

Agenda

Standards Committee

Date: **Thursday 15 December 2022**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Francesca Whyley

Head of Governance and Customer Services

0115 901 3907

Standards Committee

Membership

Chair Councillor Michael Boyle

Vice-Chair Councillor Michael Payne

Councillor Pat Bosworth
Councillor Boyd Elliott
Councillor Andrew Ellwood
Councillor Mike Hope
Councillor Clive Towsey-Hinton
Rosalie Hawks
Martyn Thorpe

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AGENDA

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MINUTES STANDARDS COMMITTEE

Thursday 23 June 2022

Councillor Michael Boyle (Chair)

Councillor Pat Bosworth	Councillor Simon Murray
Councillor Andrew Ellwood	Councillor Clive Towsey-
Councillor Mike Hope	Hinton
Councillor Meredith Lawrence	Rosalie Hawks

Absent: Councillor Michael Payne, Councillor Boyd Elliott and Martyn Thorpe

Officers in Attendance: E McGinlay and F Whyley

25 APOLOGIES FOR ABSENCE & SUBSTITUTIONS

Apologies were received from Councillors Elliott and Payne and Martyn Thorpe. Councillor Lawrence attended as a substitute.

26 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 10 MARCH 2022

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

27 DECLARATION OF INTERESTS

Councillor Bosworth declared a non-pecuniary interest in relation to her being a member of Calverton Parish Council, which related to item 8.

28 UPDATE ON RECOMMENDATIONS TO COMMITTEE FOR STANDARDS IN PUBLIC LIFE RECOMMENDATIONS

Rosalie Hawkes and Councillor Murray joined the meeting.

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, to inform members of the Government's response to the recommendations from the Committee on Standards in Public Life report.

RESOLVED:

That the report be noted.

29 RECRUITMENT OF INDEPENDENT PERSON

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, recommending to Council that John Baggaley should be appointed as Independent Person and Stewart Bembridge be appointed as reserve Independent Person.

RESOLVED to:

- 1) Recommend to Council that John Baggaley be appointed as Independent Person under the Localism Act 2011 for 2 years; and
- 2) Recommend to Council that Stewart Bembridge be appointed as reserve Independent Person under the Localism Act 2011 for 2 years

30 APPROVAL OF DELEGATIONS

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, seeking approval to amend all current delegations previously approved by Standards Committee following the adoption of the new constitution.

RESOLVED to:

- 1) Approve the officer delegations at Appendix 1;
- 2) Approve the Monitoring Officer be authorised to make any other necessary administrative amendments to reflect the change to the constitution

31 REPORT ON GIFTS AND HOSPITALITY

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, to inform members of gifts and hospitality received between 1 April 2021 and 31 March 2022 and to identify any issues arising from the annual review of the Register of Gifts and Hospitality.

RESOLVED:

That the report be noted.

32 CODE OF CONDUCT COMPLAINTS UPDATE

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, to inform members of complaints received between 10 March 2022 and 23 June 2022.

RESOLVED:

To note the report.

33 EXCLUSION OF PRESS AND PUBLIC

At the request of a committee member, in relation to discussion of exempt appendix 2, the committee

RESOLVED:

That, Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(a)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing report on the grounds that the confidential appendix would involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12a of the Local Government Act 1972.

34 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 6.50 pm

Signed by Chair:
Date:

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Report to Standards Committee

Subject: Decision of the Hearing Panel – Code of Conduct Complaint

Date: 15 December 2022

Author: Monitoring Officer

Purpose

To report the outcome of an investigation into a complaint of breach of the Calverton Parish Council Code of Conduct against Councillor Paul Winfield of Calverton Parish Council.

Recommendation

THAT the Committee:

- 1) Note the outcome of the complaint.

1 Background

- 1.1 A complaint was raised by Councillor Patricia Marks, a member of Calverton Parish Council (the Complainant) against Councillor Paul Winfield, also a Calverton Parish Councillor (the Subject Member) on 16 February 2021. The Complainant alleged that the Subject Member had failed to treat her, her family and others with respect and that the Subject Member had bullied and harassed her and others. The Complainant asked for the complaint to be put on hold on 25 February 2021, then asked it be reopened which it was on 18 March 2021.
- 1.2 The Complainant was asked to provide some further information which was passed to the Monitoring Officer. The Subject Member received papers in relation to the complaint on 14th June 2021. On 16th June 2021, whilst the complaint was still subject to initial assessment, the Subject Member confronted the complainant during a working group meeting of the Parish Council. During this confrontation, it is alleged that the Subject Member made various comments to the Complainant calling her a sad woman and swearing. Information about this incident was reported to the Monitoring Officer and became part of the complaint against the Subject Member.

- 1.3 In consultation with the Independent Person, the Monitoring Officer determined to refer the complaint to investigation on 30 September 2021. The complaint was referred to independent investigators Wilkin Chapman on 5th October 2021.
- 1.4 Wilkin Chapman undertook an investigation and Dave Hayward, the investigating officer (the Investigator), produced a final report in June 2022. The Investigator concluded that the Subject Member had breached the Code of Conduct only in relation to the incident on 16th June 2021. In particular, the finding was that the Subject Member had breached the following paragraphs of the Calverton Parish Council Code of Conduct:
- 5(2)9(c) You must not intimidate or attempt to intimidate any person who is or likely to be:
- (i) A complainant
7. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or your Council into disrepute.
- 1.5 Following receipt of the final report, the Monitoring Officer, in line with the Council's Arrangements for dealing with Complaints, considered the report and was satisfied the investigation had been conducted properly. In relation to findings of no breach, the Monitoring Officer accepted the Investigator's findings. In relation to the finding of breach, the Monitoring Officer concluded that there was evidence of a failure to comply with the Code of Conduct.
- 1.6 Following consultation with the Independent Person, the Monitoring Officer contacted the Complainant and the Subject Member in an attempt to resolve the matter by way of a local resolution. The Subject Member was asked whether a resolution in the form of an apology to the Complainant and attendance at training in relation to the Code of Conduct and in particular in relation to civility and respect in office which was a course being offered by the National Association of Councils, was accepted. This offer was made on 22nd July 2022 and was rejected by the Subject Member on 28th July 2022.
- 1.6 In line with the Council's arrangements, following refusal of informal resolution, the complaint progressed to a hearing. The Hearing Panel made of Members drawn from the Standards Committee and one substitute member sat on 10th November 2022 to consider the Investigator's findings of breach, and considered evidence from the Subject Member as well as witnesses to the incident on 16th June 2021.
- 1.7 Having considered the evidence presented from witnesses and through documents, the Panel determined that there had been a breach of the Calverton Parish Council Code of Conduct on 16th June 2021 by the Subject Member in that he did intimidate a complainant and this conduct could reasonably be regarded as bringing his office or the Parish council into

disrepute. The Panel went on to consider what sanctions, if any should be recommended to the Parish Council. Ultimately the Panel concluded that they would write a formal letter to the Subject Member enclosing the Decision Notice from the hearing, the Panel also recommended that Calverton Parish Council publish the Decision Notice at the next full parish meeting as part of the agenda. It is anticipated that the matter will be dealt with at the January meeting of the Parish. The full Decision Notice is shown at Appendix 1.

2 Proposal

- 2.1 It is proposed that the Panel notes the outcome of this complaint.

3 Alternative Options

- 3.1 Under the Council's Arrangements for Dealing with Complaints, the complaint had to progress to the hearing stage. The hearing was held in public, the Panel concluded there had been a breach of the Code of Conduct and in line with the Council's arrangements for Dealing with Complaints this should be reported to the Committee.

4 Financial Implications

- 4.1 The costs of investigation were met from within existing budgets.

5 Legal Implications

- 5.1 Code of Conduct complaints must be dealt with in accordance with the Council's Approved Arrangements for Dealing with Complaints made under s.28 (6) Localism Act 2011. The hearing process followed these arrangements and this report is in line with those arrangements.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/environmental sustainability implications arising from this report.

8 Appendices

- 8.1 Appendix 1 – Decision Notice

9 Background papers

- 9.1 [Agenda for Standards hearing panel on Thursday 10 November 2022, 10.30 am - Gedling Borough Council](#)

10 Reasons for Recommendation

- 10.1 To determine a complaint of a breach of the Calverton Parish Council Code of Conduct

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Drafted by the Monitoring Officer

Decision Notice: Breach of Calverton Parish Council Code of Conduct

Reference: STD002608

Complaint

On 10th November 2022, the Standards Hearing Panel (“the Panel”) sat at Gedling Borough Council to determine a complaint from Mrs Patricia Marks (“the Complainant”) initially made on 16th February 2021 with additional information received on 19th June 2021 regarding an alleged breach of the Calverton Parish Council Member Code of Conduct (“the Code”) by Councillor Paul Winfield (“the Subject Member”).

The complaint had been referred for investigation by the Monitoring Officer in consultation with the Independent Person in September 2021. An independent investigator was appointed from Wilkin Chapman Solicitors (“the Investigator”). The investigation concluded in June 2022 and the Investigator concluded that Councillor Paul Winfield had breached the following paragraphs of the Code:

5(2)9(c) You must not intimidate or attempt to intimidate any person who is or likely to be:

(i) A complainant

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

The matter was referred for a local hearing following a refusal by the Subject Member to accept a local resolution which included an apology to the Complainant and a commitment to attend training in relation to the Code of Conduct and Civility and Respect in Public Life.

The Panel, sitting on 10th November considered the following information:

- Report of the Monitoring Officer
- Council’s Arrangements for dealing with Code of Conduct Complaints
- Hearing Procedure
- Investigator’s report
- Schedule of Evidence (including the Code of Conduct)

During the hearing, the Panel heard from the following:

- Dave Hayward – the Investigator
- Councillor Lorraine Brown
- Councillor Joan Inger
- Councillor Paul Winfield

The Complainant also attended the hearing but did not give evidence.

The Panel were advised by the Monitoring Officer and heard the views of the Independent Person John Baggaley.

Full details of the complaint were set out in the agenda papers, in summary, the Complainant alleged:

On Wednesday the 16th June the Complainant was in a working party meeting with Lorraine and Joan who is a friend of Paul Winfield's. An hour and a half into the meeting Paul Winfield opened the door, the complainant was about four feet away from him. Councillor Winfield pointed at the complainant and shouted "you are a sad, sad woman. You sad woman" and left. Lorraine said "what was that about" Joan said "was it a code of conduct?" the complainant said, she didn't know.

Ten minutes later Councillor Winfield came back and started shouting and pointing at the Complainant. He was so angry and loud the Complainant couldn't tell exactly what he was saying. Joan went to the door and said "Paul go away and calm down ". Councillor Winfield said "No, I'm not f..... going anywhere, don't you f.....shut this door " . The complainant asked Joan four times to shut the door but she didn't. Councillor Winfield was shouting over the complainant, "I'm not f.....going anywhere ". While Councillor Winfield was still shouting the complainant turned to Lorraine and said, "I'm sorry Lorraine, you were witness to that, I'm sorry but I am going to have to leave."

The Complainant couldn't get out because Paul Winfield was at the door, so the Complainant went onto the bowling green until Councillor Winfield had gone.

The Complainant came back into the room and Paul Winfield had gone into the office which the complainant had to pass. The Complainant said to Lorraine and Joan "if he touches me?"

Paul Winfield was, in a loud voice, reading out what the Complainant believed was a complaint against him.

Decision

In accordance with Sections 28 (6) and (7) of the Localism Act 2011, having carefully considered the allegation in accordance with the Council's Arrangements for Dealing with Complaints about breach of the Code of Conduct, having considered all the information before them and in consultation with the Independent Person, the Panel accepted the Investigator's findings and determined that Councillor Paul Winfield had breached paragraphs 5 and 7 of the Code.

Reasons for Decision

Section 27(2) of the Localism Act 2011 requires all relevant authorities to "adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity."

Calverton Parish Council has adopted such a Code of Conduct which reflects this and states:

“3. (1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you:

- (a) Conduct the business of the Council (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 the Council;
- and references to your official capacity are construed accordingly...

The Panel determined that on 16th June 2021 when the Subject Member confronted the Complainant, the Code was engaged. The Subject Member accepted that on receipt of the details of a Code of Conduct Complaint made against him arising due to the office he held as Councillor, he went to the village hall with the intention of confronting the Complainant about it.

The Panel were satisfied that the complaint itself was Council related business and as such, the confrontation arose due to a Council related matter.

In addition, although not the determining factor, the confrontation took place during a working group meeting set up to conduct Council business to which the Complainant had been invited in his capacity as Councillor. Whilst the Complainant did not attend the meeting to participate, he did enter the meeting and others in the room presumed he was there as an invitee and Councillor.

The Subject Member interrupted a meeting held for Council business to confront the Complainant about a Code of Conduct complaint which only arose because the Subject Member is a Councillor. The Panel therefore determined the Code of Conduct was engaged.

The Panel concluded that the behaviour displayed towards the Complainant on 16th June 2021 by the Subject Member was intimidating, and was therefore in breach of paragraph 5 of the Code. The Panel concluded that it was the escalation of the behaviour displayed that led them to this conclusion, the Subject Member called the Complainant a sad woman but then came back, swore and stood in the door way. It was the continuing behaviour after the Subject Member's initial comment to the Complainant that amounted, in the view of the Panel, to intimidation. The motivation for the behaviour was the complaint made by the Complainant.

The Panel concluded that the behaviour of the Subject Member on 16th June 2021 did bring his office or the Council into disrepute.

The behaviour displayed by the Subject Member, was not acceptable for an individual holding office as a Councillor, in addition, the intimidating behaviour towards a Complainant undermines public confidence in the process of dealing with Code of Conduct complaints. Councillors are expected to maintain standards of behaviour in public office and the behaviour displayed by the Subject Member, however justified he felt it was, was not appropriate for the office of Councillor and undermined the complaints process. The Panel therefore concluded that paragraph 7 of the Code was breached.

Sanctions

Having determined that the Code had been breached by the Subject Member, the Panel sought representations from the Subject Member and the Investigating officer in relation

to sanctions that the Panel may impose. The Panel also sought the views of the Independent Person.

The Panel considered the sanctions available to them under the Council's Arrangements for dealing with Code of Conduct Complaints. The Panel recognised that there had been issues which had driven the Subject Member to behave in the way he had on 16th June 2021 and took this into account as mitigation when considering appropriate sanctions.

The Panel determined that a requirement for the Subject Member to attend training would have been a sanction they would have considered but the Panel recognised that the Subject Member had recently attended two training sessions at Calverton Parish Council organised by the Monitoring Officer, the Panel commended the Subject Member for his attendance on those courses.

The Panel imposed the following sanctions:

- The Panel determined they would write a formal letter to the Subject Member enclosing the Decision Notice.
- The Panel determined they would send a copy of the Decision Notice to Calverton Parish Council and ask that the Decision Notice be included as an agenda item at the next full Parish Council meeting.

This Decision will be reported to the next convenient meeting of the Standards Committee and will be published as part of that agenda.

Please note, there is no right of appeal against a decision of the Hearing Panel. If the Complainant feels the Council have failed to deal with the complaint properly, he/she may complain to the Local Government and Social Care Ombudsman PO Box 4771, Coventry, CV4 0EH.



Signed:

Dated: 11/11/22

**Francesca Whyley
Monitoring Officer**



Report to Standards Committee

Subject: Code of Conduct Complaints Update

Date: 15 December 2022

Author: Monitoring Officer

Purpose

To inform members of the Standards Committee of complaints received between 23 June 2022 and 15 December 2022.

Recommendation

THAT the report be noted.

1 Background

- 1.1 A summary of the number of complaints received since the implementation of the existing Standards regime (from 1 July 2012) is set out in the graph in Appendix 1. A summary of the complaints received since 2020/21 is set out in the table at Appendix 1. Since 23 June 2022, the Monitoring Officer has received 6 new code of conduct complaints.
- 1.2 Members of the Standards Committee will recall that at the time of the last committee meeting, 3 complaints were outstanding. Two of those complaints had been referred for investigation to external investigators. Both complaints have now concluded. The outcome of one of those complaints, determined by a Hearing Panel is detailed elsewhere on the agenda. A summary of the decision in the second complaint is shown at Appendix 2. The other complaint outstanding at the last Committee has also now been concluded and the summary of decision in that case is also attached at Appendix 2.
- 1.3 In relation to the six new complaints received since the 23 June 2022, five of those complaints have concluded and a summary of the decisions are attached at Appendix 2. At the time of writing, one complaint received since 23 June 2022 remains outstanding.

2 Proposal

2.1 It is proposed that the Committee notes the report.

3 Alternative Options

3.1 Not to report code of complaints received by the Monitoring Officer however this would be contrary to the Council's arrangements for dealing with complaints.

4 Financial Implications

4.1 The costs associated with the external investigation into the two complaints referenced above were met from existing budgets.

5 Legal Implications

5.1 Code of Conduct complaints must be dealt with in accordance with the Council's Approved Arrangements for Dealing with Complaints.

6 Equalities Implications

6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

7.1 There are no carbon reduction/environmental sustainability implications arising from this report.

8 Appendices

8.1 Appendix 1 – Summary of the Code of Conduct complaints received since 1 July 2012.

8.2 Appendix 2 – Exempt Appendices – Summary of 7 complaints determined between 23 June 2022 and 15 December 2022.

9 Background papers

9.1 None identified.

10 Reasons for Recommendation

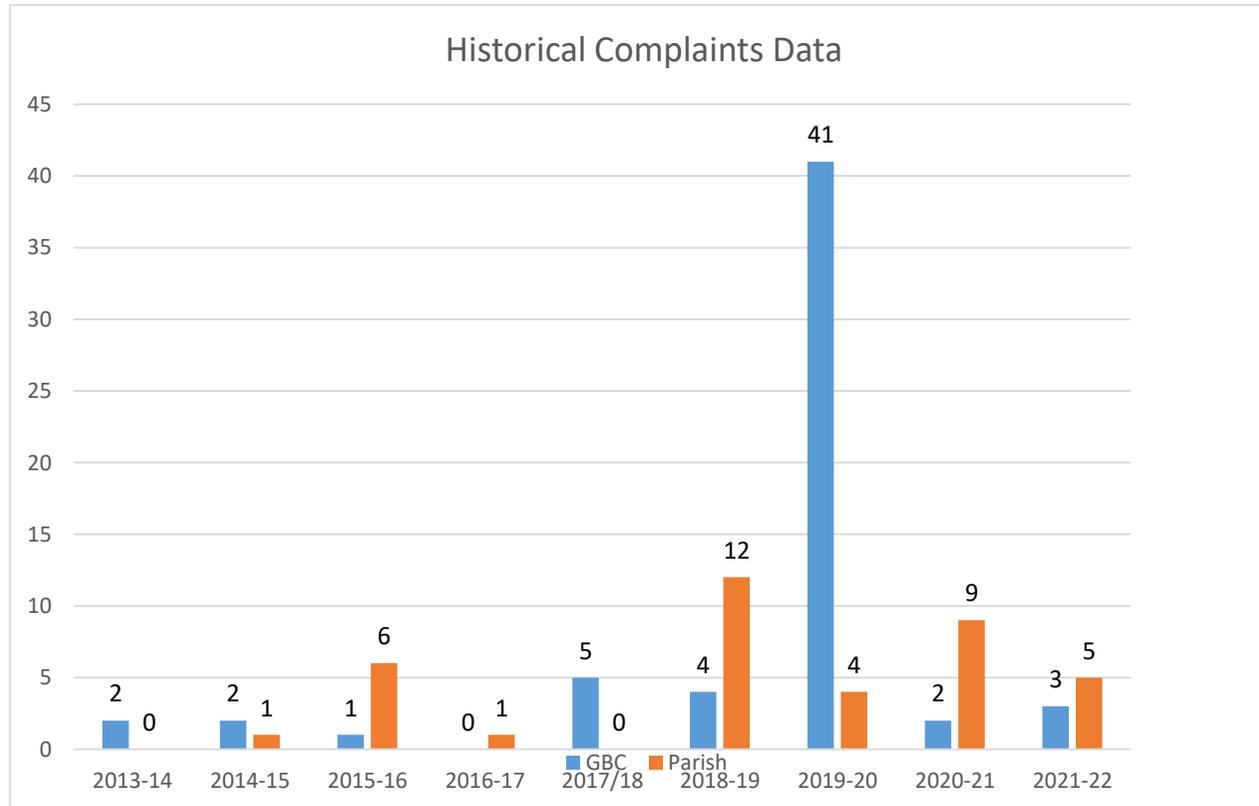
10.1 To keep Committee updated on Code of Conduct Complaints

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

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Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
Complaints received 2020-21					
STD002164	09/06/20	Calverton Parish Council	Councillor (not GBC)	Complaint treated as withdrawn	24/08/20
STD002181	22/06/20	Calverton Parish Council	Member of Public	Complaint treated as withdrawn	24/08/20

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD002182	22/06/20	Calverton Parish Council	Councillor (not GBC)	Complaint treated as withdrawn	24/08/20
STD002187	26/06/20	Calverton Parish Council	Member of Public	No further action	21/09/20
STD002207	13/07/20	GBC	Member of Public	Reject Complaint – Not acting in official capacity	13/08/20
STD002306	21/10/20	GBC	Member of Public	Complaint treated as withdrawn	
STD002393	07/01/21	Calverton Parish Council	Councillor (not GBC)	Informal Resolution: recommended a written apology be issued	02/07/21
STD002463	02/02/21	Calverton Parish Council	Councillor (not GBC)	No further action	24/05/21
STD002464	02/02/21	Calverton Parish Council	Councillor (not GBC)	Complaint treated as withdrawn	
STD002465	31/01/21	St Albans Parish Council	Member of the Public	No further action	12/05/21
STD002499	16/02/21	Calverton Parish Council	Councillor (not GBC)	No breach	28/07/22
STD002608	16/02/21	Calverton Parish Council	Councillor (not GBC)	Hearing concluded Breach of the Code	10/11/22
Complaints received 2021-22					

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD002554	21/04/21	Calverton Parish Council	Member of the Public	Complaint treated as withdrawn	
STD002555	07/04/21	Calverton Parish Council	Member of the Public	No further action	13/08/21
STD002582	06/05/21	GBC	Member of the Public	Reject complaint – Not acting in official capacity	21/05/21
STD002583	07/05/21	GBC	Member of the Public	Reject complaint – Not acting in official capacity	21/05/21
STD002584	11/05/21	GBC	Member of the Public	Reject complaint – Not acting in official capacity	21/05/21
STD002657	14/07/21	Calverton Parish Council	Member of the Public	No further action	13/05/22
STD002955	16/03/22	Calverton Parish Council	Councillor (not GBC)	Reject complaint – Not acting in official capacity	28/07/22
STD002956	16/03/22	Calverton Parish Council	Councillor (not GBC)	No further action	30/05/22
Complaints received 2022-23					
STD002993	03/05/22	GBC	Member of the Public	Reject complaint – Conduct complained of outside the Code of Conduct	15/06/22

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD003067	29/06/22	St Albans Parish Council	Councillor (not GBC)	No further action	16/09/22
STD003116	01/08/22	Calverton Parish Council	Councillor (not GBC)	No further action	16/11/22
STD003124	13/08/22	Gedling Borough Council	Member of the public	Reject complaint – not acting in official capacity	19/08/22
STD003126	15/08/22	Gedling Borough Council	Member of the public	Reject complaint – not acting in official capacity	19/08/22
STD003127	15/08/22	Gedling Borough Council	Member of the public	Reject complaint – not acting in official capacity	19/08/22
STD003249	30/11/22	Calverton Parish Council	Member of the public	Ongoing	

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of the Local Government Act 1972.

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