



Committee: STANDARDS COMMITTEE
Date: FRIDAY 24th JANUARY 2014
Venue: LANCASTER TOWN HALL
Time: 10.00 A.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of meeting held on 10th October 2013 (previously circulated).

3. **Items of Urgent Business authorised by the Chairman**

4. **Declarations of Interest**

To receive declarations by members of interests in respect of items on this agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, members should declare any disclosable pecuniary interests which they have already declared in the register, at this point in the meeting.

In accordance with Part B Section 2 of the Code of Conduct, members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

5. **Alleged Breach of the Code of Conduct** (Pages 1 - 109)

ADMINISTRATIVE ARRANGEMENTS

(i) **Membership**

Councillors

Councillors Roger Mace (Chairman), Roger Sherlock (Vice-Chairman), Chris Coates, Paul Gardner, Billy Hill, Joyce Taylor and David Whitaker

(ii) Substitute Membership

Councillors

Councillors Paul Aitchison (Substitute), Shirley Burns (Substitute), Roger Dennison (Substitute), Kathleen Graham (Substitute), Andrew Kay (Substitute) and Peter Williamson (Substitute)

(iii) Queries regarding this Agenda

Please contact Peter Baines, Democratic Services - telephone 01524 582074 or email pbaines@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Thursday 16th January 2014.

STANDARDS COMMITTEE**ALLEGED BREACH OF THE CODE OF CONDUCT
24th January 2014****Report of the Monitoring Officer****PURPOSE OF REPORT**

To enable the Committee to consider the Investigating Officer's report in complaint 3/13.

This report and appendix 1 are public, but appendix 2 (the investigating officer's report) is exempt from publication by virtue of paragraph 1 (information relating to any individual) of Schedule 12A to the Local Government Act 1972 . The Committee will consider at the commencement of the meeting whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

RECOMMENDATIONS

- (1) That the Committee consider whether it is appropriate and in the public interest for the hearing to take place in public, with the Investigating Officer's report (or part thereof) being made available to the public.
- (2) That the Committee consider the Investigating Officer's report in accordance with the Standards Committee's Hearing Procedure, and determine whether or not there has been a breach of the Code of Conduct, and, if so, the appropriate sanction or recommendation.

1.0 Introduction

- 1.1 The Committee is required to consider, in accordance with the Standards Committee's Hearing Procedure, (included in Appendix 1 to this report) the Investigating Officer's report (Appendix 2 to this report), and to determine whether there has been a breach of the relevant Code of Conduct, and if so, the appropriate sanction.
- 1.2 In accordance with the Pre-hearing Procedure, the Committee would normally have the pre-hearing forms submitted by the Subject Member and the Investigating Officer's comments thereon. However, the Subject Member has declined to complete such forms. He was advised of the date of this hearing on the 20th November 2013, and was advised also that if he wished to be represented or to call witnesses, then he should inform his representative and witnesses of the date of the hearing. This was reiterated and further information about the hearing given in a letter to the Subject Member of the 18th December 2013. The Subject Member had indicated on the 20th November that he would not be attending the meeting.

2.0 Proposal Details

- 2.1 The Committee will first need to consider whether or not the press and public should be admitted to the hearing. Appendix 2, (which is the investigating officer's report and the appendices thereto) has been marked as exempt because it contains information about named individuals. It was felt inappropriate that such documents should be made public in advance of their consideration by the Committee at this hearing. However, in considering whether or not to hold the hearing in public, the Committee will wish to consider whether the public interest in transparency and openness outweighs the public interest in withholding the information. The Committee will wish to consider any representations from the Subject Member and the Investigating Officer on this point.
- 2.2 If the Committee is minded to hold the hearing in public, then it would be appropriate to make the investigating officer's report available to the public. However, in view of the personal data included in the appendices to the investigating officer's report, some of which relates to persons who are not parties to the complaint, the Committee may feel that it is appropriate that those appendices should remain exempt from publication, with the press and public excluded from any part of the hearing (if any) where it is necessary to discuss those appendices in such detail that that personal data would be disclosed.
- 2.3 In the event that the Committee were minded to exclude the press and public from the hearing, it would be necessary for it to resolve that in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting on the grounds that it could involve the possible disclosure of exempt information as defined in paragraph 1 of Schedule 12A of that Act.
- 2.4 Having decided whether or not to proceed in public, the Committee should proceed with the hearing following its Hearing Procedure (included in Appendix 1).
- 2.5 The Independent Person, Mr Tony James, will be present at the hearing in an advisory, non-voting capacity.
- 2.6 The Committee should make a determination as to whether or not there has been any breach of the relevant Code of Conduct. If the determination is that there has been a breach, the Committee will proceed to consider the appropriate sanction. The sanctions available to the Committee are set out in paragraphs 20 and 21 of the Hearing Procedure (Appendix 1), bearing in mind that the Subject Member is a parish/town councillor.

LANCASTER CITY COUNCIL

LOCALISM ACT 2011 SECTION 28

ARRANGEMENTS FOR DEALING WITH ALLEGATIONS THAT A MEMBER OF THE CITY COUNCIL OR A MEMBER OF A PARISH COUNCIL WITHIN THE DISTRICT OF THE COUNCIL HAS FAILED TO COMPLY WITH THE RELEVANT CODE OF CONDUCT

These arrangements are made under sections 28(6) and (7) of the Localism Act 2011, and set out how the City Council will deal with allegations that a city or parish councillor has failed to comply with the relevant Code of Conduct.

Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided should be investigated, and whose views can be sought by the Council at any other stage, or by a member against whom an allegation has been made. The City Council has appointed an Independent Person and two reserves. It is envisaged that a member complained of will not consult with the same Independent Person who is advising the Monitoring Officer or the Committee.

Making an Allegation

An allegation that a city councillor or parish councillor has failed to comply with the requirements of the relevant Code of Conduct must be made in writing to:

Mrs S Taylor, Monitoring Officer, Lancaster City Council, Town Hall, Lancaster LA1 1PJ

An allegation may be sent by email to STaylor@lancaster.gov.uk. A form for this purpose is available on the Council's website www.lancaster.gov.uk

The allegation must be about one or more named members of the following authorities: Lancaster City Council or a parish or town council within its district. These are Arkholme-with-Cawood, Bolton-le-Sands, Carnforth, Caton-with-Littledale, Cloughton, Cockerham, Ellel, Gressingham, Halton-with-Aughton, Heaton-with-Oxcliffe, Hornby-with-Farleton, Ireby and Leck, Melling-with-Wrayton, Middleton, Morecambe, Nether Kellet, Over Kellet, Over Wyresdale, Overton, Quernmore, Scotforth, Silverdale, Slyne-with-Hest, Tatham, Thurnham, Warton, Wennington, Whittington, Wray-with-Botton, Yealand Conyers and Yealand Redmayne.

The allegation must be that the member(s) has, or may have, breached the relevant Code of Conduct. A copy of the City Council's Code of Conduct is available on the Council's website www.lancaster.gov.uk. The Code of Conduct adopted by a parish or town council is available on that council's website or from the relevant parish or town council clerk.

Anyone making an allegation should provide full details of the conduct complained of and how it is alleged to constitute a breach of the relevant Code of Conduct. Details of the person making the allegation will generally be provided to the member, unless the Monitoring Officer considers that there are special reasons for keeping this information confidential.

Procedure once an allegation is received

Once an allegation is received, the Monitoring Officer will provide a copy of the

allegation to the member complained of, and advise that the member may submit any comments to the Monitoring Officer if the member wishes to do so.

In appropriate cases, the Monitoring Officer may seek to resolve the matter informally. This may involve the member accepting that his/her conduct was unacceptable and offering an apology.

If informal resolution is not possible, the Monitoring Officer will, in consultation with the Independent Person, the Chairman (or Vice-Chairman) of the Standards Committee, and, if appropriate the Chief Executive, determine whether the complaint merits formal investigation, or whether no further action should be taken.

The Monitoring Officer may refer particular complaints to the Standards Committee if she feels that it would be inappropriate for her to take the decision, and will generally do so where the complainant is the Chief Executive or a Service Head, or where the complainant or the member complained of is the Leader of the Council or a Group Leader. There may be other circumstances where the Monitoring Officer considers that it would not be appropriate for her to take the decision.

Whilst each allegation will be considered on its own facts, the assessment criteria (Appendix 1) will be applied in considering whether or not an allegation should be investigated.

If an allegation is not referred for investigation, the complainant has no right of appeal.

The Monitoring Officer will report to each scheduled Standards Committee meeting on the complaints received and decisions taken on them. The report will not be open to the press and public as it will contain information relating to named individuals.

Investigation

Where a complaint is referred for investigation, the Monitoring Officer will arrange for the investigation to be undertaken by an officer of the Council, or by an external investigator. The Investigation Procedure is attached at Appendix 2.

If the investigating officer finds no evidence of failure to comply with the Code, the Monitoring Officer is authorised to close the matter, in consultation with the Independent Person, Chairman (or Vice-Chairman) and, if appropriate, the Chief Executive. However, the Monitoring Officer may refer the matter to the Standards Committee if she considers this would be appropriate. The Monitoring Officer will in any event provide a summary to the next meeting of the Standards Committee.

Where a formal investigation finds evidence of failure to comply with the Code, there may yet be an opportunity for local resolution, avoiding the need for a hearing. Sometimes the investigation report can cause a member to recognise that the conduct was at least capable of giving offence, and the complainant may be satisfied by recognition of fault or an apology. The Monitoring Officer has authority to agree a local resolution, in consultation with the Independent Person, the Chairman (or Vice-Chairman) and, if appropriate, the Chief Executive, subject to the complainant being satisfied with the outcome, and subject to a summary report to the Standards Committee.

In all other cases where the formal investigation finds evidence of a failure to comply with the Code, the Standards Committee will hold a hearing at which the member complained of may respond to the investigation report and the Committee will determine whether the member did fail to comply with the Code and what action, if any is appropriate. The Committee's Pre-hearing and Hearing Procedures are attached at Appendices 3 and 4. The Hearing Committee will be advised by an Independent Person and by the Monitoring Officer.

The sanctions open to the Standards Committee are to censure, to report the findings to full Council, (in effect "naming and shaming"), to recommend the member's Group Leader to remove the member from any or all Committees, to withdraw Council facilities, such as a computer, or exclude the member from the Council's offices with the exception of meeting rooms as necessary for attending meetings of Council/Committee. There is no right of appeal.

With regard to parish councillors, the Standards Committee may make a recommendation to the parish council on action to be taken in respect of the councillor. Parish councils will be under no obligation to accept any such recommendation.

Monitoring Officer

October 2012

LANCASTER CITY COUNCIL STANDARDS COMMITTEE – ASSESSMENT CRITERIA

A. The Monitoring Officer will reject a complaint if it fails to meet one or more of the following tests:

A1 The complaint is against one or more named Members or co-opted Members of the Council or a parish or town council within the district.

A2 The member complained of was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.

A3 The complaint, if proven, would be a breach of the Code of Conduct under which the member was operating at the time of the alleged misconduct.

B. The Monitoring Officer (following consultation with the Independent Person, the Chairman (or Vice-Chairman of the Committee) and the Chief Executive, if appropriate) or the Standards Committee may decide to refer a complaint for investigation:

B1 Where the complaint discloses a potential breach of the Code of Conduct sufficiently serious, if proven, to warrant a sanction, and where it would be in the public interest to investigate

C. Circumstances where the Monitoring Officer (following consultation with the Independent Person, the Chairman (or Vice-Chairman of the Committee) and the Chief Executive, if appropriate) or the Standards Committee may decide that no action should be taken in respect of a complaint:

C1 Where the complaint is about someone who is no longer a member of the city council or a parish or town council

C2 Where a substantially similar allegation has previously been made by the complainant to the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority

C3 Where the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now. It is acknowledged, however, that where a delay has arisen as a result of criminal or other legal proceedings, it may be appropriate to refer the complaint for investigation or other action.

C4 Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter

C5 Where the allegation discloses a potential breach of the Code of Conduct, but the complaint does not appear serious enough to warrant further action

C6 Where the complaint appears to be malicious, politically motivated or tit-for-tat, unless a serious matter is raised in the complaint

LANCASTER CITY COUNCIL STANDARDS COMMITTEE

PROCEDURE FOR CASES REFERRED FOR INVESTIGATION

1. When an allegation is referred by the Monitoring Officer or the Standards Committee for investigation, the Monitoring Officer will within five working days, inform the member who is the subject of the allegation of failure to comply with the code of conduct, ("the Subject Member"), the person who made the allegation ("the Complainant"), and the clerk to any parish council concerned that the matter has been referred for investigation.
2. The Monitoring Officer will appoint an Investigating Officer who may be an officer of the Council, or an external investigating officer. The Investigating Officer may appoint persons to assist him/her in the conduct of the investigation, and may obtain such professional advice as may be necessary. The Monitoring Officer will advise the Subject Member and the Complainant of the appointment of the Investigating Officer.
3. The Investigating Officer may make such inquiries as he/she thinks necessary or expedient for the purposes of conducting the investigation, and may request any person to give such information or explanation as the Investigating Officer thinks necessary or expedient for the purpose of conducting the investigation. The Investigating Officer may require any of the relevant authorities concerned to provide such advice and assistance as may reasonably be needed to assist in the investigation, and to provide reasonable access to such documents in the possession of that authority as appear to the Investigating Officer to be necessary for the purpose of conducting the investigation.
4. Statements will be prepared and agreed with each person interviewed during an investigation, including the Subject Member. The Subject Member will be advised that he/she may be accompanied by a professional representative or advisor, a Group colleague or friend during the interview. Any other person interviewed may be accompanied by a friend or representative if they so wish.
5. The Investigating Officer will complete the investigation within a reasonable period of time according to the nature of the complaint and the extent of the investigation required.
6. The Investigating Officer, having concluded the investigation, will consider whether to produce a draft report before the final report. A draft report may be appropriate where the facts are complex or ambiguous, or where the facts are disputed. Any draft report will be issued to the Subject Member and the Complainant for review and comment, and will indicate that it does not necessarily represent the Investigating Officer's final finding.
7. If the Investigating Officer issues a draft report, he/she will consider whether the responses reveal a need for further investigation or for changes to the report. In some complex cases, the Investigating Officer may wish to issue a second draft report before the final report.
8. The Investigating Officer's final report will include all relevant documents, and copies of all witness statements obtained during the course of the investigation. The report will commence with a statement of the Investigating Officer's finding. The finding will be either that there has been a failure to comply with the code of

conduct of the authority concerned, or as the case may be any other authority concerned ("a finding of failure"), or that there has not been a failure to comply with the code of conduct of the authority concerned, or as the case may be, of any other authority concerned ("a finding of no failure").

9. The Investigating Officer will submit the final report to the Monitoring Officer.

APPENDIX 3

LANCASTER CITY COUNCIL STANDARDS COMMITTEE

PRE-HEARING PROCEDURE

1. Where an investigation report has found that there has been a breach of the Code of Conduct, and the matter cannot otherwise be resolved by local resolution, for example by the Subject Member admitting the breach and apologising, a hearing will be arranged. The hearing will generally be a meeting of the Committee convened specifically for that purpose..
2. A copy of the investigation report will be sent to the Subject Member, the complainant, the clerk to the parish council if the complaint relates to the Subject Member's conduct as a parish councillor, and to the Independent Person.
3. The Subject Member will be asked for a written response within fifteen working days, which response shall set out the Subject Member's reply to the Investigating Officer's report and shall state whether he/she
 - disagrees with any of the findings of fact in the report, giving the reasons for any disagreement
 - wishes to be represented by a solicitor or barrister, or by any other person
 - wishes to give evidence to the Committee, either orally or in writing
 - wishes to call relevant witnesses to give evidence to the Committee
 - wishes any part of the hearing to be held in private
 - wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the public

Forms will be provided for this response.

4. The Subject Member shall be informed that if, at the meeting of the Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.
5. Upon receipt of the Member's response, the Investigating Officer shall be invited to comment on it within ten working days, and to say whether or not he/she
 - wishes to call relevant witnesses to give evidence or submit written or other evidence to the Committee
 - wishes any part of the hearing to be held in private
 - wishes any part of the report or other relevant documents to be withheld from the public
6. Upon receipt of the Investigating Officer's response, the Monitoring Officer or other legal adviser will consider the responses of the Subject Member and the Investigating Officer and set a date for the hearing in consultation with the chairman of the Committee.
7. The Member and the Investigating Officer are entitled to request that any witnesses they want should be called. However, the Chairman of the Committee may limit the number of witnesses to be called, if he/she believes the number requested is unreasonable and that some witnesses will simply be repeating the

evidence of earlier witnesses, or else not providing evidence that will assist the Committee to reach its decision.

8. Nothing in this procedure shall limit the Chairman of the hearing from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Committee to reach its decision.
9. The Monitoring Officer/Legal Adviser, in consultation with the Chairman and the Independent Person, will:
 - confirm a date, time and place for the hearing
 - confirm the main facts of the case that are agreed
 - confirm the main facts that are not agreed
 - provide copies of any written evidence to the relevant parties
 - confirm which witnesses will be called by the parties
 - provide the parties with copies of the proposed procedure for the hearing, specifying which parts of the matter, if any, may be considered in private

LANCASTER CITY COUNCIL STANDARDS COMMITTEE

HEARING PROCEDURE

1. The Hearing Committee shall decide, on a balance of probabilities, on the evidence presented to it, whether the complaint is upheld.
2. All matters shall be decided by a simple majority of votes cast. If there are equal numbers, the Chairman shall have a second and casting vote.
3. The Independent Person shall attend the hearing in an advisory, non-voting capacity.
4. The meeting will be open to the press and public unless confidential or exempt information is likely to be disclosed.
5. The Procedure for the hearing shall be as follows, but the Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.
6. The Subject Member may be represented or accompanied during the meeting by a solicitor or barrister, or with the permission of the Committee, another person. It is the responsibility of the Subject Member to arrange any representation.
7. The Committee may take legal advice from its legal adviser at any time during the hearing or during its deliberations. The substance of any advice given to the Committee will be shared with the Subject Member and Investigating Officer if they are present at the hearing.
8. At the start of the hearing, the Chairman shall introduce each of the members of the Committee, the Independent Person, the Subject Member (if present), the Investigating Officer (if present) and any other officers present, and shall then explain the procedure which the Committee will follow in the conduct of the hearing.
9. The Committee shall then confirm that it is quorate, and deal with any disclosures of interests.
10. If the Subject Member is not present at the start of the hearing:
 - The Chairman will ask the Monitoring Officer/Legal Adviser whether the Subject Member has indicated his/her intention not to attend the hearing
 - The Committee shall then consider any reasons which the Subject Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend
 - If the Committee is satisfied with such reasons, it shall adjourn the hearing to another date
 - If the Committee is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Committee shall decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the hearing to another date.

11. After the preliminary procedures, the Committee will consider whether or not there are any significant disagreements about the facts contained in the Investigating Officer's report.
12. If there is disagreement, the Investigating Officer will present the evidence which is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Subject Member, the Committee members and the Independent Person may ask questions of the Investigating Officer or any witness.
13. The Subject Member or his/her representative will then present the evidence that is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Investigating Officer, the Committee members and the Independent Person may ask questions of the Subject Member or any witnesses.
14. If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it before the hearing. After considering the Subject Member's explanation, the Committee may continue with the hearing, relying on the information in the report, may allow the Subject member to make representations about the issue and invite the Investigating Officer to respond and call any witnesses as necessary, or may postpone the hearing to arrange for appropriate witnesses to be present.
15. The Committee will consider in private, with the Independent Person, all the evidence which it has heard in order to establish its findings of fact, and to reach a conclusion as to whether there has been a failure to comply with the Code of Conduct. Depending on the complexity of the case, this may be done in two stages, with the Committee first hearing evidence and making findings of fact, and then hearing representations as to whether, on those facts, there has been a failure to comply with the Code of Conduct and making a finding on that issue.
16. At any stage in the consideration of the matter, the Committee may return to ask further questions of the Investigating Officer or the Subject Member or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.
17. At the conclusion of the Committee's deliberations, the Chairman will advise the Subject member and the Investigating Officer of their findings.
18. If the Committee concludes that the Subject Member has failed to comply with the Code of Conduct, the Chairman will invite representations from the Investigating Officer and the Subject Member as to what action, if any, it should take, and will take advice also from the Independent Person. The Committee may ask questions of the Subject Member and the Investigating Officer. The Subject Member will be invited to make any final relevant points.
19. The Committee shall then consider in private, with the Independent Person whether to impose a sanction, and, if so, what sanction to impose and when that sanction should take effect.
20. The sanctions open to the Committee are:
 - to censure the Subject Member
 - to report its findings to full Council

- to recommend the Subject Member's Group leader to remove the member from any or all Committees, or, if appropriate, to recommend the Leader to remove the member from Cabinet ;
 - to withdraw facilities, such as a computer, or exclude the member from the Council's offices with the exception of meeting rooms as necessary for attending meetings of Council/Committees
21. If the finding relates to the Subject Member's conduct in his/her capacity as a parish councillor, the Committee will report its findings to the parish council, and may make recommendations to the parish council on sanctions.
 22. In deciding to impose a sanction, the Committee shall consider all the relevant circumstances.
 23. The Chairman will announce the decision of the Committee. Written notice of the findings of the Committee will be given as soon as is reasonably practicable to the Subject Member. If the complaint was against the Subject Member as a parish councillor, written notice of the findings of the Committee will be sent to the clerk to the parish council.
 24. The Committee may consider making any recommendations to the authority concerned with a view to promoting higher standards of conduct among its members.
 25. The decision of the Committee, whether or not there has been a finding of breach of the Code of Conduct, will be made public.

Carnforth Town Council
Standards Committee Complaint

Report of an investigation by Caron Parmenter, acting as Investigating Officer,
into allegations concerning the conduct of Town Councillor Ian Dent.

This report is submitted to the Monitoring Officer of
Lancaster City Council, Sarah Taylor

September 2013

CARNFORTH TOWN COUNCIL

CARNFORTH TOWN COUNCIL

Summary

1. An allegation has been made by Mr. Larry Branyon that Town Councillor Ian Dent failed to comply with the Code of Conduct for Carnforth Town Council.
2. In his complaint to the City Council's Monitoring Officer dated 21 April 2013 he alleges that Councillor Dent failed to treat others with respect. Mr. Branyon refers to an email which was appended to the Carnforth Town Council's April Agenda in which Councillor Dent refers to the late Baroness Thatcher as an "old bitch". The Agenda was a public document which was displayed on notice boards throughout the area, posted on the Town Council's website and sent electronically to interested parties. Mr Branyon alleges it was inappropriate to use such explicit language and as such his actions were disrespectful to himself and the whole town of Carnforth. It is also alleged that Councillor Dent bullied Mr. Branyon and latterly staff at RIBI (Rotary International in Great Britain and Ireland) and Councillor Dent compromised the impartiality of those who work for, or on behalf of, the Town Council. Mr. Branyon refers to Resolution 18 on the Town Council's April Agenda which was published by the Town Clerk at the request of Councillor Dent. Resolution 18 makes reference to the late Baroness Thatcher as being a "divisive individual" and Councillor Dent asked that other Town Councillors not to actively identify with the tributes nationally being made. By introducing this Resolution Councillor Dent is alleged to have attempted to deliberately provoke a party political issue, when Carnforth Town Council is a political body which is not elected along party lines.

Finally it is also alleged that Councillor Dent conducted himself in a manner which could be reasonably regarded as bringing his office or authority into disrepute.

3. Following the submission of his complaint Mr. Branyon further alleges that he has been harassed by Councillor Dent. He contacted the City Council's Monitoring Officer on 22 April 2013 and stated he had received aggressive phone calls and an offensive email on 22 April 2013. Mr. Branyon asked that these subsequent actions be taken into consideration as part of his initial complaint and alleges that Councillor Dent had failed to comply with paragraphs 3(1), 3(2) (b) and (c) and 5 of the Code of Conduct for Carnforth Town Council.
4. I have contacted Councillor Dent on a number of occasions in respect of these allegations. Unfortunately Councillor Dent has refused to participate in the investigation process and has produced a Doctor's note in support of that decision. I have therefore been unable to ascertain from Councillor Dent his views and comments concerning the complaints made about him.
5. I set out below my findings concerning the allegations that Councillor Dent has failed to comply with paragraphs 3(1), 3(2) (b), 3(2) (c) and 5 of the Code of Conduct for Carnforth Town Council.
6. I conclude that taking in to account the actions of Councillor Dent both before and after the submission of Mr. Branyon's complaint on 22 April 2013 there would appear to be a **finding of failure** in that Councillor Dent did not comply with paragraph 3(1) of the Code of Conduct for Carnforth Town Council, in that acting in his official capacity as a Councillor or as a representative of Carnforth Town Council he failed to treat Mr. Branyon with respect. There is no evidence to substantiate

the allegation that Councillor Dent's actions were disrespectful to the whole town of Carnforth.

7. I conclude that taking into account the actions of Councillor Dent both before and after the submission of Mr. Branyan's complaint on 22 April 2013 there would appear to be a **finding of failure** in that Councillor Dent did not comply with paragraph 3(2) (b) of the Code of Conduct for Carnforth Town Council, in that acting in his official capacity as a Councillor or as a representative of Carnforth Town Council he bullied Mr. Branyan. There is insufficient evidence to substantiate the allegation that Councillor Dent bullied staff at RIBI (Rotary International in Great Britain and Ireland).
8. I conclude that taking into account the actions of Councillor Dent both before and after the submission of Mr. Branyan's complaint on 22 April 2013, there is insufficient evidence to substantiate the allegation that Councillor Dent intimidated Mr. Branyan in relation to the allegation made against him and as such there would appear to be a **finding of no failure** by Councillor Dent to comply with paragraph 3(2) (c) of the Code of Conduct for Carnforth Town Council.
9. I conclude that taking into account the actions of Councillor Dent both before and after the submission of Mr. Larry Branyan's complaint on 22 April 2013, there would appear to be a **finding of failure**, in that Councillor Dent did not comply with paragraph 5 of the Code of Conduct for Carnforth Town Council, in that acting in his official capacity as a Councillor or representative of Carnforth Town Council he brought the Town Council or the office of Councillor into disrepute.

Relevant Legislation

10. Section 28 of the Localism Act 2011 provides that Lancaster City Council must make arrangements for dealing with allegations that a member of the City Council or a member of a Town Council within the district of the Council has failed to comply with the relevant Code of Conduct.
11. In accordance with the Standards Committee's arrangements for dealing with complaints, the City Council's Monitoring Officer consulted with the Independent Person, the Chairman of the Standards Committee and the Chief Executive as to how to proceed with the complaint about the conduct of Councillor Dent of Carnforth Town Council.
12. Following the consultation process the City Council's Monitoring Officer and consultees agreed that Mr. Branyan's original complaint alone would not have warranted further action, as, even if proven, it would not have constituted a breach of the Code of Conduct on the part of Councillor Dent. However, as the original complaint was extended to cover an email sent on 22 April 2013 subsequent telephone calls, and information about a complaint that Councillor Dent made to Rotary International the view was taken that, in accordance with the Standards Committee assessment criteria, it was necessary for this conduct, subsequent to the making of the original complaint, to be the subject of investigation.
13. The City Council's Monitoring Officer and consultees identified paragraph 3(1), 3(2) (b) and (c) and 5 of the Code of Conduct of Carnforth Town Council, as having potentially been breached and therefore being of relevance to the investigation.

14. Under Section 82A of the Local Government Act 2000 the Monitoring Officer can delegate an investigation and on this occasion Mrs. Sarah Taylor has delegated this investigation to me.

Relevant Paragraphs of the Code of Conduct

15. Paragraph 2 of the Code states -
“(1) Subject to sub-paragraphs (2) you must comply with this Code whenever you –
(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
(b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.

(2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.”
16. Paragraph 3(1) states -
“You must treat others with respect.”
17. Paragraph 3(2) (b) states -
“You must not bully any person.”
18. Paragraph 3(2) (c)
“You must not intimidate or attempt to intimidate any person who 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."

19. Paragraph 5 states -

"You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Councillor Details

20. Mr Philip Watts-Charnley has confirmed that Councillor Dent became a Councillor at Carnforth Town Council at the election in 2011. He serves on no Committees at the Town Council and Councillor Dent has not received any Code of Conduct training.

The Evidence Obtained

21. I have interviewed –

- the complainant Mr. Larry Branyan;
- the former Town Clerk Mr. Adrian Attwood.

I also spoke to Inspector Edmunds at Morecambe Police Station. Although he was unwilling to divulge any information relating to the police involvement in this case, he gave me the name and telephone details of a Disclosure Officer who was able to clarify and confirm the events as outlined in my investigation.

Allegations by Mr. Larry Branyan

22. Mr. Branyan is a resident of Capernwray, Carnforth and he is a local Rotarian, a standard bearer on civic occasions and he writes weekly community columns in the Morecambe Visitor, Westmorland Gazette

and the Lancaster Guardian. He is not a journalist but has undertaken this work for approximately five years and has chosen not to receive any remuneration.

23. In his capacity as a local reporter he receives copies of the Agenda and Minutes of proceedings at Carnforth Town Council. On 11 April 2013 he received a copy of the Town Council Agenda for a meeting to be held on Wednesday, 17 April 2013. Agenda item 18 referred to a resolution concerning the late Baroness Thatcher which had been proposed by Councillor Dent. It read:

18) Resolution concerning the late Baroness Thatcher – Cllr. Dent

This Council resolves, in recognition of the reality that Baroness Thatcher was an extremely divisive individual and in further recognition that Carnforth Town Council is a largely apolitical body, not to actively identify with the tributes presently nationally being made.

The resolution was then followed by two Motions from Councillor Bond at Agenda item 19. These read as follows:-

- 19) i. Carnforth Town Council resolves not to be associated with the statement made in Councillor Dent's email (forwarded to Members by the Clerk of the Council on 8 April 2013, as requested). *The relevant text is now appended to this Agenda.* As this Council has always regarded itself as being non-political, and as such finds this statement in direct conflict with its previous record and further evidence of the divisive atmosphere which is now being experienced. Therefore,
- ii. Council further resolves that Members be required to desist from introducing topics of a political nature or which are a personal attack on colleagues either directly or by influence during meetings or in writing.

At the end of the Agenda, reference was made to the text of Councillor Dent's email referred to in Agenda item 19) This read:-

Before we go off at the deep end let it be understood that I should not be prepared to stand in any tribute to the old bitch, indeed I shall disrupt any move and I shall vehemently oppose any attempt in Council to revere her memory.

End of!

Ian

24. It was this email from Councillor Dent which caused Mr. Branyan such distain. Whilst he accepted the fact that Councillor Dent had the right to express his opinion he didn't feel it appropriate to use such explicit language in a public document. The Agenda had been distributed to interested parties, posted on three Carnforth notice boards and could be viewed electronically on the Town Council's website. It had been Mr. Branyan's intention to attend the Town Council's meeting on 17 April 2013 but unfortunately he was unable to do so because of illness. On Sunday 21 April 2013 Mr Branyan submitted a formal complaint electronically to Mrs. Sarah Taylor, Monitoring Officer at Lancaster City Council which was acknowledged by her when she attended work on Monday 22 April 2013.

25. At the time that Mr. Branyan submitted his formal complaint he was not aware that both Councillor Dent and Councillor Bond voluntarily withdrew Agenda Items 18 and 19 prior to the meeting. Mr. Branyan says that even if he had been aware of this, he would still have submitted his formal complaint as he felt that Councillor Dent's language was inappropriate for use in a public document which was widely distributed in both hard and soft format.

26. As a result of the Monitoring Officer sending the complaint to Councillor Dent, Mr. Branyan was then the recipient of a series of unpleasant and abusive phone calls. Mr. Branyan says that whilst he appreciated that the subject of his complaint would have been forwarded to Councillor Dent, he didn't believe that his personal details such as his home address, works telephone number, home number and mobile telephone number would have been forwarded to him as part of the complaint's process. The unpleasant and abusive phone calls began early in the evening on Monday, 22nd when Councillor Dent had obviously received details of the complaint from Mrs. Sarah Taylor. Councillor Dent was particularly aggressive towards Mr. Branyan to such an extent that he felt that he had no option but to terminate the conversation with him. Councillor Dent reiterated the fact that in his opinion Margaret Thatcher was a bitch and he had the freedom to hold and express an opinion. Councillor Dent then continued to phone Mr. Branyan's home phone, his office phone and mobile number constantly for a period of two and half hours. Councillor Dent said Mr. Branyan was audacious to complain about him and that his actions were against the principles of freedom of speech. Councillor Dent's behaviour was witnessed by Mr. Branyan's ex mother-in-law aged 82.
27. Mr. Branyan also says he was left silent messages on his voice mail, his answer phone and mobile phone which were identified as coming from Councillor Dent through caller display on his phone. At 8.40pm that same evening Mr. Branyan received an email from Councillor Dent which reiterated the fact that he thought that Maggie Thatcher was a bitch, and he congratulated Mr. Branyan on giving him the perfect opportunity to drag what remains of Thatcher's reputation through the mire. Mr. Branyan said Councillor Dent referred to him as "a silly puppet, a simplistic soul who is intellectually bankrupt". In his email

Councillor Dent said he would refer him to the Press Complaints Commission and he would speak to the editors of all three local papers the following day. Mr. Branyan also says that Councillor Dent made reference in this email to his membership of the Rotary Club. He referred to its members as "a group of self righteous individuals whose supposedly benevolent actions are merely token gestures from their filthy and dubiously acquired lucre." Councillor Dent concluded his email by stating that he would ask the Town Clerk to re-instate Agenda Item 18 on next month's Town Council Agenda.

28. Mr. Branyan says he was deeply offended by Councillor Dent's actions and he subsequently contacted the City Council's Monitoring Officer to explain that he wanted these matters to be included in the original complaint which he had submitted.
29. On Tuesday, 23 April 2013, Mr. Branyan says that he received further messages on his business and mobile phone. It said that if he didn't return Councillor Dent's calls then Councillor Dent would have no option but to pay him "a personal visit". Later that evening Mr. Branyan says that his business Facebook was defaced. It referred to him as being a liar and a cheat which necessitated him in blocking Councillor Dent from his site.
30. On Wednesday, 24 April 2013 Mr. Branyan says he contacted Morecambe Police as Councillor Dent's actions in his opinion constituted harassment. He was contacted by Inspector Edmunds later that morning, and was formally interviewed by PC Bell in the evening. Mr. Branyan says he was informed that Councillor Dent had already received a police visit earlier that day following an incident.

31. There was no further contact with Councillor Dent until Friday, 26 April 2013 when Mr. Branyan was on a business trip in London. Mr. Branyan says he received a threatening message on his office answer phone and on his mobile voicemail from Councillor Dent who said he would pay him a "personal visit". Bearing in mind Mr. Branyan's distance from home and the fact that he shared his office with his elderly ex mother-in-law who would have heard the message and who was alone in the cottage, Mr. Branyan contacted the police again

32. Mr. Branyan says he returned home on Saturday, 27 April 2013, and the police arranged to see him and take a formal statement. This was signed by Mr. Branyan on Tuesday, 30 April 2013 with a view to filing a complaint under the Malicious Communications Act 1998. Mr Branyan says he was informed by telephone that Councillor Dent had attended Morecambe Police Station on a voluntary basis to assist the police with their investigation, and on 18 May 2013 Councillor Dent was issued with a twelve month harassment warning.

33. Mr. Branyan also alleges that Councillor Dent has tried to discredit him with Rotary International in Great Britain and Ireland (RIBI) and his own District Governor, David Simpson who is responsible for Rotary Clubs within all of Cumbria and most of Lancashire. Mr. Branyan states that Councillor Dent telephoned Rotary International and threatened to stand outside the Clubs meeting venue with a placard reading "Carnforth Rotary Club does not believe in free speech." Mr. Branyan also states that RIBI have received a consistent number of calls from Councillor Dent which has resulted in a member of RIBI becoming ill with stress. Councillor Dent's vindictive attitude towards the Rotary Club is further highlighted by Resolution 17) on the Carnforth Town Council May Agenda when he wanted the Town Councillors to consider the suitability of the Current Boundary Markers,

which had been donated and maintained by Carnforth Rotary Club. Mr. Branyan alleges that the situation has become so untenable that he has been required to take voluntary leave of absence until such time as the matter is resolved.

34. Mr. Branyan also says that Councillor Dent has tried to prevent him from acting as a Standard Bearer at public events due to the fact that he is not a resident of Carnforth. Item 18 on the Town Council's May Agenda read:-

18) Resolution on Remembrance Sunday –

Cllr. Dent

This Council resolves that participation in the annual Remembrance Sunday Commemoration by those residing outside the town should not be permitted when there are residents within the town itself prepared to so participate. It should further be the obligation of the Council to address and seek out such candidates by advertising both in the local press and on our own noticeboards.

Mr. Branyan says he thought it inadvisable to attend the meeting on 15 May 2013 due to Councillor Dent's hostility towards him but he was latterly informed that the Item was not the subject of debate as no Town Councillors were prepared to second the Resolution.

35. Mr. Branyan regrets that what was a "storm in a teacup" has now escalated to a formal investigation. He feels that he has been bullied and harassed by Councillor Dent to such an extent that the matter required police intervention, and resulted in Councillor Dent receiving a twelve month harassment warning. In addition, Councillor Dent has tried to jeopardise Mr. Branyan's position in the Rotary Club and within the local community as a Standard Bearer at Civic functions. Mr. Branyan alleges that Councillor Dent failed to show him any respect

and his behaviour was such that he brought himself and the Town Council into disrepute.

Response from Councillor Dent

36. Whilst Councillor Dent has engaged in dialogue with me as Investigating Officer I am unable to verify the facts presented by Mr. Branyan.

Former Parish Clerk Adrian Attwood

37. Mr Attwood has been the Town Clerk at Carnforth Town Council since 1 September 2010. In February of this year he decided to resign from his post and as from 31 May 2013, Mr Attwood ceased to undertake any formal duties. He continues, however, to provide support and guidance to the incoming Town Clerk, Mr Philip Watts-Charnley. Mr Attwood says his role as Town Clerk involved him preparing, collating and distributing the Town Council's monthly Agenda. There are 12 Town Councillors at Carnforth and any can ask for an item to be placed on the Agenda. The meeting is Chaired by the Town Mayor, currently Bob Roe, and previously by Mrs Carolyn Higginson.
38. Mr Attwood says that on 17 April 2013, Carnforth Town Council met to discuss items of business. To comply with the Local Government Act 1972 he had to give 3 days clear notice of the meeting which meant Mr Attwood had to send out the signed copy of the Agenda no later than Thursday, 11 April 2013. On Monday, 8 April 2013 prior to the dispatch of the draft Agenda for the meeting he received an email from Councillor Dent which was sent at 15.18pm. Mr Attwood distributed the email to the other Town Councillors on the instruction of Councillor Dent. It read:

Before we go off the deep end let it be understood that I should not be prepared to stand in any tribute to the old bitch, indeed I shall disrupt any such move and I shall vehemently oppose any attempt in Council to revere her memory.

End of!

Ian

At 18.38pm on the same day Mr Attwood says he distributed the first draft Agenda to the 12 Town Councillors. The Agenda contained a Notice of Motion at Item 19 proposed by Councillor Dent. This said:-

19) Resolution concerning the Late Baroness Thatcher – Cllr.

Dent

This Council resolves, in recognition of the reality that Baroness Thatcher was an extremely divisive individual and in further recognition that Carnforth Town Council is a largely apolitical body, not to actively identify with the tributes presently nationally being made.

Mr Attwood says he has tried to locate the date and time when this was sent to him by Councillor Dent but unfortunately it appears to have been deleted. This is because it contained no other information except to say "Adrian, please include this on the Agenda". Mr Attwood says he is pretty sure he spoke to Councillor Dent prior to dispatching the first draft Agenda although he has no evidence to substantiate this. He recalls asking him whether he was sure he wanted to include it on the Agenda and Councillor Dent was firmly of the opinion that he wanted him to do so as he was concerned about the Conservative sympathisers amongst the Town Council proposing a Notice of Motion honouring the memory of Baroness Thatcher.

With the draft Agenda Mr Attwood also sent a covering email which asked the Town Councillors to make sure the Agenda included any items of business which were of particular interest to them. He also pointed out that as they needed to agree the shortlisting criteria for the

Town Clerk vacancy, the questions to be asked, and the format of the interview, the amount of items to be included on the Agenda should be kept to a minimum. (There were currently 18 individuals who had been long listed for this position.)

39. On Tuesday, 9 April 2013 Mr Attwood recalled receiving an email from Councillor Ken Bond at 9.30am. The Town Mayor – Carolyn Higginson was copied into the email which read:-

“Hi Adrian.

I have thought long and hard as to whether to submit this Notice of Motion and have concluded that I must do so. Please arrange to email it to Members as an addition to the draft Agenda issued yesterday.

Regards

Ken”.

There was a WPS file attached to his email which contained the text of his Motion. Having read through the Motion Mr Attwood decided to split the Motion into two parts. These read as follows:-

19) Two Motions from Cllr. Bond

- i. Carnforth Town Council resolves not to be associated with the statement made in Councillor Dent's email (forwarded to Members by the Clerk of the Council on 8 April, 2013, as requested). *The relevant text is appended to the Agenda.*

As this Council has always regarded itself as being non-political, and as such finds this statement in direct conflict with its previous record and further evidence of the divisive atmosphere which is now being experienced. Therefore,

- ii. Council further resolves that Members be required to desist from introducing topics of a political nature or which are a personal attack on colleagues either directly or by inference during meetings or in writing.

Mr Attwood says that he appended Councillor Dent's earlier email on 8 April 2013 referring to Baroness Thatcher as being an "old bitch" to the back of the Agenda based on the general principle that anyone looking at the papers needed to know what was being discussed. Mr Attwood says he received between 100 and 150 emails between each Town Council meeting. Having read Agenda item 19i) as it stood he thought it could cover a multitude of things hence his inclusion of the email on the back of the Agenda. As the references to Tourism were subsequently removed from the Agenda, Councillor Dent's Notice of Motion became Agenda item 18.

Mr Attwood says that he reminded everyone that he would be finalising the Agenda on Wednesday lunchtime after Civic Hall Committee, and pointed out to Councillors that in view of the large number of applications for the Town Clerk vacancy, it would be advisable for them to think carefully about putting forward any further Motions (or even think about withdrawing them) to make the evening shorter. The second draft Agenda was sent to all Town Councillors by email at 11.51am on Tuesday, 9 April 2013.

40. At 14.08pm on Tuesday, 9 April 2013 Mr Attwood received an email from Councillor Dent which had been copied to the Town Mayor, Councillor Roe and Councillor Bond asking for Motions 19(i) and 19(ii) not to be put before the meeting as they were not tenable. Councillor Dent argued that it was impossible for Carnforth Town Council to be non-political and if the Motions were put before the meeting they would bring controversy. He argued that his Motion on the other hand was intended to negate the possibility of any disrespect.

41. Mr Attwood says that he sent out the Agenda on Thursday, 11 April 2013 by means of first class post to all Town Councillors and by email to interested parties which included Mr Larry Branyan. In addition, the Agenda was published on the Town Council's website and on the three noticeboards which are located within Carnforth. The noticeboards did not contain the text of Councillor Dent's email, because, at the time, the policy was to publish only the Agenda headings. There were no further incidents until the meeting on Wednesday, 17 April 2013. The Agenda was a particular lengthy one largely due to the fact that it contained the applications for the Town Clerk vacancy. On the night however, Agenda items 18 and 19i and ii were withdrawn, following discussions between the then Town Mayor, Carolyn Higginson, and Councillors Bond and Dent.
42. The next thing Mr Attwood became aware of was a complaint which had been lodged by Mr Larry Branyan, a local reporter and Rotarian who also acts as a Standard Bearer on Council parades. It was sent to Sarah Taylor (Monitoring Officer at Lancaster city Council), Councillor Watkins, the Town Mayor, and himself on Sunday, 21 April 2013. It was followed by a further email on Monday, 22 April 2013 at 19.05pm which outlined the fact that Mr. Branyan had been harassed by Councillor Dent, and he said if this action persisted then he felt that he would have no alternative but to contact the police.
43. On 15 May 2013, the new Town Mayor Councillor Bob Roe, was elected at the Town Council's Annual Meeting. Following that, the Town Council met and on the Agenda there were 3 items which were proposed by Councillor Dent. These read as follows:-

16) Resolution concerning the late Baroness Thatcher – Cllr Dent

This Council resolves, in recognition of the reality that Baroness Thatcher was an extremely divisive individual and in further recognition that Carnforth Town Council is a largely apolitical body, not to actively identify with the tributes presently nationally being made.

17) Resolution concerning Boundary Markers – Cllr Dent

To consider the suitability of the Current Boundary Markers. These were installed by the Rotary Club, and the Town Council pay a contribution to the local branch to plant and maintain the area around the Markers. Mr Attwood says he understood it was Councillor Dent's intention to have the Boundary Markers removed.

18) Resolution on Remembrance Sunday – Cllr Dent

This Council resolves that participation in the annual Remembrance Sunday commemoration by those residing outside the town should not be permitted when there are residents of the town itself prepared to so participate. It should further be the obligation of the Council to advertise and seek out such candidates by advertising both in the local press and on our own notice boards.

At the meeting on 15 May 2013 none of these Resolutions were seconded and no further debate on the matters ensued.

44. Mr Attwood says it is unfortunately that matters have escalated to such a level. He hopes they can be resolved soon and the Town Councillors can work together for the benefit of the electorate.

Facts

45. It is necessary for me to determine facts relevant to this case. There are two facts but I am unable to say whether these are in dispute as I

have not had an opportunity to interview Councillor Dent as part of this investigation.

- (i) Was Councillor Dent conducting the business of Carnforth Town Council in any form during the conversations and email that he had with Mr Branyan on 22 April 2013 and subsequently or acting, claiming to act or giving the impression that he was acting as a representative of Carnforth Town Council at that time; and
- (ii) If so, what was the precise nature of Councillor Dent's behaviour towards Mr Branyan, the whole town of Carnforth and RIBI on those occasions

Applications of the Code of Conduct to these facts

46. The first issue to discuss is whether the Code of Conduct applies to the facts under consideration. I conclude that paragraph 2(1)(a) of the Code does apply as Councillor Dent was clearly conducting the business of Carnforth Town Council.

47. *Paragraph 3(1) – failure to treat others with respect*

Taking into account the actions of Councillor Dent both before and after the submission of Mr Branyan's complaint on 22 April 2013 his actions appear to be totally inappropriate and go beyond the threshold of what is fair and reasonable. Councillor Dent persistently harassed Mr Branyan to such an extent that he felt that he had no option to involve the police. In my view his actions were not disrespectful to the whole town of Carnforth, but I conclude that Councillor Dent's behaviour on the evidence presented to me constitutes a failure to comply with paragraph 3(1) of the Code of Conduct by not treating Mr

Branyan with the respect he deserved following the receipt of his complaint.

48. *Paragraph 3(2)(b) – You must not bully any person*

Whilst the criticism of others is acceptable providing it is undertaken in an appropriate and private way, the actions of Councillor Dent both before and after the submission of Mr Branyan's complaint were unacceptable. He displayed malicious, insulting and humiliating behaviour with a view to undermining and hurting Mr Branyan. Whilst there is insufficient evidence to substantiate the allegation that Councillor Dent bullied staff at RIBI (Rotary Internal in Great Britain and Ireland) I do believe that Councillor Dent bullied Mr Branyan which is further substantiated by the fact that Mr Branyan feels unable to return his position in Carnforth Rotary Club until this matter is resolved. I conclude that on the evidence presented to me, Councillor Dent failed to comply with paragraph 3(2)(b) of the Code of Conduct, in that he bullied Mr Branyan.

49. *Paragraph 3(2)(c) - You must not intimidate any person in relation to an allegation that you failed to comply with the Code of Conduct*

Intimidation is defined as intentional behaviour that "would cause a person of ordinary sensibilities" fear of injury or harm". It constitutes behaviour that would frighten a person into submission, compliance or acquiescence. On the evidence that has been presented to me, Councillor Dent did not intimidate Mr Branyan. In fact his actions had quite the opposite effect. Mr Branyan stated in his interview that he wanted the investigation to proceed, as actions of this nature should not be tolerated and needed to be dealt with accordingly. I conclude that on the evidence presented to me, that there has been no failure by Councillor Dent to comply with paragraph 3(2)(c) of the Code of Conduct in that he did not intimidate Mr Branyan.

50. *Paragraph 5 – conducting himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute*

As a Town Councillor, Councillor Dent's actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. At the time he spoke and emailed Mr Branyan and which subsequently became incorporated into his initial complaint, Councillor Dent was acting in his official capacity as a Town Councillor or representative of Carnforth Town Council. I conclude that on the evidence presented to me Councillor Dent failed to comply with paragraph 5 of the Code of Conduct in that he conducted himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.

51. **Finding**

As Investigating Officer in relation to the behaviour of Town Councillor Ian Dent I make the following findings:-

1. There would appear to be a **finding of failure** in that Councillor Dent did not comply with paragraph 3(1) of the Code of Conduct by not treating Mr. Branyan with the respect he deserved following the receipt of his complaint. There would appear to be **no failure** by Councillor Dent to comply with paragraph 3(1) of the Code of Conduct in respect of his behaviour towards the whole town of Carnforth.
2. There would appear to be a **finding of failure** in that Councillor Dent did not comply with paragraph 3(2) (b) of the Code of Conduct in that he bullied Mr. Branyan. There would appear to be **no failure** by Councillor Dent to comply with paragraph 3(2) (b) of the Code of Conduct in respect of his behaviour towards the staff at RIBI.

3. There would appear to be **no failure** by Councillor Dent to comply with paragraph 3(2) (c) of the Code of Conduct in that he did not intimidate Mr. Branyan.
4. There would appear to be a **finding of failure** in that Councillor Dent did not comply with paragraph 5 of the Code of Conduct in that he conducted himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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