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Decision by the Standards Committee

Subject Member:	Cllr Christopher Stead, Melbourn Parish Council
Complainant:	Mrs Jocelyn Robson, former Councillor, Melbourn Parish Council
Case Reference:	CORCOM 3886
Chairman of Standards Hearing Panel:	Ms Georgina Butcher, Independent Member of South Cambridgeshire District Council Standards Committee
Standards Hearing Panel Members:	Mr Bob Bryant, Parish Council Member of South Cambridgeshire District Council Standards Committee Councillor Mrs Cicely Murfitt, Council Member of South Cambridgeshire District Council Standards Committee
Monitoring Officer and Legal Adviser to the Panel:	Ms Fiona McMillan, Deputy Monitoring Officer and Acting Legal and Democratic Services Manager, South Cambridgeshire District Council
Investigating Officer:	Mr Simon Lovell, Corporate Investigations Officer, Peterborough City Council, represented by Ms Diane Baker, Compliance and Ethical Standards Manager, Peterborough City Council
Clerk of the Hearing:	Mrs Holly Adams, Democratic Services Team Leader, South Cambridgeshire District Council
Date of Hearing:	23 July 2010
Date of Report:	29 April 2010

Summary of the allegations:

That Councillor Stead, through e-mails and posts on the 'Speakers Corner' section of the Melbourn village website, bullied and failed to treat other parish councillors with respect.

Relevant section(s) of the Code of Conduct:

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

Summary of the evidence considered and representations made:

The Hearing Panel considered only the Investigating Officer's report and the documentary evidence therein. No representations or further evidence had been received from Councillor Stead.

Findings of fact, including the reasons for them:

Based upon the Investigating Officer's report and documentary evidence, and the responses made by the Investigating Officer's representative to the questioning of the Hearing Panel, and in the absence of any further evidence or representations on behalf of Councillor Stead, the Hearing Panel accepted the findings of fact as set out in the Investigating Officer's report and the reasoning of the Investigating Officer.

Finding as to whether or not the member failed to follow the Code of Conduct, including the reasons for that finding:

The Hearing Panel, having considered the evidence received and statements made today by the Investigating Officer's representative in response to the Panel's questions, has found that Councillor Christopher Stead of Melbourn Parish Council, had breached the following provisions of the Code of Conduct of Melbourn Parish Council as set out in the Investigating Officer's report:

Paragraph 3.1 – "You must treat others with respect": the Hearing Panel first considered whether or not Councillor Stead was acting or giving the impression that he was acting in his official capacity as a Parish Councillor and therefore was subject to the requirements of the Code of Conduct.

Councillor Stead, in his posts on the "Speakers' Corner" part of the Melbourn Village website, was commenting on Parish Council business, and used his own name when he was known in the village as a Parish Councillor

Standards for England's guidance on the Code of Conduct and on blogging and social networking states specifically:

"Do be aware that the higher your profile as a councillor, the more likely it is you will be seen as acting in your official capacity when you blog or network"

Councillor Stead's own admission to the Investigating Officer was that:

"people using the website were likely to know he was a Parish Councillor and may therefore associate his comments with the Parish Council."

The Hearing Panel further noted that Councillor Stead was not newly elected to the Parish Council, but had been a member for nearly four years by the time he made the comments which resulted in a complaint, and accepted Councillor Stead's comments that people using the website were likely to have associated his comments with his role as a Parish Councillor.

The Hearing Panel has found that, in relation to Councillor Stead's e-mails to members of Melbourn Parish Council, which made general comments about the conduct of Parish Council meetings and the behaviour of the Chairman, Councillor Stead was acting in his official capacity as a Parish Councillor as the e-mail addresses of all Melbourn Parish Councillors are not publicly available on the Parish Council website and therefore were unlikely to have been known to him other than through his capacity as a Parish Councillor. The Hearing Panel, having had reference to Standards for England guidance on the Code of Conduct, did not, however, consider that the comments made in Councillor Stead's e-mails amounted to a breach of the Code of Conduct on their own, but did consider that they were part of a pattern:

"Paragraph 3(1) is not intended to stand in the way of lively debate in local authorities. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through members' arguments and public debate are an essential part of the cut and thrust of political life."

Comments directed at the expression of an idea or argument are not necessarily subject to the Code of Conduct, while comments aimed at a person and their personal characteristics could constitute a failure to treat others with respect.

The Hearing Panel therefore finds that Councillor Stead has breached the Code of Conduct of Melbourn Parish Council by failing to treat others with respect when he made the following comments on the Speakers' Corner forum on the Melbourn Village Website, which in the opinion of the Panel constituted personal attacks:

"To the chairman of the parish council District councillors CCC. You all clearly need a lesson in government . The result was 101 against 23 for . Yr you still went against the will of the majority. My father fought a world war to stop nazis like you. Had the vote gone the other way i would have had the good grace to accept it. You all clearly believe that you are our masters not our servants. This just proves that there is not an ounce of decency in any of you."

"To J Hales . Just who the hell do you think you are? Telling people to check their speed. You are nothing more than a snotty nosed parish councillor who thinks they have a god given right to tell everybody else what to do. Dont get in my way on the road . Shut it."

"To Jose. Sorry about the delay in reply to your comments but i have been busy. There is clearly something not right with the way the council is handling this. How else do you explain the meeting that you and councillor Van der ven had at Whittlesford depot to which no one else ,least of all me . was invited. Also why the undue speed to get extraordinary meetings set up at short notice? Surely this should all be done at parish meetings where everyone who wants to can see what is going on? Also why is the council chairman Councillor Mowatt so keen on it? As he is so keen on quoting the bible , perhaps he would like to tell me the truth next time i ask him a question instead of ranting on. Something stinks about this and it isnt my stilton cheese. I am quite happy state my personal interest in this - I KEEP MY JOB. A Iso i do not like cliques running the parish council."

In the absence of the subject member, the Panel had regard to evidence in the Investigating Officer's report that Councillor Stead had agreed that reference to 'nazis' was inappropriate and that he said that he had been 'riled up' at the time and had to 'fire

back at someone', and that he had 'lost his rag' by then. Councillor Stead had also agreed with the Investigating Officer that some of his comments had been disrespectful.

The Panel is aware that two of the witnesses who provided evidence to the Investigating Officer are present at the Hearing and willing to answer questions to provide clarification on matters, but does not feel that it would be appropriate to invite them to do so in the absence of the Subject Member, who would not then have the opportunity to question them and their evidence through the Chairman.

Penalties applied, if any, including the reasons for any penalties:

The Hearing Panel appreciates that Councillor Stead is, in the opinion of the Chairman of Melbourn Parish Council, a hard-working Parish Councillor, and that Councillor Stead has given up his own time to volunteer to serve on the Parish Council.

The Panel finds that, however, the language used by Councillor Stead in his messages on the "Speakers' Corner" forum is totally inappropriate and unacceptable.

The Panel accepts that Councillor Stead acknowledged to the Investigating Officer that he might have been disrespectful, but in the absence of any evidence of an apology from Councillor Stead, the Panel requires that Councillor Stead, within 28 days from the date of the hearing (20 August 2010), provide a written apology to Melbourn Parish Council for the language he used, making specific reference to any offence his statements caused to Councillors Mowatt and Hales.

A copy of this apology is to be sent to the Monitoring Officer and to the Clerk to Melbourn Parish Council for inclusion on a Parish Council agenda.

If no apology has been forthcoming within 28 days from the date of the hearing, the Panel feels that it has no further alternative than to suspend Councillor Stead from his role as a Parish Councillor for three months, such suspension to begin immediately from 21 August 2010.

Right to appeal:

A copy of the appeals process will be delivered to Councillor Stead with the decision notice.