



Standards Consideration and Hearings Sub-Committee held on Monday 28 September 2009 at 10.00am in the Council Chamber, District Council Offices, St Peter's Street, St Albans, Hertfordshire AL1 3JE

FULL DECISION:

Reference: JT1811-2008-1-12 & LH1811-2008-1-13

Date of Full Decision Notice: 28 September 2009

Authority	St Albans City & District Council
Subject member:	Councillor Keith Stammers, a member of Wheathampstead Parish Council
Complainant:	Councillor Jacqueline Turner, a member of Wheathampstead Parish Council and Mrs Lisa Hobden, a former member of Wheathampstead Parish Council
Standards Committee member who chaired the hearing:	Mr Ron Hershbein, Independent member of and Chair of the Standards Committee
Standards Committee members who took part in the hearing:	Mr Syed Abidi, independent member, District Councillor Geoff Churchard and and Parish Councillor John Bell
Monitoring Officer:	Mike Lovelady, Head of Legal & Democratic Services
Local Investigator who investigated the matter:	Mr George Coleby
Clerk of the hearing:	Jill Durham, Democratic Services Manager
Date of hearing:	28 September 2009
Date of Investigator's report:	29 May 2009
Summary of the Complaint:	
<ul style="list-style-type: none"> That Councillor Stammers, at a parish council meeting on 28 August 2008, misled the members of the council by misreporting a telephone conversation he had with a third party, Mr Lionel Thatcher, in relation to a review of the parish clerk's working hours and salary. 	

- That Councillor Stammers failed to honour a commitment made to the Wheathampstead & District Preservation Society (WDPS) at an annual parish meeting, and failed to apologise for having done so.
- That Councillor Stammers was rude to a member of the public in the council offices and wrote a letter of apology only when required to do so by the council.
- That Councillor Stammers shouted at and intimidated Councillor Turner at a parish council working party meeting.
- That Councillor Stammers failed to carry out his duties in relation to the appointment of the new Parish Clerk.

Relevant section or sections of the Code of Conduct:

The following paragraphs of the Wheathampstead Parish Council Code of Conduct i.e. the Model Code of Conduct under the Local Authorities (Model Code of Conduct) Order 2007 adopted by the parish council on 26 July 2007:

Paragraph 1 of the code states:

- (1) This Code applies to **you** as a member of an authority.*
- (2) You should read this Code together with the general principles prescribed by the Secretary of State*
- (3) It is your responsibility to comply with the provisions of this Code.*

Paragraph 2 of the code states:

“(1) Subject to sub-paragraphs (2) to (5), 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) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3 (2) (c), 5 and 6 (a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.”

Paragraph 3 (1) of the code states:

“You must treat others with respect.”

Paragraph 3 (2) (b) of the code states:

“You must not bully any person.”

Paragraph 5 of the code states:

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

Summary of evidence considered and representations made:

The evidence considered was set out at Section 4 of Mr Coleby’s report which was attached in full to the committee’s agenda.

The Chairman asked Councillor Stammers if he agreed with the facts as presented, which he indicated he did.

The findings of fact, including the reasons for them:

Findings of fact:

At a parish council meeting on 28 August 2008, during a discussion of proposed changes to the clerk’s working hours and salary, Councillor Stammers inaccurately reported a telephone conversation he had with the consultant which the council had engaged to review these matters.

On 20 October 2008, at a meeting of the interview panel, following interviews for the position of parish clerk, the panel voted 4 – 2 in favour of appointing Mrs Julia Warren to the post. There was no formal agreement as to how the candidates would be notified of the decision.

During the discussion of the matter, Councillor Turner challenged the way Councillor Stammers was proposing to report the decision to the council. A heated exchange ensued during which Councillor Stammers made a statement to Councillor Turner to the effect of *“I am the Chairman I can do what I like”*. Councillor Stammers’ conduct upset Councillor Turner.

Mrs Warren’s appointment was approved at a council meeting on 30 October 2008. Councillor Stammers repeated his view that Mr Thatcher had supported his view of the clerk’s salary.

When Councillor Stammers failed to retract his comments Councillor Turner and Councillor Hobden left the meeting, with Councillor Turner stating that she had no confidence in Councillor Stammers as chairman. Councillor Brewster also left the meeting.

At the annual parish meeting on 21 May 2008, during a public question and answer session, Councillor Stammers agreed to send Nigel Oxley, Vice-Chairman of WDPS, a copy of the design for village signs which the council had decided to purchase and install at entrances to Wheathampstead village.

Councillor Stammers failed to reply to letters from Mr Oxley dated 16 September 2008 and 26 January 2009 relating to the matter.

Councillor Stammers failed to reply to a letter dated 24 September 2008, from Rick Sanderson, the Chairman of WDPS, complaining that the council had failed to consult with or inform WDPS in relation to the signs. In failing to reply

Councillor Stammers had failed to act in accordance with a resolution made at a meeting of the parish council on 25 September 2008 that he should send a letter of apology to Mr Sanderson.

On an unknown date in August 2008 there was an altercation between Councillor Stammers and Mr Adams, a senior citizen and member of the public well known to Councillor Stammers. Councillor Stammers spoke forcibly to Mr Adams, and ushered him out of the office in a way which forced Mr Adams to walk backwards, in order to get him to leave the office.

Mr Adams subsequently wrote a letter of complaint, which was circulated to members at a parish council meeting on 28 August 2008. Councillor Stammers later sent Mr Adams a letter of apology.

On 13 September 2008 Mr Adams wrote to the Parish Clerk to say that he accepted Councillor Stammers' apology.

Reasons for findings of fact:

The sub-committee was satisfied that the evidence of Mr Coleby was not disputed and was fully supported by documentary evidence and interviews.

The finding as to whether the member failed to follow the Code, including the reasons for that finding:

Findings as to whether the member failed to follow the Code:

- that Councillor Stammers' conduct regarding his reporting of the telephone conversation with Mr Thatcher was a failure to comply with paragraph 5 of the parish council's code of conduct.
- that Councillor Stammers' failure to reply to correspondence from Mr Oxley and Mr Sanderson was a failure to comply with paragraph 3 (1) of the parish council's code of conduct.
- that Councillor Stammers' failure to reply to correspondence from Mr Oxley and Mr Sanderson was a failure to comply with paragraph 5 of the parish council's code of conduct.
- that Councillor Stammers' conduct towards Mr Adams was a failure to comply with paragraph 3 (1) of the parish council's code of conduct.
- that Councillor Stammers' conduct towards Mr Adams was not a failure to comply with paragraph 5 of the parish council's code of conduct.
- that Councillor Stammers' conduct towards Councillor Turner was not a failure to comply with paragraph 3 (1) or 3 (2) (b) of the parish council's code of conduct.
- that Councillor Stammers' conduct in relation to his alleged failure to notify the candidates for the parish clerk's position was not a failure to comply with the parish council's code of conduct.

Reasons for that finding:

The reasons were as set out in Section 6 of Mr Coleby's report.

The sanctions imposed, if any, including the reasons for any sanctions:**Sanction imposed:**

Having considered whether to impose a sanction in respect of the breaches of the code which the Committee had found, and if so what sanction to impose, the Committee decided to suspend Councillor Stammers from his responsibilities and duties as a member of Wheathampstead Parish Council for a period of one calendar month commencing 1st October 2009.

Reasons:

Having regard to mitigating factors, namely

- Councillor Stammers' long service as a councillor and Mrs Green's evidence regarding his attitude towards members of the public.
- Councillor Stammers' acceptance that he had failed to treat Mr Oxley and Mr Sanderson appropriately.
- Councillor Stammers apologised to Mr Adams and his apology was accepted

the sub-committee decided to impose the above sanction.

The right to appeal:

A member subject to a standards committee finding may apply in writing to the President of the Adjudication Panel for England for permission to appeal against that finding.

The President must receive the member's written application within 21 days of the member receiving notice of the standards committee's decision. In this application, the member (appellant) must outline the reasons for the proposed appeal and apply for any sanction imposed to be suspended, if appropriate. They must also indicate whether they want the appeal carried out in writing or in person.

When deciding whether to grant permission to appeal, the President will consider if there is a reasonable chance of the appeal being successful, either in whole or in part. The President will give the appellant concerned their written decision within 21 days of receiving the application. The President will also give their written decision to:

- the Standards for England
- the standards Committee of any authority concerned
- any parish or town councils concerned
- the complainant.

If the President refuses to give permission, they will explain the reasons for that decision.

Contact details for the President of the Adjudication Panel for England are on their website at the following link [Adjudication Panel for England](#).

The address is as follows:

The Adjudication Panel for England
Tribunal Service
York House
31-36 York Place
Leeds
West Yorkshire LS1 2ED

Tel 0113 389 6086