



SOUTH KESTEVEN DISTRICT COUNCIL

SOUTH KESTEVEN DISTRICT COUNCIL'S STANDARDS COMMITTEE NOTICE OF DETERMINATION

At a meeting held on the 15th May 2009, South Kesteven District Council Standards Committee considered an allegation made by Mr Stephen Bowman (the Complainant) against former Councillor Andrew Foreman (the Councillor). The Complainant alleged that the Councillor failed to comply with paragraph 3(2)(b) and 7(1)(a) of the Members' Code of Conduct 2007 in that:

- At a meeting between the Complainant and the Councillor on the 27th October 2008, the Councillor allegedly threatened the Complainant by reference to the Inland Revenue and the Complainant's mileage claim. The Claimant maintained that the alleged threat amounted to an act of bullying and/or intimidating behaviour contrary to Paragraph 3(2)(b) of the 2007 Members' Code of Conduct.
- That by raising concerns regarding financial deficit in an email sent on the 17th September 2008 from the Councillor to the Chairman of the Parish Council alleging financial deficit, the Councillor failed to comply with Paragraph 7(1)(a) of the 2007 Members' Code of Conduct in that he did not have any regard to any relevant advice provided by the authority's Chief Finance Officer before reaching a decision on any matter.

The Standards Committee determined as follows :-

1. In respect of the alleged failure to comply with Paragraph 3(2)(b) of the 2007 Members' Code of Conduct that you must not bully any person, the Standards Committee concurred with the Investigating Officer's view that this was a one-off incident of a relatively minor nature. Following guidance from the Standards Board as to what constitutes bullying, the Committee concluded

that the behaviour of the Councillor did not amount to a failure to comply with Paragraph 3(2)(b) of the 2007 Members' Code of Conduct.

2. In respect of Paragraph 7(1)(a) of the 2007 Members' Code of Conduct which requires when reaching decision on any matter you must have regard to any relevant advice provided to you by your authority's Chief Finance Officer, the Standards Committee found that the communication from the Councillor to the Chair of the Parish Council regarding financial matters did not involve a decision but a recommendation. The Standards Committee concluded that there was no evidence that the post of Chief Financial Officer existed within the Parish Council. Accordingly, the Standards Committee concurred with the Investigating Officer that there had been no failure to comply with Paragraph 7(1)(a) of the 2007 Members' Code of Conduct.
3. In making its determination, the Standards Committee considered the report of the Investigating Officer, Mrs Shelley Hardy. Neither the Complainant nor the Councillor attended the Meeting of the Committee.
4. South Kesteven District Council's Standard Committee comprised: Mr Chris Holton, independent member (Chairman), Mr Fred Mann independent member (Vice-Chairman), Councillor Reg Lovelock M.B.E, Councillor John Harvey, Councillor Andrew Moore, Councillor Mike Williams all of South Kesteven District Council Councillor and Councillor Mrs Shirley Cliffe and Councillor Mrs Helen Powell both of Bourne Town Council.

Signed.....



Dated...26th May 2009....

**Mrs Lucy Youles
Legal Services Manager (Monitoring Officer)
On behalf of South Kesteven District Council**

Copies to: The Clerk to Long Bennington Parish Council, Mr Stephen Bowman and Mr. Andrew Foreman