

Borough Council of
**King's Lynn &
West Norfolk**



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Standards Committee Hearing

Date: 11, 12, 18 and 25 September 2013

Complaint Reference Numbers: 21/11, 22/ 11, 31/11 and 32/11

Terrington St Clement Parish Councillor A Hannay

DECISION NOTICE

Complainants	Terrington St Clement Parish Councillor Miss B Hill Terrington St Clement Parish Councillor Mrs S Young
Standards Committee Members	Borough Councillor Mrs K Mellish (Chairman) Borough Councillor G McGuinness Borough Councillor D Whitby
Council Officers	Wendy Vincent, Democratic Services Officer Cara Jordan, Legal Adviser
Local Investigator	Emma Duncan
Date of Investigator's Report	12/01/13

Decision Notice

Standards Committee Hearing
Borough Council of King's Lynn and West Norfolk
Date: 11, 12, 18 and 25 September 2013
Reference: 31/11 and 32/11

1. Summary of the Complaint:

It is alleged that Councillor Hannay:

- (a) On 27 July 2011 "shouted down Councillor Hill" at a meeting of the Parish Council (21/11).
- (b) Gave Parish Council work to close associates without declarations being made (1/11 and 22/11).
- (c) Exceeded authority in relation to the removal of a planning condition and misleading public (22/11).
- (d) On 26 October 2011 bullied Councillor Hill (22/11).
- (e) On 16 November 2011 verbally bullied Councillor Hill (21/11 & 22/11).
- (f) Used his position to "block" provision of youth facilities (21/11 & 22/11).
- (g) Failed to declare interests in relation to Terrington Tigers (22/11).
- (h) On 14 March 2012 failed to declare interests relating to Terrington Youth Club and Community Room (31/11 and 32/11).
- (i) On 14 March 2012 failed to treat other Members with respect by shouting at and gesticulating at the Chairman (31/11 and 32/11).
- (j) On 14 March 2012 failed to declare interests on item relating to youth facilities (31/11 and 32/11)
- (k) On 14 March 2012 bullied other Members by shouting, gesticulating and ridiculing (31/11 and 32/11).
- (l) On 14 March 2012 brought the Council into disrepute by his conduct (31/11 and 32/11).
- (m) On 14 March 2012 attempted to secure an advantage for himself or PACT (31/11 and 32/11).

2. Relevant sections of the Code of Conduct

Paragraphs 3, 5, 6, 8, 9, 10, 11 and 12.

3. Summary of evidence considered and representations made

The Local Investigator found no breach in respect of allegations (c), (h), (i) and (k) above. The Standards Committee of 18/4/13 agreed with the Investigating Officer's findings where no breach was found. Those findings are confirmed by this Standards Committee.

The Committee considered allegations (a), (b), (d), (e), (f), (g), (j), (l) and (m) above.

The Committee read the report and the relevant documentation. The Investigating Officer presented her report and Councillor Hannay gave evidence in person. The Committee listened to evidence given by witnesses.

4. Facts and Reasons

The Committee carefully considered the report and the oral evidence, CCTV and witness statements in coming to their decision as to whether there had been a breach of the Code of Conduct, and in particular a breach of paragraphs 3, 5, 6, 8, 9, 10, 11 and 12.

In respect of allegation (b) relating to the giving of work to close associates without declarations being made, Councillor Hannay accepted that he had breached the Code of Conduct at the Hearing. The Committee went on to consider allegations (a), (d), (e), (f), (g), (j), (l) and (m).

The Committee received a number of additional witness statements in support of the Subject Member. However, these statements were so strikingly similar in format and content, that it was the Committee's view that a common assistance was provided. As such, the Committee attaches little weight to these witness statements.

The Committee found that the witnesses giving oral evidence in support of the Subject Member generally lacked detail and clear independent recollection of what was said at the relevant meetings.

At a Parish Council meeting on 27th July 2011 Councillor Hill raised an issue regarding CCTV signage. She says that she was shouted down by Councillor Hannay, who said she didn't know what she was talking about. Councillor Hannay denies this. Councillor Young supports what Councillor Hill asserts. In oral evidence Councillor Hannay denies any bullying. In his initial response to the Investigating Officer he did not deny using the words but considered that the complainant confused healthy debate with bullying. He denied ever shouting or clenching his fist. In a later written reply he said that he did not use the words but that he did say that he would speak to someone else for advice. The Committee finds that whilst there may not have been shouting, the conversation was heated, and set to undermine Councillor Hill. The Committee considers the complainant's account as consistent and credible. The Committee has heard about previous and subsequent incidents concerning Councillor Hannay's conduct towards Councillor Hill and is of the view that there is a pattern of behaviour towards her which individually and taken together amounts to bullying.

On 26th October 2011 at a Parish Council Meeting, a discussion took place surrounding Councillor Hill's role regarding the CCTV monitoring. Councillor Hannay and others questioned the complainant and despite her being well qualified to carry out the role with the CCTV the job was passed to two other Councillors instead. Councillor Hannay, the complainant says, made the remark at the meeting, "Well by the time we show her which buttons to press we might as well do it ourselves". Councillor Hannay denies saying this. However, the Committee prefers the complainant's account which it considers credible and consistent. The Committee finds that this incident is part of a pattern of behaviour towards the complainant set to undermine her.

On 16th November 2011, just a few weeks later at another Parish Council meeting, a discussion ensued regarding a survey drawn up by Councillor Hill. Councillor Hannay had a view about the survey and it is alleged that he verbally bullied her at this public meeting. Again, the Committee considers this incident in the context of a repeated pattern of undermining behaviour towards this complainant. Rather than raise any query he had about the survey through the Chairman, he participated, with others apparently sharing a like mind, in a series of critical questions towards Councillor Hill. Councillor Eves, in a response to

questions in oral evidence, said that a number of Councillors, including Councillor Hannay were involved. He agreed that it must have been intimidating and that he described how Councillor Hill has her 'wings clipped' at that time. The Committee does find that this would have been an intimidating experience for Councillor Hill and considers this to be part of a pattern of bullying.

Terrington Tigers

Councillor Hannay is Treasurer of the Terrington Tigers. In a Memorial Park Sub-Committee meeting on 23rd May 2011 the Chairman of the Terrington Tigers made an approach to the Parish Council regarding the possibility of whether the club could improve the new piece of land and use it for football practice. Later, on 27th September 2011, the Terrington Tigers had written to the Parish Council making a like request. Council Hannay says that he was not aware of the first request by the Terrington Tigers. He would have known at the September meeting where he went into detail about what the Tigers would use the land for. In response to questions in oral evidence, Councillor Hannay said that he could now see how other people might view that. The Committee is of the view that a member of the public would consider Councillor Hannay's connection to the Terrington Tigers, would be likely to prejudice his view in deciding whether to allow the Tigers the benefit of using the land.

14th March 2012

The Chairman, at the beginning of the meeting of 14th March 2012, spoke to Members about needing to leave the room if they had a prejudicial interest. In particular, he mentioned that a prejudicial interest would arise where a relevant item was discussed and a Councillor was a member of PACT and a sporting club. Councillor Hannay is Treasurer of the Terrington Tigers and a committee member of PACT.

At this Parish Council meeting, there was an item listed as 'item 11' called "Planning Application re Field Extension Land for facilities". Councillor Hannay did leave the room at item 11. In oral evidence, he said that prior to leaving the room he did not know the substance of item 11. Two witnesses, Councillor Hodgson and Councillor Spooner of the Parish Council, gave evidence that they believed, before the meeting, that item 11 related to the skate park. Other Subject Members agreed with Councillor Hannay's position. The Committee is of the view that although item 11 is not fully detailed in the Agenda, there had been a history of differing views, which had caused some discord, as to what this piece of land should be used for. It considers it likely that, with regard to the history and the wording in the Agenda, Parish Councillors would think that the item related to the piece of land purchased as an extension to the field for youth facilities.

As a member of PACT and Treasurer of the Terrington Tigers, the Committee is of the view that Councillor Hannay had a prejudicial interest in item 11 on the Agenda of the Parish Council meeting of 14th March 2012. PACT is a stand alone working group as detailed in its Constitution. PACT was considering the whole of the Memorial Field in its plans for sports facilities. In oral evidence Councillor Hannay, along with other PACT members, expressed a view that the new piece of land was not an appropriate site for a skate park. Further, a planning permission for a skate park would be likely to affect the facilities of the Terrington Tigers. It is likely that a member of the public would consider that his connection to PACT the Terrington Tigers, would affect his consideration of a planning application for a skate park on the land in issue.

Councillor Hannay is Treasurer of Terrington Tigers and a committee member of PACT. These are interests which should have been declared at the beginning of the meeting of 14th March 2012, or when the content of item 11 became apparent to him. Having left the meeting when this item was initially discussed, Councillor Hannay was made aware of the content of item 11 when the Clerk informed him of this in the waiting area. Councillor Hannay, now knowing the content of item 11, returned to the meeting. He stood alongside two other Councillors who spoke, having also left and returned to the meeting room. Item 11 had not concluded. Councillor Hannay, in oral evidence, said that he was told he could return to the room. He had not mentioned this in his previous correspondence with the Investigating Officer. Councillor Hannay is seen in the CCTV footage standing with two other Councillors who also had left the room at the start of item 11 and returned. The Committee finds that Councillor Hannay's body language is reflective of a person who knows that he should not be in the room at that time. He does not return to his seat but remains standing with these two Councillors, for around the next 20 minutes. Such conduct, individually and taken together with the other two Councillors, was visible to those in the meeting who did not have a prejudicial interest and who were entitled to discuss and vote on item 11. Whilst we accept that Councillor Hannay did not specifically speak about the piece of land in issue, he remained standing alongside those arguing and asking for the matter to be deferred. Given that there was some urgency in considering this item in order to obtain funding, any action to delay a decision was likely to frustrate its progress. The Committee considers that Councillor Hannay's conduct amounts to his using his position to block certain youth facilities. The Committee finds that his presence in the room, during this controversial item, and his physical alignment with the two other Councillors who were asking questions, including a request to defer the item, was an attempt to secure an advantage for himself or for the organisations in which he had an interest.

The Committee further finds, as a result of this conduct, that Councillor Hannay has brought the Council into disrepute.

5. Finding of Breach/non Breach of Terrington St Clement Parish Council Code of Conduct

- (a) On 27 July 2011 "shouted down Councillor Hill" at a meeting of the Parish Council (21/11). **COUNCILLOR HANNAY DID BREACH THE TERRINGTON ST CLEMENT PARISH COUNCIL'S CODE OF CONDUCT.**
- (b) Parish Council work given to close associates without declarations being made (1/11 and 22/11). **COUNCILLOR HANNAY DID BREACH THE TERRINGTON ST CLEMENT PARISH COUNCIL'S CODE OF CONDUCT.**
- (c) Standards Committee of 18/4/13 refers.
- (d) On 26 October 2011 bullied Councillor Hill (22/11). **COUNCILLOR HANNAY DID BREACH THE TERRINGTON ST CLEMENT PARISH COUNCIL'S CODE OF CONDUCT.**
- (e) On 16 November 2011 verbally bullied Councillor Hill (21/11 & 22/11). **COUNCILLOR HANNAY DID BREACH THE TERRINGTON ST CLEMENT PARISH COUNCIL'S CODE OF CONDUCT.**
- (f) Used his position to "block" provision of youth facilities (21/11 & 22/11). **COUNCILLOR HANNAY DID BREACH THE TERRINGTON ST CLEMENT PARISH COUNCIL'S CODE OF CONDUCT .**
- (g) Failed to declare interests in relation to Terrington Tigers (22/11). **COUNCILLOR HANNAY DID BREACH THE TERRINGTON ST CLEMENT PARISH COUNCIL'S CODE OF CONDUCT.**
- (h) Standards Committee of 18/4/13 refers.
- (i) Standards Committee of 18/4/13 refers.

- (j) On 14 March 2012 failed to declare interests on item relating to youth facilities (31/11 & 32/11) **COUNCILLOR HANNAY DID BREACH THE TERRINGTON ST CLEMENT PARISH COUNCIL'S CODE OF CONDUCT.**
- (k) Standards Committee of 18/4/13 refers.
- (l) On 14 March 2012 brought the Council into disrepute by his conduct (31/11 & 32/11). **COUNCILLOR HANNAY DID BREACH THE TERRINGTON ST CLEMENT PARISH COUNCIL'S CODE OF CONDUCT.**
- (m) On 14 March 2012 attempted to secure an advantage for himself or PACT (31/11 & 32/11). **COUNCILLOR HANNAY DID BREACH THE TERRINGTON ST CLEMENT PARISH COUNCIL'S CODE OF CONDUCT.**

6. Sanctions imposed

The Panel recommends that Terrington St Clement Parish Council arrange training for Councillor Hannay in the following terms:

A tailored training course provided by NALC or other appropriate provider dealing with the following topics to be completed by 31 March 2014:

- Role of the Parish Council.
- Roles of the Councillors and the Chairman.
- Role of the Clerk.
- Code of Conduct.
- Disclosable Interests.
- Conduct of Meetings.
- Records/Minutes.
- Committees.
- Sources of help and advice and where to obtain this information from.
- Treating those attending Parish Council meetings with respect.
- Dealing with Difficult situations.

Signed..... Date: 27 September 2013

(Councillor Mrs K Mellish, Chairman of the Standards Committee Hearing)