

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **STANDARDS SUB COMMITTEE (HEARING)** held in Room 14b, Priory House, Monks Walk, Shefford on Thursday, 27 May 2010

PRESENT

Mr K Ford (Chairman)

Cllrs A A J Rogers

Mr B Saunders

Officers in Attendance: Mrs M Clampitt Democratic Services Officer
 Mr M Woolsey Principal Solicitor

STH/09/1 **Members' Interests**

(a) **Personal Interests:-**

None.

(b) **Personal and Prejudicial Interests:-**

None.

STH/09/2 **Name of Parties present (including the Complainant, Subject Member, Persons who have made relevant representations together with any person representing each party**

Mr Keith Ford	-	Independent Member CBC Standards Committee
Cllr Tony Rogers	-	CBC Councillor / Member of Standards Committee
Mr Brian Saunders	-	Town/Parish Representative of Standards Committee
Mr Brian Johnson	-	Investigating Officer
Mr Mark Woolsey	-	Solicitor
Mrs Martha Clampitt	-	Democratic Services Officer
Cllr Adam Fahn	-	Subject Member
Mr Paul Howard	-	Complainant
Mr Sam Tidy	-	Complainant
Mr Kraig Rutland	-	Complainant
Mr Matt Whitman	-	Complainant
Mr Jay Lawrence	-	Complainant
Mr James Braxton	-	Complainant

STH/09/3

Complaint Received in Respect of an Allegation made against a Leighton Linslade Town Councillor

On 27 May 2010, the Standards Sub-Committee (Hearing) considered the complaint against Cllr Adam Fahn for possible breaches to the Code of Conduct, which were referred for investigation on 11 December 2009 by the Standards Sub-Committee (Initial Assessment). Mr Johnson carried out an investigation which included face to face interviews, email discussions and written correspondence with various individuals. A written report was received by the Monitoring Officer which said that two possible breaches of the Code had been found in relation to two of the complainants, who were 16 yrs old at the time.

Prior to commencement of the Hearing, the Sub-Committee agreed to receive additional representations made by a complainant who was unable to attend and MSN correspondence between the subject Member and Mr Howard, which related to the possible breaches.

The Chairman asked everyone to introduce themselves and explained how the Hearing would be conducted. Mr Johnson informed the Sub-Committee that through his investigation he had found two possible breaches of the Code of Conduct at paragraphs 3(1) and 5, in respect of both young complainants, Mr Johnson confirmed his report stood as written and he would answer any questions.

In relation to paragraph 3(1) treating others with respect:-

The Chairman asked the Complainants to explain what happened on the evening in question when the alleged 'kick' occurred. It was explained that a 'drum riser', which was a heavy piece of equipment, was in the process of being carried by two of the complainants when Cllr Fahn had kicked the younger person almost causing the equipment to be dropped. This incident was reported to have occurred at the end of a long evening of teasing and banter which had embarrassed the younger person. An email exchange between Cllr Fahn and the Mr Howard, which showed Cllr Fahn admitting to the kick, had been submitted in evidence. When asked for his version of events, Cllr Fahn denied the kick had occurred and said he had been carrying equipment himself. Mr Howard confirmed that Cllr Fahn had not been carrying any equipment. The Chairman asked in what context they viewed Cllr Fahn's presence at the event. It was noted that there was no other capacity for him to be present other than as a Town Councillor.

In relation to the female complainant, she had sent an email stating that she was unable to attend the hearing due to work commitments. Mr Tidy spoke on behalf of the female complainant and explained that the incident had occurred in a public house following the completion of a musical gig. The female complainant had been speaking to a member of the bar staff when Cllr Fahn smacked the female complainant on the bottom and stated 'get your coat you've pulled'. She was 16 yrs old at the time.

In relation to paragraph 3(2)(b) – bullying

Mr Johnson informed the Sub-Committee that this was one of the most difficult areas of the Code to prove. The Chairman asked the complainants to explain how they felt Cllr Fahn had bullied them. It was noted that in relation to the first complainant there had been a pattern of banter and teasing which had reached a point that it was no longer funny to the complainant and had become embarrassing and upsetting. He explained that comments were made about his way of dressing, his hair, his appearance and the kick had been the climax of the evening's events. Comments were made almost every time they met up.

In relation to the female complainant it was explained that she was unsure of what to do with the comments and actions being made by Cllr Fahn. His behaviour was inappropriate towards a 16 yr old female.

In relation to paragraph 5 – bringing office into disrepute

All of the events took place in the public arena and were proven in the report. It was noted that the only association between the complainants and Cllr Fahn began because of his being a Town Councillor. It was noted that there were occasions where Cllr Fahn had turned up at events with his Mayoral Chain on and had shown it to people. It was noted that the events had taken place at Council owned properties and that the Companies had introduced themselves to the Council to make them aware of how they worked and also in case there was any possible funding available for their events.

In relation to paragraphs 6(a) using your position to secure an advantage and 6(b)(i) improper use of authority resources

It was agreed that neither of these complaints could be supported and therefore no breach had occurred.

The Sub-Committee adjourned the Hearing whilst they debated the information and determined the finding of facts.

Findings of Fact

Paragraph 3(1) Treating others with respect

The Sub-Committee found that:-

The younger complainant had been kicked and Cllr Fahn was acting in his capacity as a Councillor, such banter was inappropriate between a Councillor and a 16 yr old.

The female complainant had been slapped, the language used by Cllr Fahn was inappropriate for a Councillor and a 16 yr old female and Cllr Fahn was acting in his capacity as a Councillor.

Paragraph 3(2)(i) bullying

The Sub-Committee found that:-

The Sub-Committee adopted the definition of bullying provided by Standards for England, as set out in Mr Johnson's report.

The incidents described by the complainant's were sufficient both individual and as a pattern to amount to bullying of both young complainants

Paragraph 5 – bringing office into disrepute

Cllr Fahn's actions as detailed in breaches of 3(1) and 3(2)(i) could be seen by a reasonable person to bring his office into disrepute.

Paragraph 6(a) – securing an advantage

There was insufficient evidence to make a determination

Paragraph 6(b)(i) – misuse of Council resources

The Sub-Committee found that no Council's resources were involved in the allegation.

Decision

Having reviewed and considered the information before the Committee, the following decision was reached:

1. In relation to the alleged breach of paragraph 3(1) of the Code of Conduct, the Committee found the findings of Brian Johnson's report to be accurate.
2. In relation to the alleged breach of paragraph 3(2)(b) of the Code of Conduct, the Committee found there to be a breach and that Cllr Fahn did bully the two complainants.
3. In relation to the alleged breach of paragraph 5 of the Code of Conduct the Committee found there to be a breach and that Cllr Fahn through the breaches of 3(1) and 3(2)(b) had brought the Town Council into disrepute.

The basis of their findings were the following:

- (a) Cllr Fahn had kicked the young complainant.
- (b) Cllr Fahn used inappropriate language and behaviour towards the young complainant especially given the age of the individual.
- (c) Cllr Fahn had slapped the young woman on the bottom.

- (d) Cllr Fahn used inappropriate language and behaviour towards the young woman especially given the age of the individual.
- (e) The Committee adopted the definition provided by Standards for England set out in the investigating officer's report and found based on that definition that Cllr Fahn had bullied both young complainants.
- (f) That the inappropriate verbal and physical behaviour occurred in public arenas and would therefore lower the opinion of the Town Council in the mind of a reasonable person.

Sanctions

For the breaches set out above the Committee imposed a suspension for a period of two months effective from today 27 May 2010.

Cllr Fahn has been informed of his right to appeal.

A decision notice will be sent to each party within the next two weeks.

(Note: The meeting commenced at 11.00 a.m. and concluded at 3.55 p.m.)