.

The Investigating Officer advised that she had received a telephone call from Parish Councillor Houston after her final report had been issued stating that he did not have any additional comments to make and that he wanted the case against him to proceed.

### Reasoning

In relation to a possible breach of Paragraph 3(1) that is treating people with respect, the Code of Guidance – Code of Conduct for Members May 2007 deals with cases where individuals are subject to unreasonable or excessive personal attack. Rude and offensive behaviour lowers the public's expectations and confidence in elected representatives.

The Investigating Officer found that during the meeting on 21<sup>st</sup> July 2009, Parish Councillor Houston was rude to the Chair and this appeared to be corroborated by the evidence of Councillor Burall.

At the meeting of 21<sup>st</sup> July 2009 the Parish Council Minutes of the meeting held on 15<sup>th</sup> June 2009 were to be approved. It was at this meeting that it was resolved the minutes were not acceptable on certain points and this appeared to be the reason why Parish Councillor Houston became angry, resulting in this complaint being made against him. The minutes of the 15<sup>th</sup> June meeting had originally stated that Parish Councillor Houston had become angry and was shouting because the standpipe had been removed. These minutes were subsequently amended by omitting reference to Parish Councillor Houston's behaviour.

Having considered all the evidence, the Investigating Officer was of the view that Parish Councillor Houston did not treat the Chair, Councillor Gillian Sergeant with respect and there had been a breach of Paragraph 3(1) of the Borough Council's Code of Conduct.

The Investigating Officer considered Paragraph 3(2)(b) of the Code of Conduct and she was of the view that the incident of standing up and

shouting was sufficiently serious to constitute bullying. Bullying under the Code of Guidance was defined as “offensive, intimidating, malicious, insulting or humiliating behaviour.” Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempted to undermine an individual or a group of individuals, was detrimental to their confidence and capability, and may adversely affect their health.”

From the evidence available it appeared that there had been prior complaints regarding Parish Councillor Houston’s behaviour and this did not appear to be a one off incident.

#### Finding of Deputy Monitoring Officer

The Investigating Officer found that there has been a breach by Parish Councillor Houston of Paragraph 3(1) and Paragraph 3(2) of Dersingham Parish Council’s Code of Conduct in that his behaviour towards Councillor Gillian Sergeant did constitute bullying.

In response to a comment from the Chairman, the Investigating Officer advised that it was her intention to call two witnesses, Councillor Paul Burall the complainant and Mrs Gillian Sergeant, Chairman of Dersingham Parish Council.

The Chairman invited the Investigating Officer to call her first witness, Councillor Paul Burall.

At 10.22 am, the Investigating Officer called Councillor Paul Burall, as a witness to provide evidence to the Panel.

The Chairman thanked Councillor Burall for attending the hearing and outlined the procedure that would be followed.

The Investigating Officer invited Councillor Burall to advise the Panel of what happened at the meeting of Dersingham Parish Council’s Finance and General Purpose Committee held on 21 July 2009.

Councillor Burall explained that there was an argument regarding the accuracy of the minutes early on in the meeting. Parish Councillor Houston had objected to the draft minutes and stated that the minutes did not record the fact that the Clerk and the Chairman were thieves. Parish Councillor Houston behaved in an aggressive manner and appeared angry. Councillor Chapman had clearly become upset and left the room. Councillor Brackstone had also become upset during the altercation and stood up. Councillor Mrs Sergeant had tried to calm the situation and eventually suspended the meeting. Once things had calmed down, Councillor Chapman returned to the meeting.

Councillor Burall added that when Councillor Brackstone said he would be making a complaint against Parish Councillor Houston, Councillor Houston subsequently remained silent for the duration of the meeting.

In conclusion, Councillor Burall stated that he was aware other complaints had been lodged regarding Parish Councillor Houston's unacceptable behaviour, and referred to a previous complaint which had been upheld when Councillor Houston had called a County Councillor a "lying cow."

The Investigating Officer asked Councillor Burall if other members present appeared to be upset when Councillor Chapman left the meeting room. In response, Councillor Burall explained that there appeared to be no other reason for Councillor Chapman to leave the room, other than he had been upset by the behaviour of Councillor Houston. Councillor Chapman had in fact tried to calm the situation, but seemed to have failed and became upset. Other members present appeared to be upset by the behaviour of Councillor Houston.

The Chairman invited Councillor Burall to outline the sequence of events at the meeting on 21 July 2009, in particular, when Parish Councillor Houston had requested an amendment to the minutes of a previous meeting.

Councillor Burall explained that Councillor Houston had accused the Clerk of being a thief and from his recollection Councillor Houston had also accused the Chairman of being a thief.

The Chairman asked Councillor Burall if he could recall what was said and by whom. Councillor Burall explained that he could not recall precisely what had been said, but stated that Councillor Houston behaved in an aggressive manner and had accused the Clerk and the Chairman of being thieves. Councillor Houston had stood up and towered over the Chairman and behaved in a threatening manner.

The Chairman asked Councillor Burall to inform the Panel how far away Councillor Houston was from the Chairman.

Councillor Burall explained that it was less than 4 feet and that Councillor Houston was sitting down and then stood up.

The Chairman asked Parish Councillor Houston if there were any questions he wished the Panel to ask Councillor Burall on his behalf.

Councillor Houston stated that it was illegal to take property belonging to Councillor Mrs Valerie Brundle. Nothing had been done regarding the theft of property. Councillor Houston explained that the standpipe had been illegally removed and it had taken four months for it to be returned. The standpipe had been thrown on Councillor Brundle's doorstep.

Councillor Houston explained that at the previous meeting, the Chairman had said she would consider returning the standpipe. This had not been

recorded in the minutes. At the meeting on 21 July 2009, he had asked for the minutes of the previous meeting to be amended to include the fact that the Chairman had said she would consider returning the standpipe to Councillor Brundle.

The Chairman invited Councillor Burall to comment.

Councillor Burall explained that the standpipe was the responsibility of the Parish Council and was used for events on the recreation ground. The standpipe was detachable and could be taken away for use at events. The Parish Council kept the standpipe, but on one occasion, unfortunately, the standpipe had become damaged and the Parish Council was not informed. Councillor Houston had purchased parts to repair the standpipe. The Chairman was unaware that Councillor Houston had repaired the standpipe. Councillor Burall's understanding was that Councillor Houston had contacted the Police and informed them that the Chairman and Clerk had stolen the standpipe. The Police had investigated and written a letter to the Parish Council informing them that no crime had been committed.

Councillor Houston stated that this appeared strange as he had contacted the Police Officer and explained that the standpipe was Councillor Brundle's property and had been stolen. Councillor Houston added that he had also contacted Councillor Burall who had ignored his complaint. Councillor Houston explained that the Chairman's attitude was not acceptable when he had requested an amendment to the minutes. Councillor Houston stated that the Chairman was "hiding" behind legal documents.

The Chairman asked Councillor Houston to confirm that his request was for the minutes to be amended. Councillor Houston confirmed that this was correct and that he was at the other end of the table to the Chairman and questioned the fact of him being able to stand up and tower over the Chairman was beyond him.

Councillor Houston explained that he did not move around and that his witness would confirm that fact. Councillor Houston added that the only time he stood up was when Councillor Sergeant "lost the plot" and closed the meeting. The Chairman had told Councillor Houston that he could not leave as there was further business to discuss. Councillor Houston had replied "make up your mind or not if you have closed the meeting." There was an exchange of conversation and Councillor Houston explained that the Chairman's voice was not the lowest; he therefore had to raise his voice to get his point across.

Councillor Burall advised that he was sure that Councillor Houston had accused the Clerk of being a thief. Councillor Houston had stood up and became very aggressive.

Councillor Houston stated that aggression could be two-way. The Chairman had been aggressive to him. Councillor Houston stated that he did call the

Chairman a thief and went on to say that if you deny the owner the right of their own property and keep it, you were a thief.

The Chairman asked Councillor Burall (witness) if the Chairman had been aggressive to Councillor Houston.

In response, Councillor Burall explained that at a late stage in the meeting the Chairman became extremely cross and angry and suspended the meeting.

The Panel had no further questions for the first witness. Councillor Burall (first witness) remained in the room for the remainder of the Panel Hearing.

At 10.35 am, the Investigating Officer called the second witness, the Chairman of Dersingham Parish Council, Mrs Gillian Sergeant.

The Chairman thanked Councillor Mrs Sergeant for attending the hearing and outlined the procedure that would be followed.

The Investigating Officer invited Parish Councillor Mrs Sergeant to describe Councillor Houston's behaviour and what happened at the meeting on 21 July 2009.

Councillor Mrs Sergeant explained that Councillor Houston did not agree with matters which were being discussed and became very aggressive and called her a thief. This was not the first occasion he had disagreed with matters being discussed.

The Chairman explained that it would be helpful to the Panel if Councillor Mrs Sergeant could recall the matter being discussed at the previous meeting that Councillor Houston did not agree with. In response, Councillor Mrs Sergeant explained that Councillor Houston had disagreed with the minutes.

The Chairman asked Councillor Mrs Sergeant to explain the specific matter that Councillor Houston had disagreed with. Councillor Mrs Sergeant stated that she could not specifically recall why Councillor Houston had disagreed with the previous minutes. Councillor Mrs Sergeant explained that the meeting became rather noisy and difficult, but could not recall the reason for the outburst. Councillor Mrs Sergeant stated that Councillor Houston stood up and shouted, but the rest was a total blur and further went on to say that she could not remember. However, Councillor Mrs Sergeant added that Councillor Chapman had used the word "ridiculous." Councillor Sergeant explained that Councillor Houston contested the minutes of most meetings.

The Investigating Officer reminded Councillor Mrs Sergeant of the interview the Investigating Officer had conducted with herself and asked Councillor Mrs Sergeant to elaborate on what happened and Councillor Houston's behaviour to her.

Councillor Mrs Sergeant explained that there were two tables. Councillor Brackstone had sat next to her, Councillor Chapman sat next to Councillor Houston. Councillor Burall was also seated. Councillor Mrs Sergeant could not recall the exact words Councillor Houston had used in his exchange of conversation between herself and Councillor Brackstone.

The Investigating Officer asked Councillor Mrs Sergeant how Councillor Houston's behaviour had made her feel. Councillor Mrs Sergeant stated that Councillor Houston had shouted and that this was a regular occurrence. Councillor Houston was unpleasant at most meetings. Councillor Brackstone was "shaking". Councillor Mrs Sergeant was not on her own when the situation had arisen and she had taken it "second by second".

The Investigating Officer asked Councillor Mrs Sergeant if she had called the meeting to an end. In response, Councillor Mrs Sergeant explained that the meeting had been called to an end prior to the altercation and therefore was outside of the meeting and had not been documented. Councillor Mrs Sergeant added that she did not wish the public to know that "this kind of thing was happening" on a regular basis at Parish Council meetings.

The Panel confirmed they had no further questions to ask Councillor Mrs Sergeant.

The Chairman asked Parish Councillor Houston if he had any questions he wished the Panel to ask the witness on his behalf.

Councillor Houston asked if Councillor Mrs Sergeant could confirm Councillor Burall's position at the table during the meeting. In response, Councillor Mrs Sergeant stated she could not recall Councillor Burall's exact position, but did remember that Councillor Chapman had to walk round Councillor Houston to exit the room.

Councillor Houston added that it was an inaccurate statement of where he was sitting. Councillor Houston stated that Councillor Mrs Sergeant behaved in an aggressive manner on a regular basis. Councillor Houston explained that he did question the minutes under matters arising and added that "a lot" of members did not like it, but he, himself had a good memory.

The Chairman asked Councillor Houston if he regularly questioned the minutes. Councillor Houston confirmed he did and stated that Councillor Sergeant often interrupted when he did question the minutes, and that if Councillor Sergeant considered this to be aggressive, then this was a sad state of affairs.

Councillor Mrs Sergeant explained that everyone else agreed with the minutes apart from Councillor Houston. Councillor Mrs Sergeant went on to say that the minutes were considered not be correct if they were not "adapted to Councillor Houston's way."

The Chairman asked Councillor Mrs Sergeant if Councillor Houston regularly questioned the minutes. Councillor Mrs Sergeant confirmed that Councillor Houston did regularly question the accuracy of the minutes. Councillor Mrs Sergeant explained that in her opinion the best way was for the majority of members to agree the minutes.

The Chairman highlighted the importance of accurate minutes because they were a public record and open to inspection.

Councillor Houston explained that he was not trying to manipulate the minutes and that he believed what he said was truthful and that the minutes were a legal document. Councillor Houston stated that Councillor Chapman and Councillor Brundle were also of the same opinion as himself.

Councillor Mrs Sergeant stated that Councillor Chapman had not been present at Parish Council meetings since last December. When Councillor Brundle had raised a point this was discussed. Councillor Mrs Sergeant added that not everyone was always happy with the minutes, but minutes should be agreed by the majority of members. Councillor Mrs Sergeant stated that she herself was not always happy with the minutes and had been in disagreement with the Clerk.

Councillor Houston explained that Councillor Chapman had not been present since last December as she was dissatisfied with the attitude of some Dersingham Parish Councillors.

The Chairman asked Councillor Houston if there were any further questions he wish the Panel to ask Councillor Mrs Sergeant on his behalf.

Councillor Houston stated that he wished the Panel to ask Councillor Mrs Sergeant to confirm that at a previous meeting she had stated that she would consider returning the property (standpipe) to Councillor Mrs Brundle and why this had not been recorded in the minutes.

The Chairman asked Councillor Houston to confirm this was the amendment he was seeking to the minutes.

Councillor Houston confirmed this to be correct.

The Chairman asked Councillor Mrs Sergeant if she could recall Councillor Houston's request to the amendment to the minutes of a previous meeting.

Councillor Mrs Sergeant stated that she could not recall the request made by Councillor Houston. However, she explained that there was a conversation about returning the whole standpipe to Councillor Mrs Brundle not just a part(s). Councillor Mrs Sergeant stated that it was unclear as who owned what and that the Police had been involved. It was Councillor Sergeant's understanding that it was not to consider returning the standpipe to Councillor Mrs Brundle, but who owned what parts and that it was a

misunderstanding by Councillor Houston. There was no doubt that if parts belonged to Councillor Mrs Brundle they would be returned.

Councillor Mrs Sergeant stated that she was not aware of the state of the standpipe when it was returned to Councillor Mrs Brundle.

Councillor Houston stated that the standpipe was the responsibility of Dersingham Parish Council and that when it was returned for use on the War Memorial Project it had been severely damaged and was inoperable. Councillor Houston explained that Councillor Mrs Brundle and himself had bought new parts to enable the standpipe to become operable.

The Chairman reminded Councillor Houston that the allegation made was regarding the accuracy of the minutes.

Councillor Houston stated that no suggestion was made at the meeting as to which parts should be returned. At the previous meeting he had asked for an amendment to the minutes requesting that the standpipe be returned.

In response to further questions from the Panel, Councillor Mrs Sergeant explained that she had received a copy of the minutes of the previous meeting and went on to say that some Councillors preferred the minutes to be verbatim and others preferred a shortened version which recorded only the basic detail and resolution. There was conflict within Dersingham Parish Council on how the minutes were produced.

There were no further questions from the Panel to the witness or Investigating Officer.

Councillor Mrs Sergeant (second witness) remained in the room for the remainder of the Panel Hearing.

The Chairman invited Councillor Houston to present his case.

Councillor Houston stated that "whatever he said did not matter" and that this was how the Parish Council operated the minutes. Councillor Houston went on to state that the important and controversial matters were not recorded and that these matters were not above board. The Parish Council tended to "hide" behind the minutes.

The Chairman offered assistance to Councillor Houston and asked him to focus on what happened at the meeting on 21 July 2009. The Panel would then be in a position to decide whether the allegation, if proven, amounted to a breach of the Dersingham Parish Council's Code of Conduct.

The Chairman invited Councillor Houston to give an account, at what point in the meeting did the Parish Council agree the minutes of the previous meeting. The Chairman also asked Councillor Houston to confirm that his proposed amendment was regarding the issue of the standpipe.

Councillor Houston explained that his proposed amendment was made to show the truth of what happened at the previous meeting. Councillor Houston stated that the Chairman has said that she would consider the return of Councillor Mrs Brundle's property.

The Chairman asked Councillor Houston to clarify if the request was for the return of the whole standpipe, or part, and to provide information on the manner in which the request was made.

Councillor Houston stated that "the Parish Council could not hide behind the minutes". The minutes should have shown that the request for the return of the standpipe was considered. Councillor Houston felt, that in his opinion, this was doing the Parish Council no good and bringing it into disrepute by taking someone else's property. Councillor Sergeant had announced the meeting should "move on". Councillor Houston replied saying "excuse me, the minutes have got to be agreed" and had to raise his voice in order to be heard over the voice of the Chairman. Councillor Houston stated that a "heated" argument had occurred.

Councillor Houston went on to say that the Chairman and himself had tried to shout each other down, but it had not worked.

The Chairman asked Councillor Houston to advise the Panel of the exact words that had been used.

In response, Councillor Houston said he knew exactly of what had been said as he had "taped" the whole meeting.

The Chairman asked Councillor Houston if the Dersingham Parish Council was aware of the meeting being taped. Councillor Houston replied "I was."

The Chairman asked why Councillor Houston had taped the whole meeting.

Councillor Houston stated that what was said at the meeting was rubbish, and he knew what information that the Chairman would agree/not agree to be included in the minutes.

The Chairman asked Councillor Houston to inform the Panel of what was said.

Councillor Houston replied "what was told."

The Chairman asked Councillor Houston at what point in the meeting did he leave the meeting room.

Councillor Houston explained he left the room when Councillor Chapman had been disgusted by the way "things were going on." Councillor Houston stated that Councillor Chapman had also written to the Monitoring Officer.

The Chairman asked Councillor Houston if Councillor Chapman left the meeting room.

In response, Councillor Houston explained that Councillor Chapman was "up by the door."

The Chairman asked Councillor Houston if any other Councillors left the meeting room.

Councillor Houston replied that he did not see anyone else leave the room.

In response to further questions from the Panel, Councillor Houston explained that Councillor Mrs Sergeant had thrown her arms about and closed the meeting. Councillor Houston had stood up. Councillor Mrs Sergeant asked Councillor Houston where he was going as the Council had not finished its business for the day. Councillor Houston replied "I am going home."

The Chairman asked Councillor Houston if the meeting was reconvened. Councillor Houston said the meeting was reconvened because Councillor Mrs Sergeant had stated that there was further business to consider.

Councillor Houston explained that Councillor Brackstone had leant over the table in an attempt to hit Councillor Houston. Councillor Houston had told Councillor Brackstone not to be so stupid in church and stated that Councillor Sergeant had thought this to be funny.

Councillor Houston then provided details of what had happened at the next meeting. Councillor Houston explained that Councillor Brackstone had again attempted to hit him. Councillor Houston believed this to be disrespectful and that there was no response whatsoever from the Chairman, Councillor Mrs Sergeant.

In response to questions from the Panel, Councillor Houston stated that Councillor Burall was manipulative. Councillor Houston had complained to Councillor Burall 18 months ago and Councillor Burall did not respond, but said that it could cost the Parish Council money if the matter was taken any further.

In response to a question regarding Councillor Burall's evidence, Councillor Houston stated that Councillor Burall made it up as he went along and that Councillor Sergeant and Councillor Burall were running partners for the Borough Council and were "tied up together".

The Chairman asked Councillor Houston if he had anything further to add.

Councillor Houston confirmed that he had nothing further to add at that moment.

The Chairman asked the Investigating Officer if there were any questions she wished the Panel to ask Councillor Houston on her behalf.

The Investigating Officer explained that when she had interviewed Councillor Sergeant, Councillor Sergeant had said that Councillor Brackstone had become upset regarding Councillor Houston's behaviour. When the meeting had been reconvened it had become more calm, and suggested that the Chairman ask Councillor Houston if the meeting proceeded smoothly without further aggravation.

In response to questions, Councillor Houston explained that minutes from the previous meeting were circulated sometimes 5 days to a week before the next meeting, but there was no procedure in place. Councillor Houston stated that if a visit was made to the Parish Office to suggest an amendment to the minutes, the response was that it would be done at the meeting.

The Chairman advised the hearing that the Panel had heard Councillor Houston present his case and the questions asked in response. The Chairman referred to the procedure to be followed which had been outlined by the Legal Advisor. He also drew the Panel's attention to the email sent to the Monitoring Officer on the evening of 19 April 2010 prior to the hearing and that Councillor Houston had two witnesses but did not intend calling them today.

Councillor Houston stated that the two witnesses were not present at the hearing. One witness was a minor and was in hospital.

The Chairman referred to the email received on 21 April from a lady Councillor. The email was sent by Councillor Mrs Brundle. The Chairman asked if the Investigating Officer would like to view the email.

The Investigating Officer confirmed she would like the opportunity to view the email referred to above.

The Chairman invited the Investigating Officer and Standards Committee Panel to view the email from Councillor Mrs Brundle.

At this point in the hearing, the Chairman sought legal advice from the Legal Advisor.

The Legal Advisor advised that the relevant people should be made aware of the content.

The Chairman read out the content of the email sent on 21 April 2010 at 10.19 am from Councillor Mrs Brundle and explained that the Investigating Officer would be given the opportunity to respond.

The Legal Advisor advised the Panel that it might be appropriate to read the content of the email in "closed" session as the comments could be potentially "libellous".

Following the advice received from the Legal Advisor, the Panel adjourned at 11.20 am to consider the email received from Councillor Mrs Brundle.

At 11.33 am the Panel reconvened.

The Chairman explained to Councillor Houston that the Panel had adjourned to consider the email received from Councillor Mrs Brundle. The view of the Panel was that the email was making allegations against Dersingham Parish Councillors, and that the Panel would not accept any responsible allegations without prior notice or an opportunity to respond. The Panel had therefore determined to disregard the email and that it would take no part in the Panel's deliberations.

The Chairman invited the Investigating Officer to comment.

The Investigating Officer advised that she was in agreement with the Panel to disregard the email from Councillor Mrs Brundle as part of the Panel's deliberations.

Councillor Houston referred to a previous meeting of Dersingham Parish Council when it was alleged he had called a County Councillor a lying cow.

Councillor Houston tried to make reference to another Parish Councillor being subject to a complaint against her. The Legal Advisor advised Councillor Houston that this was not relevant to the complaint being considered today.

The Chairman asked Councillor Houston if he had any further comments to make.

Councillor Houston confirmed he had no further comments to make.

The Chairman asked the Legal Advisor if there was any advice she felt should be offered to the Panel.

The Legal Advisor confirmed that she had no further advice to give to the Panel.

The Panel retired at 11.36 am to consider its decision in private.

At 12.28 pm the Panel reconvened.

The Chairman explained that the Legal Advisor had been asked to explore the definition of bullying within the context of the Code of Conduct. The Legal Advisor had also been asked to advise the Panel on procedural matters on the Panel's likely finding and took no part in the proceedings.

The Chairman outlined the findings of fact as follows:

### Allegation 1

Members of the Standards Committee at the Panel Hearing considered the Investigating Officer's report and the evidence provided by Councillor Paul Burall and were satisfied that what Dersingham Parish Councillor John Houston did at the meeting on 21 July 1999 by accusing the Clerk and the Chairman as being "thieves", and that during today's hearing, Councillor Houston himself confirmed he had called both the Clerk and Chairman "thieves", believe that Councillor Houston had failed to treat others with respect and therefore had breached Dersingham Parish Council's Code of Conduct, paragraph 3(1).

### Allegation 2

Members of the Standards Committee at the Panel Hearing were not satisfied that Councillor Houston's behaviour had amounted to bullying and therefore found that Councillor Houston had not breached Dersingham Parish Council's Code of Conduct, paragraph 3(2)(b).

The Chairman explained that following the findings of fact it was important to decide if a sanction should be imposed upon Councillor Houston in response of the breach of paragraph 3(1) of Dersingham Parish Council's Code of Conduct. Councillor Houston would be invited to comment and the Investigating Officer would be invited to address the Panel to propose an appropriate sanction. Following an enquiry to Standards for England, it had been confirmed that previous breaches of the Code could be taken into account by the Panel today.

The Chairman invited the Investigating Officer to suggest an appropriate sanction to be imposed on Councillor Houston for breach of Dersingham Parish Council's Code of Conduct, paragraph 3.1.

The Investigating Officer stated that she had no opinion on an appropriate sanction to be imposed upon Councillor Houston.

The Investigating Officer referred to previous breaches by Councillor Houston of Dersingham Parish Council's Code of Conduct.

The Chairman highlighted the importance of the accuracy of information presented in order for the Panel to determine the decision today and invited the Investigating Officer to obtain the information of previous breaches and suggested the Panel adjourn for a period of 15 minutes to allow the Investigating Officer to obtain the relevant information.

The Panel adjourned at 12.37 pm and reconvened at 1.13 pm.

The Investigating Officer outlined the previous allegations made against Councillor Houston and sanctions the Standards Committee had imposed upon Councillor Houston as follows:

### Standards Panel Hearing – 14 August 2007

The Standards Panel Hearing had found Councillor Houston guilty of breaching Dersingham Parish Council's Code of Conduct, paragraph 14 in that it was incumbent for a Councillor to provide the Monitoring Officer with relevant information within a specific timescale. The Standards Panel Hearing had imposed the sanction of censure upon Councillor Houston.

### Standards Panel Hearing – 1 February 2007

The Standards Panel Hearing had found Councillor Houston guilty of breaching Dersingham Parish Council's Code of Conduct, paragraph 3.1 failing to treat others with respect. The Standards Panel Hearing had imposed the sanction of a written apology.

The Chairman asked Councillor Houston if this was a correct record of the breaches proven relating to Dersingham Parish Council's Code of Conduct.

Councillor Houston replied "it must be."

The Chairman invited Councillor Houston to add any further comment prior to the Panel retiring to consider an appropriate sanction.

Councillor Houston stated that he had a lot to say, but if he did so and made a further statement it would go against him.

The Panel retired at 1.16 pm to consider its decision in private.

The Chairman returned to the meeting room and asked Dersingham Parish Council how often their meetings were held. Councillor Burall replied that the meetings were held monthly and there was a schedule of meetings published for May, June and July.

At 1.21 pm the Legal Advisor was asked to provide advice to the Panel whilst considering their decision in private.

At 1.30 pm the Panel reconvened.

The Chairman explained to Councillor Houston that the Legal Advisor had been asked to confirm that the sanction to be imposed was within the powers of the Standards Committee.

### **Decision**

The Chairman explained that the Standards Committee had reached the following decision after considering the submissions of the parties:

Allegation 1

Dersingham Parish Councillor John Houston **did breach** the Dersingham Parish Council's Code of Conduct paragraph 3(1) (failure to treat others with respect).

Allegation 2

Dersingham Parish Councillor John Houston **did not breach** the Dersingham Parish Council's Code of Conduct paragraph 3(2)(b) (bully any person).

The Standards Committee's reasons for this decision were:

Allegation 1

Given the Panel's findings of fact Members were satisfied that Councillor Houston's behaviour had subjected the Chair and Clerk of the Parish Council to unreasonable personal attack in accusing them of being thieves and in his other behaviour towards the Chair and thereby breached Paragraph 3(1) of the Parish Council's Code of Conduct by failing to treat them with respect.

Allegation 2

Panel Members were not, however, satisfied that the behaviour amounted to bullying within the meaning of the Code and therefore found that Councillor Houston had not breached Dersingham Parish Council's Code of Conduct, paragraph 3(2)(b).

**Sanction**

The Standards Committee reached the following decision after considering the submissions of the Investigating Officer.

Allegation 1

The Panel decided to impose the sanction of suspension for a period of three months with immediate effect.

The Panel's reasons for deciding to impose sanction are:-

- That the behaviour of Councillor Houston at the Dersingham Parish Council's Finance and General Purposes Committee held on 21 July 2009 fell far short of the standards of behaviour that are expected of Councillors when conducting Council business.
- That Councillor Houston throughout the course of the investigation and at the hearing had shown no contrition and for this reason the Panel did not feel it appropriate to require him as part of the sanction to apologise

to the Councillors concerned. Councillor Houston's behaviour at the Parish Council meet had an adverse affect on Councillors and had disrupted the conduct of Council business.

- Councillor Houston has previously been found to be in breach of the Code of Conduct. In August 2007 he had been censured for failing to comply with Paragraph 14 of the Code but more seriously in February 2007 he had been found to be in breach of the Code by failing to show respect towards a County Councillor when conducting Council business.

The Panel advised Councillor Houston that during the period of suspension, he would not be permitted to enter any Council premises or attend Parish Council meetings as a member of the public.

### **Recommendation**

The Panel made the following recommendations in relation to the promotion and maintenance of high standards of conduct by the members and co-opted members of Dersingham Parish Council:

It is recommended that the Parish Council review the way in which it handles its minutes. It is important that minutes are circulated to members as soon after a meeting as possible whilst matters are still fresh in the mind. A procedure should be introduced which allows members to question the content and accuracy of minutes at an early stage so as to avoid, wherever possible, the need for lengthy debate concerning their accuracy at the subsequent meeting.

### **Right of Appeal**

Parish Councillor Houston had the right to apply in writing to the President of the Adjudication Panel for England for permission to appeal the Panel of the Standards Committee's findings. The President of the Adjudication Panel must receive written notice requesting permission to appeal within 28 days of the member's receipt of notification of the Panel of the Standards Committee's finding.

The Chairman advised Councillor Houston that he would have to apply to have the sanction of suspension imposed on him to be lifted pending the hearing of his appeal.

### **Publicity**

The Chairman informed Dersingham Parish Councillor Houston that with regard to the allegation in that he had breached the Code of Conduct, a notice would be required to be published in the local press.

Recommendation to Dersingham Parish Council

The Standards Committee's Panel made the following recommendations in relation to the promotion and maintenance of high standards of conduct by the members and co-opted members of Dersingham Parish Council:

It is recommended that the Parish Council review the way in which it handles its minutes. It is important that minutes are circulated to members as soon after a meeting as possible whilst matters are still fresh in the mind. A procedure should be introduced which allows members to question the content and accuracy of minutes at an early stage so as to avoid, wherever possible, the need for lengthy debate concerning their accuracy at the subsequent meeting.

**The meeting closed at 1.42 pm**