

# Agenda

## Standards hearing panel

Date: **Thursday 10 November 2022**

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Time: **10.30 am**

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Place: **Council Chamber**

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For any further information please contact:

**Fran Whyley**

0115 901 3907

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# Standards hearing panel

## Membership

Councillor Michael Boyle  
Councillor Martin Smith  
Councillor Clive Towsey-Hinton  
Rosalie Hawks

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# AGENDA

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Report of the Monitoring Officer

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## **Report to Standards Hearing Panel**

**Subject:** Code of Conduct Hearing

**Date:** 10 November 2022

**Author:** Monitoring Officer

### **Purpose**

To consider a complaint under the Calverton Parish Council Code of Conduct against Councillor Paul Winfield of Calverton Parish Council.

### **Recommendation**

#### **THAT the Hearing Panel:**

- 1) considers whether or not there has been a breach of the Code of Conduct and, if appropriate, what sanction to be imposed.

## **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 14<sup>th</sup> June 2021. On 16<sup>th</sup> June 2021, whilst the complaint was still subject to initial assessment, the Subject Member confronted the complainant during a working group meeting. 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 5<sup>th</sup> 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 in relation to the incident on 16<sup>th</sup> 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 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 22<sup>nd</sup> July 2022 and was rejected by the Subject Member on 28<sup>th</sup> July 2022.
- 1.6 In line with the Council's arrangements, the complaint has now progressed to a hearing. The Hearing Panel was originally due to convene on 12<sup>th</sup> October 2022 but the Subject Member was not able to attend on that date. The hearing has now been arranged for today.

## **2 Proposal**

- 2.1 It is proposed that the Panel consider the information attached to this report and presented at the hearing and determine whether or not there has been a breach of the Calverton Parish Council Code of Conduct by Councillor Winfield, and, if appropriate, determine what sanction should be imposed.

2.2 In order to assist the Panel, the following information is attached to this report:

- Council's Arrangements for Dealing with Code of Conduct Complaints
- Hearing procedure
- Investigator's report
- Schedule of Evidence

The information has been redacted to ensure that only information relevant to the finding of breach is presented to the Panel.

### **3 Alternative Options**

3.1 Under the Council's Arrangements for Dealing with Complaints, the complaint must now progress to the hearing stage. The options available to the Panel are to determine whether there has or has not been a breach of the Code of Conduct. It should be noted that the Panel and the Monitoring Officer have the right to depart from the arrangements where it considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

### **4 Financial Implications**

4.1 There are no financial implications arising from this report.

### **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.

### **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 Information for hearing:

- Council's Arrangements for Dealing with Code of Conduct Complaints

- Hearing procedure
- Investigator's report
- Schedule of Evidence

## **9 Background papers**

9.1 None identified.

## **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**

## **Arrangements for dealing with complaints about breach of the Code of Conduct**

### **1. Introduction**

These arrangements set out how Gedling Borough Council (“the Council”) will deal with allegations that an elected or co-opted member of the Council or of a Parish Council within its area has failed to comply with the Code of Conduct.

The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as “the Subject Member”.

### **2. The Code of Conduct**

The Council has adopted a Code of Conduct for members, which is available for inspection on the Council’s website and on request from Reception at the Civic Centre.

Each Parish Council is also required to adopt a Code of Conduct. If the Complainant wishes to inspect a Parish Council’s Code of Conduct, the Complainant should inspect any website operated by the parish council or request the parish clerk to allow the Complainant to inspect the parish council’s Code of Conduct.

### **3. Making a complaint**

All complaints must be submitted in writing to –

The Monitoring Officer  
Gedling Borough Council  
Civic Centre  
Arnot Hill Park  
Arnold  
Nottingham  
NG5 6LU

[Francesca.whyte@gedling.gov.uk](mailto:Francesca.whyte@gedling.gov.uk)

The complaint shall include:

- the Complainant’s name and contact details;
- the name of the member(s) the Complainant believes has breached the Code of Conduct and the name of the authority;

- what the Subject Member has allegedly done that the Complainant believes breaches the Code of Conduct; and
- details of why the Complainant believes their name and/or the details of the complaint should be withheld (if necessary).

In order to ensure that the Council has all the information to be able to process the complaint a complaint form is available on the Council's website. If the complainant decides not to use the complaint form, they must still provide the Monitoring Officer with all the information set out above; otherwise the Monitoring Officer will not be able to consider the complaint.

Formal complaints about the conduct of a Parish Councillor towards the Clerk can be made by either the Chair, an individual Parish Councillor, the Parish Council as a whole or the Clerk.

#### **4. Conflict of interest**

Where the Monitoring Officer considers that he/she has a conflict of interests, for example, as a result of a close professional relationship with the Subject Member; the Monitoring Officer will pass the complaint to the Deputy Monitoring Officer to deal with. Where the Deputy Monitoring Officer similarly has a conflict of interest, arrangements may be made for a Monitoring Officer from another local authority in Nottinghamshire to oversee and manage the complaint.

#### **5. Criminal conduct**

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to refer the matter to the Police and other regulatory agencies.

#### **6. Acknowledging the complaint**

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it. The Monitoring Officer will write to the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council) with details of the allegations (subject to any representations from the Complainant about confidentiality or concerns that disclosure of the complaint would prejudice any potential investigation) and notifying the Subject Member of their right to consult the Independent Person. At the same time the Monitoring Officer will write to the Independent Person with details of the allegations so that he/she is aware of the nature of the complaint if the Subject Member consults them. The Subject Member may, within 10 working days of the date of the letter, or such longer period as the Monitoring Officer may agree, make written representations to the Monitoring Officer which will be taken into account when deciding how the complaint will be dealt with.

#### **7. Initial filtering of complaints**

Code of Conduct complaints can only be accepted if they relate to a member's behaviour whilst they are acting, or giving the impression that they are acting, in

their official capacity. Complaints which clearly relate to a member acting in their private capacity or otherwise fall outside of the Code of Conduct can be rejected by the Monitoring Officer without notifying the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council) or seeking the views of the Independent Person. The Monitoring Officer will inform the Complainant, the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council) of the decision and the reasons for that decision in writing.

## **8. Confidentiality**

As a matter of fairness and natural justice, the Subject Member should be told who has complained about them. There may be occasions where the Complainant requests that their identity is withheld. Such a request may be granted in circumstances that the Monitoring Officer considers to be exceptional, for example:

- a) The Complainant has reasonable grounds for believing that they will be at real risk of intimidation, victimisation or physical harm if their identity is disclosed.
- b) The Complainant is an officer who works closely with the Subject Member and they are afraid of the consequences to their employment if their identity is disclosed.
- c) The Complainant suffers from a serious health condition, which might be adversely affected if their identity is disclosed.

If the Monitoring Officer decides to refuse a request by the Complainant for confidentiality, he/she will offer the Complainant the option to withdraw the complaint, rather than proceed with disclosure of the Complainant's identity.

As a matter of fairness and natural justice, the Subject Member should also be informed of the nature of the complaint. If however the Monitoring Officer considers that disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Monitoring Officer can agree to delay notifying the Subject Member until consideration of the complaint has progressed sufficiently.

It is important, first, to preserve the integrity of the complaints process and, second, to minimise any negative impact of the complaint on all the people affected by it, that information relating to the complaint is treated as confidential. The assessment of complaints will therefore be conducted by the Monitoring Officer in private. The parties to a complaint are expected to maintain confidentiality as well. Parties are not prohibited from discussing the complaint to seek advice and support; however, it should not be discussed in the public domain.

## **9. Additional Information**

If the Complainant does not submit sufficient information to enable the Monitoring Officer to come to a decision, the Monitoring Officer may ask the Complainant for such information, and may request additional information from the Subject Member.

The Monitoring Officer may also carry out pre-assessment enquiries, which will not amount to an investigation. This may include obtaining documentation, such as a copy of the relevant Code of Conduct or minutes of meetings.

## **10. Initial Assessment of Complaint**

The Monitoring Officer will review the complaint together with any representations received from the Subject Member and, after consultation with the Independent Person, take a decision as to whether the complaint merits formal investigation or should be dealt with informally or rejected. This decision will normally be taken within 20 working days of receipt of the complaint or the Subject Member's written representation, whichever is the latter. The Monitoring Officer will inform the Complainant, the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council) of the decision on initial assessment and the reasons for that decision in writing. The decision of the Monitoring Officer will also be reported to the Standards Committee for information. Where the Monitoring Officer has determined that if the complaint is proven, there would potentially be a breach of the Code and recommended an information resolution, it is in the public interest for the Subject Member to be named, however where the Monitoring Officer has made a finding of no breach, the Subject Member will not be identified.

Each complaint will be assessed to determine whether it is one the Monitoring Officer can and should investigate.

The Monitoring Officer will consider the following in deciding whether the complaint can be investigated:

- a) Is the complaint about the conduct of a named, elected or co-opted member of the Borough Council or a Parish Council within the Borough?
- b) Was the named member in office at the time the alleged misconduct took place?
- c) Was the Code of Conduct in force at the time the alleged misconduct took place?
- d) If the complaint is proven, would there potentially be a breach of the Code under which the Subject Member was operating at the time of the alleged misconduct?

If the complaint fails one or more of these tests it will be rejected.

The Monitoring Officer will then consider the following in deciding whether the complaint should be investigated, dealt with informally or rejected:

- i. The complaint appears to be trivial, vexatious, malicious, politically motivated or tit for tat.
- ii. The complaint is anonymous. The Monitoring Officer will not usually investigate anonymous complaints, unless there is a clear public interest in doing so.

- iii. The complainant has not provided any evidence that supports the complaint. The Monitoring Officer will not usually investigate where a complainant has simply make an allegation that the councillor has failed to act in a way that is required by the Code.
- iv. A significant period of time has elapsed since the events, which are the subject of the complaint. This could be because, where a matter is serious, it would be reasonable to expect the Complainant to make a complaint promptly, or because the passage of time may make it more difficult to obtain documentary evidence and reliable witness evidence. The Monitoring Officer will normally reject a complaint where the last event complained of took place more than 6 months prior to the date of the complaint.
- v. The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter. This could be where the matter is such that there is unlikely to be any firm evidence on the matter.
- vi. The complaint or a substantially similar allegation has previously been the subject of an investigation and there is nothing more to be gained by further action being taken.
- vii. The complaint suggests that there is a wider problem throughout the authority.
- viii. The complaint discloses a potential breach of the Code, but the Subject Member has remedied or made reasonable endeavours to remedy the issues to which the complaint relates and the complaint does not disclose sufficiently serious potential breaches of the Code of Conduct to merit further consideration.
- ix. The complaint discloses a potential breach of the Code, but the complaint is not serious enough to merit an investigation in circumstances where the resources needed to investigate are wholly disproportionate to the allegations and there is no overriding public interest in carrying out an investigation. Public interest is regarded as “something which is of serious concern and benefit to the public”.

## **11. Informal Resolution**

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable; and

- offering an apology;
- agreeing to attend a training course;
- agreeing to engage in a process of conciliation; or

- the Council introducing some other remedial action (such as changing procedures).

Where the Subject Member makes a reasonable offer of informal resolution, but the Complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

Where the Monitoring Officer recommends informal resolution, but the Subject Member is not willing to accept his/her conduct was unacceptable or not willing to accept the informal resolution proposed, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

## **12. Investigation**

If the Monitoring Officer decides that the complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to the Complainant to understand the nature of the complaint.

The Investigating Officer would normally write to the Subject Member and provide him/her with a copy of the complaint, and ask the Subject Member to provide his/her explanation of events, and to identify what documents the Investigating Officer needs to see and who she/he needs to interview. In exceptional cases, where it is appropriate to keep the Complainant's identity confidential or the Monitoring Officer considers that disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Investigating Officer can delete the Complainant's name and address from the papers given to the Subject Member, or delay notifying the Subject Member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the Complainant and to the Subject Member concerned, to give them both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more consideration. Both parties will be given 10 working days to make representations or, in exceptional circumstances, such other period as the Investigating Officer considers reasonable.

Having received and taken account of any comments on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

## **13. Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct**

The Monitoring Officer will review the Investigating Officer's report and, if he/she is satisfied that the Investigating Officer's report is sufficient, will send to the Complainant and the Subject Member (and the Parish Council, where the complaint relates to a Parish Councillor) a copy of the Investigating Officer's final report and confirm the finding of no failure to comply with the Code of Conduct. If the

Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

#### **14. Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct**

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearing Panel ("the Panel") or, after consulting the Independent Person, seek local resolution.

##### **a. Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and the Complainant and seek to agree what the Complainant considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable; and

- offering an apology;
- agreeing to attend a training course;
- agreeing to engage in a process of conciliation; or
- the Council introducing some other remedial action (such as changing procedures).

If the Subject Member complies with the suggested resolution, the Monitoring Officer will issue a decision notice. The decision notice will include a brief statement of facts, the provisions of the code of conduct engaged by the allegations, the views of the Independent Person, the reasons for the decision and any sanctions applied. A copy of the decision notice will be sent to the Complainant, to the Subject Member [and to the Parish Council in the case of a complaint about a Parish Councillor], published on the Council's website and reported to the next convenient meeting of the Standards Committee.

However, if the Complainant tells the Monitoring Officer that any suggested resolution would not be adequate or the Subject Member refuses to accept the resolution; the Monitoring Officer will refer the matter for a local hearing.

##### **b. Local Hearing**

If the Monitoring Officer considers that local resolution is not appropriate, or the Complainant is not satisfied by the proposed resolution, or the Subject Member is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearing Panel which will conduct a local hearing before deciding whether the Subject Member has failed to comply with the Code of Conduct and, if so, whether to take any action.

The Monitoring Officer will conduct a “pre-hearing process”, requiring the Subject Member to give his/her response to the Investigating Officer’s report in writing, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chairman of the Panel may issue directions as to the manner in which the hearing will be conducted.

At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Subject Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the Complainant to attend and give evidence to the Panel. The Subject Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct. The Panel can allow witnesses to be questioned and cross examined by the Subject Member, the Monitoring Officer, the Investigating Officer (or their representative(s)) directly or through the Chairman. The Panel can also question witnesses.

The Independent Person will be invited to attend to observe, but will not participate in the hearing. The Panel will seek the views of the Independent Person and take those views into account before making its decision.

The Panel may conclude that the Subject Member did not fail to comply with the Code of Conduct, and if so will dismiss the complaint.

If the Panel concludes that the Subject Member did fail to comply with the Code of Conduct, the Chairman will inform the Subject Member of this finding and the Panel will then consider what action, if any, the Panel should take as a result of the Subject Member’s failure to comply with the Code of Conduct. In doing this, the Panel will give the Subject Member an opportunity to make representations to the Panel and seek the views of the Independent Person and take those views into account before making its decision.

**15. What action can the Hearing Panel take where a member has failed to comply with the Code of Conduct?**

The Council has delegated to the Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Panel may do one or a combination of the following –

- a. Send a formal letter to the Subject Member;
- b. Issue a formal Censure;
- c. Publish its findings in respect of the Subject Member’s conduct;
- d. Report its findings to Council (or to the Parish Council) for information;

- e. Recommend to the Subject Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- f. Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- g. Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Subject Member;
- h. Recommend to the Subject Member's Group Leader that he/she is removed ([or recommend to the Parish Council that the Subject Member be removed]) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Parish Council);
- i. In the case of a co-opted Member, recommend to Council (or to the Parish Council) that he/she be removed from the Council or any of its committees, sub-committees or working groups;
- j. Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Subject Member by the Council (such as a computer, website and/or email and Internet access) for a specified period; or
- k. Exclude (or recommend that the Parish Council exclude) the Subject Member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the Subject Member or to withdraw members' or special responsibility allowances. It also has no power to impose a sanction which would fetter the otherwise appropriate activities of a democratically elected representative.

## **16. What happens at the end of the hearing?**

At the end of the hearing, the Chairman will state the decision of the Panel as to whether the Subject Member failed to comply with the Code of Conduct and as to any actions which the Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Panel. The decision notice will include a brief statement of facts, the provisions of the code of conduct engaged by the allegations, the views of the Independent Person, the reasons for the decision and any sanctions applied. A copy of the decision notice will be sent to the Complainant, to the Subject Member [and to the Parish Council in the case of a complaint about a Parish Councillor], published on the Council's website and reported to the next convenient meeting of the Standards Committee.

## **17. What is the Hearing Panel?**

The Hearing Panel is a sub-committee of the Council's Standards Committee.

The Independent Person is invited to attend all meetings of the Panel and his/her views are sought and taken into consideration before the Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **18. Who is the Independent Person?**

The Independent Person is a person who has been appointed by the Council under Section 28 of the Localism Act 2011. The Independent Person's views must be sought and taken into account before a decision on an allegation can be made. Their views may also be sought by the Subject Member.

The Monitoring Officer will consult the Independent Person as set out in these arrangements, but has the discretion to consult the Independent Person on any other issues arising out of an allegation that a member has failed to comply with the Code of Conduct. The Council has also appointed a reserve Independent Person who is able to act when the Independent Person is incapacitated or otherwise unable to act, for example due to illness, holiday or conflict.

## **19. Revision of these arrangements**

The Standards Committee has the power to amend these arrangements. The Council has delegated to the Panel and the Monitoring Officer the right to depart from these arrangements where it considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **20. Appeals**

There is no right of appeal against a decision of the Monitoring Officer or the Panel.

If the Complainant feels that the Council has failed to deal with the complaint properly, he/she may complain to the Local Government and Social Care Ombudsman.

# Hearing Panel Procedure

**COMPLAINTS AGAINST MEMBERS**  
**HEARINGS PROCEDURE**

This is a guidance note setting out how the Hearing Panel will hear complaints that the Code of Conduct has been breached. The purpose of a hearing will be to determine if the Panel agrees with the findings of the investigation.

1. Following receipt of the investigation report the Monitoring Officer will contact the member complained of (the “subject member”) and any relevant witnesses to arrange a date and time for the Conduct Hearing.
2. All paperwork submitted to the Monitoring Officer will be collated into a report for the Hearing Panel and issued in accordance with the statutory requirements for access to information.
3. The hearing will take place in public.
4. The hearing will be before a panel of members drawn from the Standards Committee.
5. The Independent Person [IP] appointed under section 28 of the Localism Act 2011 will also be present to sit alongside the Panel. At the conclusion of each party’s case the IP will be invited to provide their view of the facts as presented and whether or not these represent a breach of the Code of Conduct. The IP’s opinion will be taken into account by the Panel, but by law the Independent Person may not vote.
6. The Monitoring Officer or Deputy Monitoring Officer will be present to advise the Panel. References to the Monitoring Officer within this document can therefore also be taken to be references to the Deputy Monitoring Officer as appropriate.
7. The Investigator will attend to present the investigation report and may invite the complainant to appear as a witness or call other witnesses.
8. The subject member will be invited to attend and may present their own case or they may be represented. Details of any representative attending should be notified to the Monitoring Officer within 2 days of the hearing.
9. The subject member may bring witnesses (of a number the Panel considers is reasonable). Details of witnesses should be provided to the Monitoring Officer within 8 days of the hearing.
10. The cost of any attendance/representation must be borne by the party concerned.
11. The Monitoring Officer can speak at any time to advise the Panel on technical matters or ask questions of any party.
12. Although no formal time limits will be imposed on the presentations the Chair will have the right to curtail excessive presentations. The Panel will concentrate on those areas of the investigation that are in dispute and all parties are asked to be as succinct as possible and ensure all information presented is relevant.
13. All information will be issued prior to the hearing. Any party who intends to put additional written material before the Panel should ensure sufficient copies of the

material are provided. Any information submitted at the hearing can only be done with the consent of all parties, the late production of material may lead to the hearing being adjourned and is discouraged.

<b>HEARING PROCEDURE</b>	
<b>PRELIMINARY MATTERS</b>	
1	The Chairman of the Panel will introduce the members of the Panel, the Independent Person, officers, the subject member, the Investigator and the complainant if present. The Chair will ask any other parties or witnesses to introduce themselves.
2.	The Chairman will explain the reason for the meeting and outline the procedure to be followed.  The Chairman may choose to vary this procedure if they are of the opinion that such a variation is necessary in the interests of fairness.
3.	The Chairman will confirm that all those involved understand the procedure to be followed and ask if there are any preliminary procedural issues which anyone wishes to raise before the Hearing begins.
4.	If any procedural issues are raised, the Panel will hear representations and determine them before beginning the hearing.
5.	If the subject member is not present at the start of the hearing, the Panel will consider any reasons given by them for their non-attendance. If the Panel is satisfied that there is good reason for their non-attendance, it may adjourn to another date, or proceed if it has been requested to do so by the subject member.
6.	If the Committee is not satisfied that there is good reason for the subject member's non-attendance, or the subject member has indicated that they do not intend to be present the Hearing Panel shall consider if it is able to continue to hear the matter in their absence. The committee shall have regard to the following factors: <ul style="list-style-type: none"> <li>● Any reasons provided by the subject member;</li> <li>● Any representative or written representations present from the subject member;</li> <li>● The view of the subject member as to whether the hearing should proceed;</li> <li>● Any comments from the Monitoring Officer.</li> </ul>
<b>HEARING</b>	
7.	The Investigator will be invited to summarise his/her report and findings. The Investigator may call any witnesses including the complainant.  The subject member and/or their representative may ask any relevant questions of the Investigator and their witnesses.  The Panel and the Monitoring Officer may ask any relevant questions of the Investigator and their witnesses.

8.	<p>The subject member will then have an opportunity to present their case including calling any witnesses.</p> <p>The Investigator may ask relevant questions of the subject member and their witnesses.</p> <p>The Panel and the Monitoring Officer may ask relevant questions of the subject member and their witnesses.</p>
9.	<p>The Committee has the discretion to question any of the parties as they see fit and at the discretion of the Chair the Independent Person may also question any of the parties.</p>
10.	<p>The Monitoring Officer may ask questions of any party at any time and may speak at any time to advise the Panel on legal or technical matters.</p>
11.	<p>The subject member and the Investigator will be given the opportunity to present a summary of their position to the Panel if they wish to do so.</p>
12.	<p>The Independent Person will be invited to provide their view of the facts as presented to the Panel and whether or not these represent a breach of the Code of Conduct.</p>
13.	<p>The Panel and the Independent Person will retire with the Monitoring Officer to consider the matter in private. The Monitoring Officer and Independent Person will not take part in the decision making but the Monitoring Officer may be called to give legal advice or clarify any of the evidence as required.</p>
<p><b>THE DECISION</b></p>	
14.	<p>The Chairman will confirm the Panel's decision as to whether or not the subject member has failed to comply with the Code of Conduct and set out the facts upon which the conclusions have been reached.</p>
15.	<p>If the Panel decides that the subject member has not failed to follow the Code of Conduct, the hearing will be concluded.</p>
16.	<p>If the Panel decides that the subject member has failed to comply with the Code of Conduct, it will consider any verbal representations from the Investigator, the Monitoring Officer, and the subject member as to:</p> <p>(a) whether or not the Panel should impose a sanction and/or recommend to Council that a sanction be imposed; and</p> <p>(b) what form of sanction(s) is/are appropriate.</p>
17.	<p>The Panel and Independent Person may retire with the Monitoring Officer to consider these representations in private. The Monitoring Officer will not take part in the decision making but may be called upon to give legal advice or clarify the options as required.</p>

18.	The Chair will announce the Panel's decision in public at the conclusion of the hearing and as soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice to be sent to the complainant, subject member and the parish council in the case of a complaint about a Parish Councillor. The decision will be published and reported to the next convenient meeting of the Standards Committee.
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## SANCTIONS

Under the Council's Arrangements for dealing with Complaints, the Council has decided that the Hearing Panel may issue one or a combination of the following sanctions:-

- a. Send a formal letter to the Subject Member;
- b. Issue a formal Censure;
- c. Publish its findings in respect of the Subject Member's conduct;
- d. Report its findings to Council (or to the Parish Council) for information;
- e. Recommend to the Subject Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- f. Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- g. Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Subject Member;
- h. Recommend to the Subject Member's Group Leader that he/she is removed ([or recommend to the Parish Council that the Subject Member be removed]) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Parish Council);
- i. In the case of a co-opted Member, recommend to Council (or to the Parish Council) that he/she be removed from the Council or any of its committees, sub-committees or working groups;
- j. Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Subject Member by the Council (such as a computer, website and/or email and Internet access) for a specified period; or
- k. Exclude (or recommend that the Parish Council exclude) the Subject Member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the Subject Member or to withdraw members' or special responsibility allowances. It also has no power to impose a sanction which would fetter the otherwise appropriate activities of a democratically elected representative.

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**PRIVATE AND CONFIDENTIAL**

Report of an investigation by Wilkin Chapman LLP, appointed by the Monitoring Officer for Gedling Borough Council, into allegations concerning Councillor Paul Winfield of Calverton Parish Council.

8 June 2022

# VOLUME 1 REPORT

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CONFIDENTIAL REPORT

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## CONFIDENTIAL REPORT

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### **Volume 2**

Appendix A Schedule of evidence taken into account and list of unused material

## CONFIDENTIAL REPORT

### 1. Executive Summary

1.1 Councillor Marks and Councillor Winfield are both members of Calverton Parish Council. Councillor Marks' [REDACTED]

1.2 Councillor Marks made a formal complaint to the Monitoring Officer of Gelding Borough Council in February 2021 that Councillor Winfield had failed to treat her, her family ([REDACTED] [REDACTED]) and others with respect and that Councillor Winfield had bullied and harassed her and others.

1.3 This complaint was initially made to the Monitoring Officer in February 2021. Further information was then requested by the Monitoring Officer and the complaint was disclosed to Councillor Winfield on 14 June 2021.

1.4 [REDACTED]

1.5 [REDACTED]

1.6 [REDACTED]

1.7 [REDACTED]

1.8 [REDACTED]

1.9 Following receipt of the complaint Councillor Winfield confronted Councillor Marks in the presence of Councillor Inger and Brown. It is evident that he called Councillor Marks a sad woman and swore when he shouted at her.

1.10 We have concluded that Councillor Winfield:-

- (a) was acting in an official capacity and was subject of the Code of Conduct;
- (b) did not breach the part of the Code of Conduct relating to treating others with respect;
- (c) did not breach the part of the Code of Conduct relating to bullying;
- (d) did intimidate Councillor Marks the complainant;
- (e) did bring his office or the Council into disrepute.

## CONFIDENTIAL REPORT

### **2. Councillor Paul Winfield's official details**

- 2.1 Councillor Winfield was first elected in May 2019. He is presently the lead for the Councils HR group.

**3. Relevant legislation and protocols**

3.1 Section 27 of the Localism Act 2011 (the Act) provides that a relevant authority (of which the Council is one) must promote and maintain high standards of conduct by members and co-opted members of the Authority. In discharging this duty, the Authority must adopt a code dealing with the conduct that is expected of members when they are acting in that capacity.

3.2 Section 28 of the Act provides that the Authority must secure that its code of conduct is, when viewed as a whole, consistent with the following principles: -

- (a) Selflessness;
- (b) Integrity;
- (c) Objectivity;
- (d) Accountability;
- (e) Openness;
- (f) Honesty;
- (g) Leadership.

3.3 The Authority adopted a Code of Conduct on 10 June 2019 (attached at WC 1), we note however that the code was not approved until 17 July 2019. The following paragraphs are included:-

5 (1) You must:

- (a) treat others with respect, including the organisations and public you engage with and those you work alongside.
- (b) value your colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between you that is essential to good local government.

(2) You must not:

- (b) bully or harass any person.

The definition of bullying and harassment and examples of behaviour which amounts to bullying and harassment are set out in Appendix 1 to the Code of Conduct (set out at paragraph 3.4 below);

(c) 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 the Council into disrepute.

3.4 Appendix 1 to the Code is as follows:-

**Definitions and examples of behaviour which amount to bullying or harassment**

Bullying may be characterised as behaviour, or an abuse or misuse of power in a way that undermines, humiliates, unfairly criticises or injures someone.

A non-exhaustive list of behaviour which amounts to bullying includes:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying correspondence that is critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion – deliberately excluding someone from meetings or written correspondence in matters for which they have responsibility or professional interest or deliberately excluding someone from events or celebrations that it would ordinarily be expected that they might legitimately attend
- victimisation – taking action detrimental to someone as a result of them raising a complaint or issue of concern in good faith through formal and correct procedure whether or not the complaint was upheld or proven
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances-touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- publicly criticising the work or efficiency of someone where the issue has not been formally raised with that person through proper process and the right of explanation or appeal has not been made available
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities

harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

A non-exhaustive list of behaviour which amounts to harassment includes:

- frequent unwanted contact, including texts, letters, phone calls, emails and communication via social media or any other electronic communication
- sending unwanted gifts
- driving past an individual's home or visiting them at work without legitimate purpose or following or watching an individual
- sharing humiliating information, lies or gossip about an individual
- making inappropriate comments, critical remarks, or offensive jokes
- threatening behaviour
- excessive demands that are impossible to deliver
- making sexual comments or jokes or inappropriate sexual gestures
- making jokes or degrading or patronising comments or teasing an individual about their race, religion, age, gender, sexual orientation or disability. This would also amount to an offence under the Equality Act

**4. Evidence and facts**

*Our appointment*

- 4.1 The Parish Council's arrangements for dealing with standards complaints state that the Monitoring Officer of Gedling Borough Council (the Borough Council), in consultation with the appointed Independent Person (IP), shall decide whether or not to investigate a Code of Conduct complaint.
- 4.2 In consultation with the IP, Francesca Whyley the Monitoring Officer of the Borough Council decided on 30 September 2021 to refer for investigation allegations set out in a complaint made by Councillor Patricia Marks. She instructed Wilkin Chapman LLP on 5 October 2021 to carry out that investigation.
- 4.3 Wilkin Chapman LLP is a solicitor's firm based in Lincolnshire and East Yorkshire with a national local government legal practice. Work in relation to this investigation was undertaken by Jonathan Goolden, Dave Hayward, Mark Lambert and Peter Scarbro.

*The investigation*

- 4.4 During the investigation, Mr Lambert met with and obtained statements from: -
  - Councillor Patricia Marks;
  - [REDACTED]
  - Councillor Lorraine Brown; and
  - [REDACTED]
- 4.5 Councillor Joan Inger answered questions that were sent to her by email.
- 4.6 [REDACTED]
- 4.7 Councillor Winfield was interviewed via Microsoft Teams by Dave Hayward. The interview was recorded from which a full transcript was prepared.
- 4.8 Copies of the above, together with other relevant documents are annexed to this report and listed in a schedule of evidence at Appendix A.

*The Complaint*

- 4.9 Councillor Marks submitted her initial complaint to the Monitoring Officer on 16 February 2021. On 25 February 2021 Councillor Marks requested that the complaint was put on hold. Councillor Marks then requested that the complaint be reopened. The Monitoring Officer reopened the complaint on 18 March 2021 and requested further information which was sent to the Monitoring Officer in April 2021. Councillor Marks has alleged that:-
  - [REDACTED]
  - [REDACTED]



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[REDACTED]

4.18 For the purposes of this investigation the investigators have focused on matters [REDACTED] the incident on 16 June 2021.

*Councillor Patricia Marks*

4.19 Councillor Marks was initially interviewed by Mark Lambert on 1 November 2021 and then subsequently on 11 November 2021. A signed statement was returned on 21 December 2021 (attached at WC 2). Regarding the complaint she stated:-

(a) she was an elected Councillor on Calverton Parish Council (the Council). She was first elected around 2010 and was now in her third term as a Councillor. She was currently an independent Parish Councillor;

(b) on 16<sup>th</sup> February 2021 she made a formal complaint via email to Francesca Whyley, Monitoring Officer of Gedling Borough Council, regarding Councillor Paul Winfield having failed to comply with Calverton Parish Council's Code of Conduct. On 19<sup>th</sup> June 2021, following an incident at Calverton Village Hall on 16<sup>th</sup> June 2021, she again contacted Francesca Whyley via email and provided additional information specifically in relation to the actions of Councillor Paul Winfield;

(c) her complaints related to the disrespect, bullying, harassment, and intimidation that she; her family and others had suffered at the hands of Councillor Winfield, and also the fact that he had brought disrepute upon the office of Parish Councillor by his actions. That behaviour started soon after he was elected onto the Parish Council in 2019. She had been suffering from his behaviour ever since, and that behaviour continued to date;

(d) [REDACTED]

(e) [REDACTED]

(f) [REDACTED]

(g) [REDACTED]

(h) [REDACTED]

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[REDACTED]

(i) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(j) Councillor Paul Winfield was elected onto the Council in May 2019 and was currently in his first term. She knew him before he was elected and they used to chat if they met on the street but following his election, she had seen the true Paul Winfield, and she did not like what she saw so she distanced herself from him.

[REDACTED]

(k) on Wednesday 16th June 2021 she was in a working party meeting with Councillors Lorraine Brown and Joan Inger, who was a friend of Councillor Winfield. An hour and a half into the meeting Councillor Winfield opened the door of the meeting room. She was about four feet away from him. Councillor Winfield pointed at her and shouted, *"You are a sad, sad woman. You sad woman"* and then left. Councillor Brown asked, *"What was that about?"* Councillor Inger said, *"Was it a code of conduct?"* She told them she did not know. She had thought that it related to her complaint against Councillor Winfield and thought that possibly he had just been made aware of her complaint, but she did not want to confirm that to Councillors Brown and Inger as complaints should be treated as confidential;

(l) ten minutes later Councillor Winfield came back, leaned into the room through the doorway and started shouting and pointing at her. He was red faced, and so angry and loud she could not tell exactly what he was saying. Councillor Inger went to the door and said, *"Paul, go away and calm down."* Councillor Winfield said, *"No, I'm not fucking going anywhere, don't you fucking shut this door."* She asked Councillor Inger four times to shut the door but Councillor Inger did not. Councillor Winfield was shouting over her, *"I'm not fucking going anywhere."* While Councillor Winfield was still shouting, she turned to Councillor Brown and said, *"I'm sorry Lorraine, you were witness to that, I'm sorry but I am going to have to leave";*

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(m) she felt physically intimidated as Councillor Winfield was a stocky man with an aggressive demeanour. She felt trapped and threatened as she was sitting down at the table close to Councillor Winfield, who was lunging towards her with his arms, but she could not get out of the meeting room because Councillor Winfield was in the doorway, so she stood up and walked around the other side of the table and went through the French doors onto the bowling green until Councillor Winfield had gone. She then came back into the meeting room and believed that Councillor Winfield had gone into the small office, which she had to pass to leave the building. She said to Councillors Brown and Inger, *"If he touches me?"*;

(n) Councillor Winfield was, in a loud voice, reading to the Clerk, [REDACTED], what she believed was a complaint against him because she heard the name [REDACTED] mentioned. That further added to her thought that he had just found out about her complaint against him. On her way home she had to stop to compose herself because she did not want her husband to see her as upset as she was because she knew if he had seen how upset she was, he would have gone looking for Councillor Winfield;

(o) [REDACTED]

(p) she had not sought confrontation, but Councillor Winfield had no respect for authority, and he could not control his temper;

(q) [REDACTED]

[REDACTED]

(r) [REDACTED]

[REDACTED]

(s) [REDACTED]

(t) [REDACTED]

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[REDACTED]

[REDACTED]

(v) [REDACTED]

[REDACTED]

(w) [REDACTED]

(x) she was well known in Calverton and felt that her integrity and character within the village had been attacked [REDACTED]. She worked in a Hospice Charity Shop and, on the odd occasion, Councillor Winfield had come into the shop when she had been there, had walked round whilst looking at her and then left without

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buying anything. He was simply trying to intimidate her. If he came in after that, she would go in the back of the shop and the manager would tell her when Councillor Winfield had gone;

(y) she strongly believed that Councillor Paul Winfield was not fit to hold the position of Parish Councillors;

(z) [REDACTED]

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- [REDACTED]
- [REDACTED]

### *Councillor Lorraine Brown*

4.22 Councillor Brown was interviewed by Mark Lambert on 16 December 2021 and a signed statement was obtained (attached at WC 5). She stated:-

- (a) she was an independent Parish Councillor for Calverton Parish Council (the Council). She was co-opted onto the Council some 9 or 10 months after the 2019 election following the death of one of the serving Parish Councillors;
- (b) she was responsible for signing cheques on behalf of the Council, and she led the Community Projects Working Group, which comprised of herself and Councillors Pat Marks, Joan Inger, Andy Meads and Paul Winfield. Pat, Joan and she tended to be more involved in meetings and planning, whilst Andy and Paul did the heavy stuff, such as moving benches and other more physical tasks;
- (c) she had been asked about an incident which occurred at a meeting she attended on 16<sup>th</sup> June 2021. The following was what she could say about that meeting;
- (d) the meeting that day was a Community Projects Working Group meeting which took place in the meeting room at the Village Hall. She had previously invited all members of the group, as listed in paragraph (b) above, to the meeting. Herself, Pat Marks and Joan Inger had definitely attended, Paul Winfield had emailed her to say he would attend if he could and Andy Meads was unable to attend as he was working away. The meeting that day would have started at either 12.30pm or 2.30pm but she was unsure of the start time on that occasion;
- (e) there was a small office at the Village Hall which was shared by the Village Hall Caretaker ([REDACTED] at that time) and the Parish Clerk (either [REDACTED] or a lady called [REDACTED] at that time) if the Clerk was not working in their main office at the Parish Council offices. Occasionally the Park Keeper ([REDACTED] at that time – Pat Marks' son) used the office too;
- (f) on the day of the meeting she had been sure that no-one else was present at the Village Hall when they arrived as Joan Inger had opened the Village Hall with keys that she held to let them in. They went through to the meeting room and Joan shut, but didn't lock the main entrance door. Once they were in the meeting room, its' door to the foyer area was shut but they opened one set of the 2 sets of French doors that led out to the bowling green to allow for airflow due to Covid-19;
- (g) the meeting room was rectangular in shape and, if drawn, had short sides at the top and bottom and longer sides to the left and right. The door into the meeting room was in the bottom left hand corner, on the short side, and led into the room towards a number of chairs placed down the left side of a long rectangular table,

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which comprised of a number of smaller tables pushed together to make one large rectangular table. There were 5 or 6 chairs on each side of the table. Set into the longer right-hand side wall were the 2 sets of French doors which led outside to the bowling green;

- (h) for the meeting the first chair on the left of the table (closest to the door) was empty, then Pat Marks sat in the second chair up, the third chair was left empty and she sat on the fourth chair up, with an empty chair, or chairs, after her. On the other side of the table the first and second chairs were empty, Joan Inger sat in the third chair, which left empty chairs after Joan. They sat like that to follow Covid-19 protocols;
- (i) she had produced a 5-year plan for the Village Hall and the William Lee Memorial Park which related to an application for funding for a wildlife area, and they were going through a list of items to make the Village Hall more community focussed;
- (j) they had been talking for a good half an hour or so and were discussing moving a bench, which had been vandalised, from one part of the village to another and were, therefore, discussing getting Andy and Paul to move that bench, when the door opened and Paul came into the meeting room. She thought that he had come to join the meeting and said to him, *"Your ears must have been burning"*, referring to the fact that they had just mentioned him and Andy;
- (k) having entered the meeting room Paul walked to his right towards the first of the sets of French doors, stopped behind the first empty chair on the right side of the table and touched the back of the chair. She assumed he was going to pull out the chair, sit down and join the meeting. He said, *"Yes, they are"*;
- (l) she described Paul as usually being a jovial character, but that he could get stressed and was easily wound up. He did look to be stressed on that occasion. He looked at Pat and shouted at her across the table that what she (Pat) had done was wrong and that she (Pat) was being very silly. Paul was shouting at Pat. She thought he called Pat a silly old lady, or a silly old woman, possibly with the "F" word included. He did use the "F" word, when he swore;
- (m) she couldn't understand what he was talking about. She thought he was there for their meeting and, at that time, she didn't know that Pat had made a complaint against him;
- (n) Paul then left the meeting room the same way he had come in, leaving the door open. Joan followed him out of the meeting room, and she heard Joan tell him to leave, and to calm down. She heard Paul say something like, *"How can I calm down when I've got this vindictive woman to deal with"*, assumedly referring to Pat;
- (o) Joan came back into the meeting room and was about to close the door when Paul appeared in the doorway. He appeared visibly wound up, upset and very angry and was shouting at Joan because she (Joan) had told him to leave. He was also shouting that Pat had it in for him because she (Pat) believed he was trying to get rid of [REDACTED] (Pat's son, who was the Park Keeper at the time). Paul was again swearing whilst shouting at Joan;
- (p) Joan ushered Paul into the foyer area and told him she (Joan) would speak to him later, that she (Joan) would ring him, and told him he needed to go home

## CONFIDENTIAL REPORT

and calm down. After Paul had gone, Joan locked the main entrance door before returning to the meeting room;

- (q) the history which she believed had led to that confrontation was that at that time Paul was passing the Park / Village Hall up to 4 times a day because he was going to help his Mum, who had been very poorly and needed help. On a number of occasions Paul had seen [REDACTED] leaving the park on his bike when [REDACTED] should have been at work so Paul reported this to the Council. Pat's take on that was that Paul was spying on her son and was trying to get rid of him;
- (r) while Joan was in the foyer dealing with Paul, she was talking to Pat as Pat was visibly upset, and she was trying to calm Pat down. Pat was saying things under her breath, but she couldn't hear the actual words Pat was saying. She offered Pat a glass of water or a cup of tea, but Pat declined both. Pat also packed up her paperwork, which she had had out on the desk for the meeting, into her bag. She thought that at one point Pat got her mobile phone out of her bag, but then didn't use it. She told Pat to wait 5 minutes to make sure that Paul had gone, and to compose herself as she (Pat) had to drive herself home. Pat had appeared to be really upset and shocked. She told Pat she was really sorry about what had happened;
- (s) when Joan came back into the meeting room there was a brief discussion. Pat said she was sorry that that had happened, and she thought Pat also said, "*Sorry you had to witness that*". Joan then offered to check that Paul had gone before letting Pat out of the main entrance, where they then watched Pat get in her car and drive away;
- (t) to her knowledge no-one else was present at the Village Hall throughout the incident although, as she stated in paragraph (f) above, Joan had shut, but hadn't locked, the main entrance door as they all entered the Village Hall on arrival. She had since been advised that [REDACTED] was in the office working, however, she had not seen or heard him.

### *Councillor Joan Inger*

4.23 Councillor Inger answered questions sent to her by email by Dave Hayward. She stated:-

- (a) she had been a Councillor for four and half years;
- (b) she was present at a meeting on 16 June 2021 with Councillor Marks and Councillor Brown;
- (c) Councillor Winfield opened the door and said, "you sad, sad woman";
- (d) Councillor Winfield came back to the doorway due to his frustration of what information he received by post by way of a code of conduct letter;
- (e) she understood Councillor Winfield and his wife were very upset to the underhand way this had come to him;
- (f) Councillor Winfield and his wife had assisted Councillor Marks and her family in the past;

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- (g) she asked Councillor Winfield to calm down. He said that he was not going anywhere so don't shut the door. Councillor Winfield said again that Councillor Marks was a vindictive sad, sad woman;
- (h) Councillor Winfield then said I am not fucking going anywhere;
- (i) she had known Councillor Marks for 50 years but over the last 2 years a lot of issue had come to the council regarding her son who had worked for the council. He had recently taken redundancy but there was a lot of ill feeling concerning that;
- (j) she had worked with Councillor Winfield on voluntary work. He could be very outspoken.

*Councillor Paul Winfield*

4.24 Councillor Winfield was interviewed by Dave Hayward on 10 January 2022 via Microsoft teams. The interview was recorded from which a full transcript was prepared (attached at WC 6). Regarding this complaint Councillor Winfield stated that:-

- (a) he joined the Council in May 2019;
- (b) he was the emergency contact number for the office, the village hall and the park. He carried out allotment inspections and was lead for the HR group;
- (c) there were fifteen councillors, three members of staff in the office and two caretakers/groundkeepers;
- (d) at the moment Councillor Meads was the Council staff line manager;
- (e) [REDACTED]
- (f) [REDACTED];
- (g) [REDACTED]
- (h) the council took HR advice from a company called Exact;
- (i) [REDACTED]
- (j) he fought fire with fire. If someone had a go at him he believed he was entitled to have a go back;
- (k) [REDACTED]
- (l) [REDACTED]

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(m) [REDACTED]

(n) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(t) when he received the complaint he was angry and he had gone and told Councillor Marks that she was a sad, sad woman. He said something along the lines of, 'explain yourself, why have you had to do this';

(u) he wanted her to explain why she had taken that route;

(v) he wanted to clear the air and see what the problem was.

4.25 A series of emails, letters and text messages have also been received as part of the investigation. These are as follows:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4.26 These items are not summarised in this section but they have been referred to in the reasoning at paragraphs 7.1-7.111. They can be found in the Schedule of Evidence at WC 6-WC 9.

**5. Summary of the material facts**

5.1 Councillor Marks submitted her initial complaint to the Monitoring Officer on 16 February 2021. On 25 February 2021 Councillor Marks requested that the complaint was put on hold. Councillor Marks then requested that the complaint be reopened. The Monitoring Officer reopened the complaint on 18 March 2021 and requested further information which was sent to the Monitoring Officer in April 2021.

5.2 The complaint was disclosed to Councillor Winfield on 14 June 2021. On 16 June 2021 Councillor Winfield went to the Parish Council Offices where Councillor Marks was attending a working party meeting.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5.12 Following receipt of the complaint Councillor Winfield confronted Councillor Marks in the presence of Councillor Inger and Brown. It is evident that he called Councillor Marks a sad woman and swore when he shouted at her.

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6. Councillor Patricia Marks and Councillor Paul Winfield additional submissions

6.1 The following comments were received from Councillor Marks on the draft version of this report:-

*"Dear Jonathan,*

*This is my response to PW statements.*

*P5*

*It is Councillor Paul Winfield not Andrew Winfield*

*After two years of harassment I am finding it very difficult to read his statements without feeling upset.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*The meeting on 14 June 2021 PW where you have concluded he did breach the Code relating to bullying, the fact that I was humiliated in front of fellow councillors and was in a distressed state and felt personally threatened by PW according to P31 he is guilty of breaching the code relating to bullying.*

*P15 Definitions and examples of behaviour which amount to bullying and harassment.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*The Code of Conduct was adopted 17 July 2019.*

*P 6*

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[REDACTED]

6.2 The following comments were received from Councillor Winfield on the draft version of this report:-

*“Hello Mr Hayward.*

[REDACTED]

[REDACTED]

*Response to comments*

6.3 We have read in detail the comments from Councillor Marks concerning the evidence in this case and in particular her comments concerning the parameters of this investigation.

6.4 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6.9 Having considered all the comments made Councillor Marks and Councillor Winfield we have not found anything which would change the conclusions in our report.

**7. Reasoning as to whether there have been failures**

7.1 Section 27(2) of the Localism Act 2011 requires the Authority to adopt a code of conduct "dealing with the conduct that is expected of members of the Council *“when they are acting in that capacity”*”.

7.2 The Council’s Code of Conduct reflects the requirement of Section 27(2) of the Localism Act.

7.3 The Authority’s code is expressed to apply whenever a member is acting in their capacity as a member of the Council. We therefore first have to consider whether the Councillor Winfield was acting in an official capacity at the time of the alleged incidents.

7.4 Though relating to the former 2007 model code of conduct, the Upper Tribunal decision in *MC v Standards Committee of the London Borough of Richmond* [2011] UKUT 232 (AAC) is a helpful distillation of the previous High Court cases on capacity – *Livingstone v Adjudication Panel for England* [2006] EWHC 2533 and *R(Mullaney) v Adjudication Panel for England* [2009] EWHC 72. The principles stated in *MC* are:-

- (a) was the councillor, as a matter of ordinary English, actually conducting the business of their authority, including the business of the office of councillor?
- (b) a fact sensitive approach is required to the above;
- (c) the question is one for the tribunal to determine, not a reasonable observer.

7.5 In *McTigue v Middlesbrough Council* (2009) APE 421 (a decision of the former Adjudication Panel for England), Councillor McTigue made a series of postings on the forum of the Middlesbrough Evening Gazette using the pseudonym “Indie” which related to wheelie bin collections and were alleged to be insulting of a local resident. Councillor McTigue argued that she was not acting in her official capacity as all her comments on the forum were made in her private time and all using the pseudonym “Indie”. The tribunal:-

*“...accepted that even if it became clear from the forum that an individual who was posting on the forum was a councillor, the Code of Conduct would not automatically be engaged. The question was whether in the postings on the forum the councillor was deemed to be, or gave the impression that he or she was, “acting in the role of councillor”. This was fact-sensitive and would very much depend on the content of the postings.”*

7.6 The tribunal concluded that Councillor McTigue had given the impression that she was acting as a councillor, giving examples of a number of posts where she had referred to her work as a ward member.

7.7 Care must be taken in applying a tribunal case from a period when the relevant code of conduct (that set out in a national model) was expressed to apply not only when a member was carrying out their role as such but also when they gave that impression. However, *McTigue* is helpful in providing an example of how the principles of *MC* can be applied. When Councillor McTigue posted on the forum as “Indie” she was not acting as a Councillor when commenting about matters in general. Despite the lack of identification as a Councillor in her username, she was acting as a Councillor when the content of her posts concerned ward matters.

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7.8 As MC states, the question is whether as a matter of ordinary English was the Councillor actually conducting the business of their authority, including the business of the office of councillor? The substance of an interaction rather than outward appearance is decisive.

7.9 We have considered The Local Government Association Model Councillor Code of Conduct Guidance (LGA Guidance) published in July 2021 when discussing social media postings and capacity, it states :-

*“Simply describing yourself as a councillor in a social media posting or at the top of your page or in your username or profile, for example, does not of itself mean that every posting you make is covered by the Code. There must be a link within the individual posting or thread to your role as a councillor or to local authority business. However, even if you do not describe yourself as a councillor you may fall within the scope of the code if you are discussing local authority business.*

*For example, a posting which is simply discussing a recent football match is not covered by the code even if you have described yourself as a councillor. However, if you make a posting threatening a fellow councillor or officer that would fall within the code even if you have not described yourself as a councillor as it relates to local authority business or your role as a councillor.”*

7.10 In addition to this we have considered the findings of case LN/An/2134 Standards Commission for Scotland. The Panel in this case found:-

*“that the Respondent’s Facebook page was accessible to those other than his Facebook ‘friends’; that the Respondent was identifiable as a councillor on it; and that had subsequently commented on the petition in that capacity. The Panel determined that this meant that the Respondent was acting, or could be perceived as being acting, as a councillor when posting about the petition and encouraging others to sign it. The Panel determined, therefore, that the Code of Conduct applied to the Respondent at the time of the events in question”.*

7.11 In this case the conduct of Councillor Winfield towards the complainant Councillor Marks [REDACTED] is subject of a complaint. This conduct includes [REDACTED] the incident on 16 June 2021 following the receipt of the code of conduct complaint.

7.12 There is no doubt that Councillor Winfield’s conduct complained of concerns Council business.

7.13 We therefore conclude that Councillor Winfield was acting in an official capacity and was subject of the Code of Conduct.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



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- 7.79 Councillor Marks then states that ten minutes later Councillor Winfield leaned into the room and again started shouting at her. When he was asked to leave and calm down, Councillor Marks states that Councillor Winfield shouted “No, I’m not fucking going anywhere, don’t you fucking shut this door”. Both Councillors Inger and Brown agree that Councillor Winfield was swearing when shouting at Councillor Marks.
- 7.80 Councillor Marks has stated that she felt physically intimidated as Councillor Winfield was a stocky man with an aggressive demeanour. She felt trapped and threatened as she was sitting down at the table close to Councillor Winfield, who was lunging towards her with his arms, but she could not get out of the meeting room because Councillor Winfield was in the doorway. She also stated that on her way home she had to stop to compose herself because she did not want her husband to see her as upset as she was because she knew if he had seen how upset she was, he would have gone looking for Councillor Winfield.
- 7.81 This incident is outlined at paragraphs 29-32 of Councillor Marks’ statement, attached in the Schedule of Evidence at WC 2.
- 7.82 There are three steps to the test for establishing whether a councillor has breached paragraph 5 (2) (c) of the Code relating to intimidation. These are as follows:
1. Was the conduct intimidatory or did the councillor attempt to intimidate?
  2. Was the conduct directed towards a person?
  3. Was that person, or was that person likely to be, a complainant?
- 7.83 As stated in paragraph 7.80, and in her statement, Councillor Marks felt intimidated by Councillor Winfield.
- 7.84 The second step of the test, as outlined at paragraph 7.82, can also be established. Clearly, Councillor Marks is a person and the conduct was directed towards her.
- 7.85 From his own admission Councillor Winfield confronted Councillor Marks after receiving the complaint. It was clear that Councillor Marks was the complainant and this was known to Councillor Winfield.
- 7.86 Our conclusion is that Councillor Winfield’s conduct towards Councillor Marks was intimidating. He did breach that part of the code relating to intimidating a complainant.

### *Disrepute*

- 7.87 Paragraph 7 of the code of conduct states:-

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

- 7.88 The LGA Guidance states:-

*“As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware*

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*that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions.*

*In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their **role** into disrepute if the conduct could reasonable be regarded as either:*

- 1. reducing the public's confidence in them being able to fulfil their role; or*
- 2. adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.*

*Conduct by a councillor which could reasonable be regarded as reducing the public confidence in their local authority being able to fulfil its functions and duties will bring the authority into disrepute."*

7.89 The Standards Board for England Case Review 2010 (2011 Edition) Q44 o advises that:-

*"An officer carrying out an investigation...does not need to prove that a member's actions have actually diminished public confidence, or harmed the reputation of the authority...the test is whether or not a members' conduct "could reasonably be regarded" as having these effects.*

*The test is objective and does not rely on any one individual's perception. There will be a range of opinions that a reasonable person could have towards the conduct in question."*

7.90 Q42 of the Case Review indicates that:-

*"A case tribunal or standards committee will need to be persuaded that the misconduct is sufficient to damage the reputation of the member's office or authority, as opposed simply to damaging the reputation of the individual concerned."*

7.91 In applying the Code to the circumstances of an alleged breach of disrepute, it is established that it is not necessary for the member's actions to have actually diminished public confidence or harmed the reputation of the authority. The test is whether or not the conduct could 'reasonably be regarded' as having these effects. However, the conduct must be sufficient to damage the reputation of the member's office or the Council, not just the reputation of Councillor Winfield as an individual.

7.92 Article 10 of the European Convention on Human Rights needs to be considered in relation to disrepute in the same way for disrespect under the code.

7.93 In *Cox v London Borough of Hillingdon (2009) APE0425*, the appeals tribunal was satisfied that describing the majority group as "corrupt" was a throwaway remark made without malicious intent. However it was said in a full council meeting at which councillors, council officers and members of the public were present. By making the claim without justification, Councillor Cox brought his own office into disrepute. By making an unjustified claim that the majority group was corrupt, he brought the authority itself into disrepute.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7.96 As stated above, the LGA Guidance advises that a member's behaviour in office will bring that member's office into disrepute if the conduct could reasonably be regarded as either:-

- (a) reducing the public's confidence in that member being able to fulfil their role; or
- (b) adversely affecting the reputation of members generally, in being able to fulfil their role.

7.97 For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute.

7.98 In Cox the use of a throwaway, but unjustified comment without malice was sufficient to bring the councillors own office into disrepute and those of the councillors as a whole.

7.99 [REDACTED]

7.100 However, the conduct of Councillor Winfield on 16 June 2021 following the receipt of the complaint might reasonably be said to have adversely affected the reputation of councillors generally in being able to fulfil their role in maintaining and managing the complaint process.

7.101 We therefore conclude that Councillor Winfield did bring his office or the Council into disrepute.

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### 8. Conclusion

- 8.1 Our conclusion is that there has been a failure to comply with the code of conduct of the authority concerned.

Wilkin Chapman LLP Solicitors

7 June 2022

**PRIVATE AND CONFIDENTIAL**

Report of an investigation by Wilkin Chapman LLP, appointed by the Monitoring Officer for Gedling Borough Council, into allegations concerning Councillor Paul Winfield of Calverton Parish Council.

8 June 2022

# **VOLUME 2 SCHEDULE OF EVIDENCE**

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**Appendix A**

**Schedule of evidence taken into account and list of unused material**

Page	Number	Description
3	WC 1	Members' Code of Conduct
17	WC 2	Statement of Councillor Patricia Marks
34	WC 3	[REDACTED]
42	WC 4	[REDACTED]
47	WC 5	Statement of Councillor Lorraine Brown
52	WC 6	Email from Councillor Inger - 05.01.22
53	WC 7	Transcript of Interview – Councillor Paul Winfield
70	WC 8	[REDACTED]
72	WC 9	[REDACTED]
73	WC 10	[REDACTED]
74	WC 11	[REDACTED]
173	WC 12	[REDACTED]

**List of unused material**

Investigator's notes, file correspondence and drafts.
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## Members' Code of Conduct

### PART 1

#### General Provisions

##### Introduction

1. (1) Gedling Borough Council is committed to promoting and maintaining high standards of conduct by Members and co-opted Members of the Council. The actions of those who represent the Council impact on how the Council as a whole is viewed. Misconduct can seriously damage the effectiveness and reputation of the Council and will not be tolerated. Those serving their communities must adhere to the high standards expected of them to promote public confidence in local democracy.
- (2) This Code of Conduct has been adopted by the Council under Section 27 of the Localism Act 2011 and sets out the standards that Members are expected to observe.

##### Interpretation

2. (1) This Code applies to you as a Member of the Council.
- (2) It is your responsibility to comply with the provisions of this Code. Failure to do so may result in a sanction being imposed by the Council. Failure to take appropriate action in respect of a disclosable Pecuniary Interest may result in a criminal conviction.
- (3) In this Code:  
"meeting" means any meeting of:
  - (a) the Council;
  - (b) the executive of the Council;
  - (c) any of the Council's or its Executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"Member" includes a co-opted member or an appointed member.

##### Scope

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.

- (2) Where you act as a representative of the Council:
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (3) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

### **The Seven Principles of Public Life**

4. You must observe the following general principles:

#### **Selflessness**

You should take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for yourself, your family or your friends.

#### **Integrity**

You should not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your official duties.

#### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.

#### **Accountability**

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

#### **Openness**

You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

#### **Honesty**

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

#### **Leadership**

You should promote and support these principles by leadership and example.

## General Obligations

### 5. (1) You must:

- (a) treat others with respect, including the organisations and public you engage with and those you work alongside.
- (b) value your colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between you that is essential to good local government.

### (2) You must not:

- (a) do anything which may cause the Council to breach the Equality Act 2010;
- (b) bully or harass any person.  
The definition of bullying and harassment and examples of behaviour which amounts to bullying and harassment are set out in Appendix 1 to the Code of Conduct;
- (c) intimidate or attempt to intimidate any person who is or is likely to be:
  - (i) a complainant;
  - (ii) a witness;
  - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with the Code of Conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

### 6. You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

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

8. You must not make trivial or malicious allegations that another Member has

- failed to comply with the Code of Conduct.
9. You must comply with any formal standards investigation carried out in relation to an allegation that you have failed to comply with the Code of Conduct.
10. You must:
- (a) not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
  - (b) when using or authorising the use by others of the resources of the Council:
    - (i) act in accordance with the Council's reasonable requirements; and
    - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes);
  - (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;
  - (d) behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures.
- 11.(1) When reaching decisions on any matter you must listen to the interests of all parties and have regard to relevant advice provided to you by:
- (a) The Council's Chief Finance Officer; or
  - (b) The Council's Monitoring Officer;
- (where that officer is acting pursuant to his or her statutory duties) and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- (2) You must:
- (a) exercise independent judgement and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a member.
  - (b) contribute to making the Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other members to account.
  - (c) be accountable for your decisions and co-operate when scrutinised internally and externally, including by local residents.
12. You must:
- (a) champion the needs of residents – the whole community and your constituents, including those who did not vote for you – and put their interests first.
  - (b) deal with representations, or enquiries from residents, members of our

communities and visitors fairly, appropriately and impartially.

- (c) not allow other pressures, including your financial interests or others connected to you, to deter you from pursuing constituents casework, the interests of the Council's area or the good governance of the Council in a proper manner.

13. You must provide leadership by behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

## **PART 2**

### **Interests**

#### **Disclosable Pecuniary Interests**

12. (1) You have a disclosable pecuniary interest in any business of the Council where it is of a description set out in paragraph 12(2) and either:

- (a) it is an interest of yours; or
- (b) it is an interest of your spouse or civil partner and you are aware that the other person has the interest; or
- (c) it is an interest of a person with whom you are living as husband and wife and you are aware that the other person has the interest; or
- (d) it is an interest of a person with whom you are living as if you were civil partners and you are aware that the other person has the interest.

(2) Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

#### **Interest**

Employment, office, trade, profession or vocation

#### **Prescribed description**

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council:

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

*For this purpose "body in which you or they have a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest.*

*"Director" includes a member of the committee of management of an industrial and provident society.*

Land Any beneficial interest in land which is within the Council's area.

*For this purpose "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.*

Licences Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.

Corporate tenancies Any tenancy where (to your knowledge):

(a) the landlord is the Council; and

(b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest

Securities Any beneficial interest in securities of a body where:

(a) that body (to your knowledge) has a place of business or land in the Council's area; and

(b) either:

i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil

partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*For this purpose, "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

### **Disclosable Pecuniary Interests in matters considered at meetings**

13. (1) Subject to sub-paragraph (2) and (3), where you are:

- (a) present at a meeting of the Council; and
  - (b) have a disclosable pecuniary interest in any matter to be considered, or being considered at the meeting; and
  - (c) you are aware that you have such an interest, you must:
    - (i) disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council's register of interests of members and co-opted members or for which you have made a pending notification; and
    - (ii) not participate or participate further, in any discussion of the matter at the meeting; or participate in any vote, or further vote, taken on the matter at the meeting; and
    - (iii) in accordance with the Council's Standing Orders, withdraw from the room or chamber where a meeting considering the business is being held:
      - aa) in the case where sub-paragraph (3) applies, immediately after making representations, answering questions or giving evidence;
      - bb) in any other case, wherever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from the Council's Standards Committee or Monitoring Officer.

(2) Where you have a disclosable pecuniary interest which by virtue of paragraph 19 is considered to be a sensitive interest, you must indicate to the meeting that you have a disclosable pecuniary interest in the matter concerned, but need not disclose the details of the interest to the meeting.

(3) Where you have a disclosable pecuniary interest in any business of the Council, you may attend a meeting (including a meeting of the overview and scrutiny committee of the Council or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

- (4) Where the interest is not entered in the Council's register of interests of members and co-opted members and is not the subject of a pending notification, you must notify the Council's Monitoring Officer of the interest in writing before the end of 28 days beginning with the date of the meeting.

### **Disclosable Pecuniary Interests in matters considered by a single member**

14. (1) Where:

- (a) a function of the Council may be discharged by you acting alone;
  - (b) you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by you in the course of discharging that function; and
  - (c) you are aware that you have such an interest,
- you must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

- (2) Where the interest is not entered in the Council's register of interests of members and co-opted members and is not the subject of a pending notification, you must notify the Council's Monitoring Officer of the interest in writing before the end of 28 days beginning with the date when you became aware that the condition in sub-paragraph 14(1)(c) is met in relation to the matter.

### **Criminal offences relating to Disclosable Pecuniary Interests**

15. (1) You will commit an offence if, without reasonable excuse, you –

- (a) Fail to notify the Council's Monitoring Officer within 28 days of your election of any disclosable pecuniary interests which you have at the time when the notification is given.
- (b) Fail to disclose a disclosable pecuniary interest in any matter to be considered, or being considered, to the meeting where that interest is not entered in the Council's register of interests of members and co-opted members.
- (c) Fail to notify the Council's Monitoring Officer of any disclosable pecuniary interest that you have disclosed to a meeting, where that interest is not already entered in the Council's register of interests of members and co-opted members or subject to a pending notification, before the end of 28 days beginning with the date of the meeting.
- (d) Are an executive member and you fail to notify the Council's Monitoring Officer of any disclosable pecuniary interest that you have in any matter to be dealt with, or being dealt with, by you in the course of discharging that executive function, where that interest is not entered in the Council's register of interests of members and co-opted members or subject to a

pending notification, before the end of 28 days beginning with the date that you became aware of such an interest.

- (e) participate, or participate further, in any discussion of a matter in which you have a disclosable pecuniary interest, or participate in any vote, or further vote, taken on any such matter.
- (f) Are an executive member and you take any steps, or any further steps, in relation to any matter to be to be dealt with, or being dealt with, by you in the course of discharging that executive function in which you have a disclosable pecuniary interest (except for the purpose of enabling the matter to be dealt with otherwise than by you).
- (g) Provide information that is false or misleading when notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting and you:
  - i. know that the information is false or misleading, or
  - ii. are reckless as to whether the information is true and not misleading.

## **Interests other than Disclosable Pecuniary Interests**

### **Non-pecuniary Interests**

16.(1) You have a non-pecuniary interest in any business of the Council where either:

(a) It relates to or is likely to affect:

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
- (ii) any body:
  - (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).of which you are a member or in a position of general control or management;
- (iii) any employment, office, trade, profession or vocation carried on by you not for profit or gain;
- (iv) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income;
- (v) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

or

- (b) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of:
- (i) a member of your family or any person with whom you have a close association;
  - (ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (iv) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

### **Disclosure of Non-pecuniary Interests**

- 17.(1) Subject to sub-paragraph (2) to (6), where you have a non-pecuniary interest in any business of the Council and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a non-pecuniary interest in any business of the Council which relates to or is likely to affect a person described in paragraph 16(1)(a)(i) or 16(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the non-pecuniary interest.
- (4) Where you have a non-pecuniary interest but, by virtue of paragraph 19 it is considered to be a sensitive interest, you must indicate to the meeting that you have a non-pecuniary interest in the matter concerned, but need not disclose the details of the interest to the meeting.
- (5) Where you have a non-pecuniary interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (6) In this paragraph “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under Section 22 of the Local Government Act 2000.
- (7) Subject to paragraphs (8) and (9) below, if you have a non-pecuniary interest in any business of the Council you may participate, vote and remain in the

room or chamber where a meeting considering the business is being held unless your interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

- (8) If you have a non-pecuniary interest in any business of the Council you may participate, vote and remain in the room or chamber where a meeting considering the business is being held where that business relates to the functions of the Council in respect of:
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iii) an allowance, payment or indemnity given to members;
  - (iv) any ceremonial honour given to members; and
  - (v) setting council tax or a precept under the Local Government Finance Act 1992.
- (9) Where you have a non-pecuniary interest in any business of the Council in the circumstances set out in paragraph (7) above, you may remain in the room or chamber where a meeting considering the business is being held for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **Gifts and Hospitality**

- 17.(1) You must, within 28 days of receipt, notify the Council's Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50.00 which you have accepted as a member from any person or body other than the authority.
- (2) Any gifts or hospitality notified to the Monitoring Officer will be included in the register of interests of gifts and hospitality.
- (3) The duty to notify the Monitoring officer does not apply where the gift or hospitality comes within any description approved by the Council for this purpose.

## **PART 3**

### **Register of interests of members and co-opted members**

- 18.(1) Subject to paragraph 19, you must, within 28 days of:
- (a) this Code being adopted by the Council, or
  - (b) your election or appointment to office (where that is later),
- register in the Council's register of interests of members and co-opted members (maintained under Section 29(1) of the Localism Act 2011) details of all disclosable pecuniary interests and non-pecuniary interests you have at the time the notification is given by providing written notification to the Council's Monitoring Officer.
- (2) Where you become a member or co-opted member of the Council as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards interests not entered in the Council's register of interests of members and co-opted members when the notification is given.
  - (3) You must, within 28 days of becoming aware of any new interests or change to any interests registered under paragraph (1), register details of that new interests or change by providing written notification to the Council's Monitoring Officer.
  - (4) You are obliged to register details of disclosable pecuniary interests in accordance with paragraphs 13(4) and 14(2).
  - (5) Any interests notified to the Monitoring Officer will be included in the register of interests of members and co-opted members.
  - (6) A copy of the register will be available for public inspection and will be published on the Council's website.

### **Sensitive Interests**

- 19.(1) This paragraph applies where you have an interest (whether or not a disclosable pecuniary interest) and the nature of the interest is such that you and the Council's Monitoring Officer, consider that disclosure of the details of the interest could lead to you or a person connected with you being subject to violence or intimidation ("sensitive interest").
- (2) If the sensitive interest is entered in the Council's register of interests of members and co-opted members, copies of the register that are made available for inspection, and any published version of the register, will not include details of the interest (but may state that you have an interest the details of which are withheld under Section 32(2) of the Localism Act 2011).
  - (3) You must, within 28 days of becoming aware of any change of circumstances which means that an interest excluded under paragraph 19(2) is no longer a sensitive interest, notify the Council's Monitoring Officer asking that the interest be included in copies of the register that are made available for inspection, and any published version of the register.

**Definitions and examples of behaviour which amount to bullying or harassment**

**Bullying may be characterised as behaviour, or an abuse or misuse of power in a way that undermines, humiliates, unfairly criticises or injures someone.**

A non-exhaustive list of behaviour which amounts to bullying includes:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying correspondence that is critical about someone to others who do not need to know
- ridiculing or demeaning someone - picking on them or setting them up to fail
- exclusion - deliberately excluding someone from meetings or written correspondence in matters for which they have a responsibility or professional interest or deliberately excluding someone from events or celebrations that it would ordinarily be expected that they might legitimately attend
- victimisation - taking action detrimental to someone as a result of them raising a complaint or issue of concern in good faith through formal and correct procedure whether or not the complaint was upheld or proven
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances-touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- publicly criticising the work or efficiency of someone where the issue has not been formally raised with that person through proper process and the right of explanation or appeal has not been made available
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities

**Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.**

A non-exhaustive list of behaviour which amounts to harassment includes:

- frequent unwanted contact, including texts, letters, phone calls, emails and communication via social media or any other electronic communication
- sending unwanted gifts
- driving past an individual's home or visiting them at work without legitimate purpose or following or watching an individual
- sharing humiliating information, lies or gossip about an individual
- making inappropriate comments, critical remarks or offensive jokes
- threatening behaviour
- excessive demands that are impossible to deliver
- making sexual comments or jokes or inappropriate sexual gestures
- making jokes or degrading or patronising comments or teasing an individual about their race, religion, age, gender, sexual orientation or disability. This would also amount to an offence under the Equality Act.

## STATEMENT FRONT COVER

Case Ref:	
Name:	Patricia Marks
Position Held	Councillor, Calverton Parish Council

wilkin chapman 

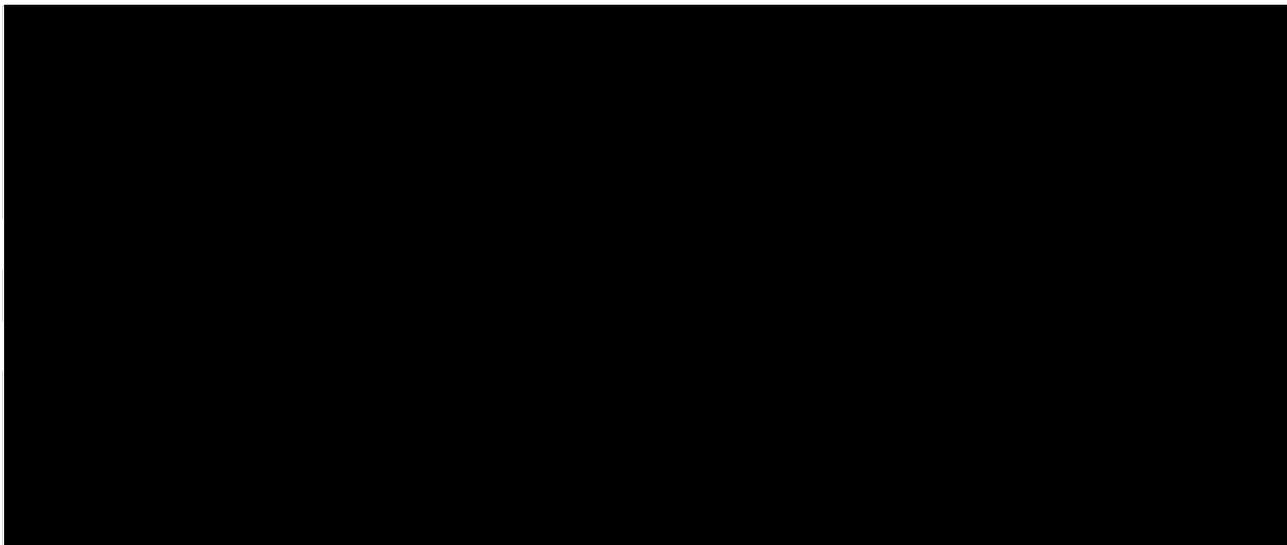
Cartergate House,  
26 Chantry Lane,  
Grimsby  
DN31 2LJ

authorised and regulated by the Solicitors Regulation Authority, registered no.OC343261

**STATEMENT of:- Patricia Marks**

1. I am an elected Councillor on Calverton Parish Council (the Council). I was first elected around 2010 and I am now in my third term as a Councillor. I am currently an independent Parish Councillor.
2. Currently I am not on any committees but was previously on the Wildlife Group, which I instigated, and worked closely with the Nottinghamshire Wildlife Group where, at one time, I was the lead, I was also invited onto the Planning Committee, by the Chair of that committee to provide short term cover for one of the members who was going on holiday.
3. I am a member of Calverton Theatre Group and the Robin Hood Theatre at Averham as a Director of productions.
4. On 16<sup>th</sup> February 2020 I made a formal complaint via email to Francesca Whyley, Monitoring Officer of Gedling Borough Council, regarding Councillors [REDACTED] and Paul Winfield having failed to comply with Calverton Parish Council's Code of Conduct. On 19<sup>th</sup> June 2021, following an incident at Calverton Village Hall on 16<sup>th</sup> June 2021, I again contacted Francesca Whyley via email and provided additional information specifically in relation to the actions of Councillor Paul Winfield (see paragraphs 29 to 34 inclusive below).
5. [REDACTED]
6. I understand that Wilkin Chapman solicitors have been appointed to investigate my complaints against [REDACTED] Paul Winfield in respect of [REDACTED] failing to comply with Calverton Parish Council's Code of Conduct.

28.

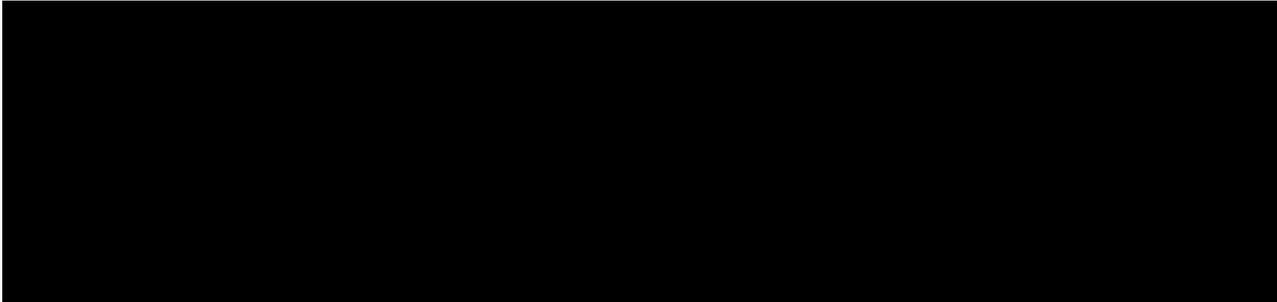


29. On Wednesday 16th June 2021 I was in a working party meeting with Councillors Lorraine Brown and Joan Inger, who is a friend of Councillor Winfield. An hour into the meeting Councillor Winfield opened the door of the meeting room. I was about four feet away from him. Councillor Winfield pointed at me and shouted, *"You are a sad, sad woman. You sad woman"* and then left. Councillor Brown asked, *"What was that about?"* Councillor Inger said, *"Was it a code of conduct?"* I told them I did not know. I did think it related to my complaint against Councillor Winfield and thought that possibly he had just been made aware of my complaint, but I did not want to confirm that to Councillors Brown and Inger as complaints should be treated as confidential.
30. Ten minutes later Councillor Winfield came back, leaned into the room through the doorway and started shouting and pointing at me. He was red faced, and so angry and loud I could not tell exactly what he was saying. Councillor Inger went to the door and said, *"Paul, go away and calm down."* Councillor Winfield said, *"No, I'm not fucking going anywhere, don't you fucking shut this door."* I asked Councillor Inger four times to shut the door but she did not. Councillor Winfield was shouting over me, *"I'm not fucking going anywhere."* While Councillor Winfield was still shouting, I turned to Councillor Brown and said, *"I'm sorry Lorraine, you were witness to that, I'm sorry but I am going to have to leave."*
31. I felt physically intimidated as Councillor Winfield is a stocky man with an aggressive demeanour. I felt trapped and threatened as I was sitting down at the table close to Councillor Winfield, who was lunging towards me with his arms, but I could not get out of the meeting room because Councillor Winfield was in the doorway, so I stood up and walked around the other side of the table and went through the French doors onto the bowling green until Councillor Winfield had gone. I then came back into the meeting room and believed that

Councillor Winfield had gone into the small office, which I had to pass to leave the building. I said to Councillors Brown and Inger, *"If he touches me?"*

32. Councillor Winfield was, in a loud voice, reading to the Clerk, [REDACTED] what I believed was a complaint against him because I heard the name [REDACTED] mentioned. This further added to my thought that he had just found out about my complaint against him. On my way home I had to stop to compose myself because I did not want my husband to see me as upset as I was because I knew if he had seen how upset I was, he would have gone looking for Councillor Winfield.

33.



34. I did not seek confrontation, but Councillor Winfield has no respect for authority, and he cannot control his temper.

35.



36.

47.



48. The behaviour of [REDACTED] Winfield has had massive effect upon both my mental and physical health, [REDACTED] Not only myself, [REDACTED] have suffered disrespect (including libellous comments), bullying, harassment, intimidation and, [REDACTED] This behaviour is in the background every day for me and I've been on anti-depressants for 18 months now, prescribed because I was suffering panic attacks, to try and help me to cope with the stress they are causing me. [REDACTED] [REDACTED] I'm not sleeping very well as they are the last thing on my mind when I go to bed and, although I try to think of other things, they just come back into my mind all the time. They are the first thing on my mind when I get up in the morning. I have also lost weight due to the worry I am suffering from. I am still getting similar emails now and, if I answer them, I tend to get snide comments back. My family have asked me to resign but that's what they want, and I won't give in to their bullying behaviour that way.

49. I am well known in Calverton and feel that my integrity and character within the village has been attacked by their actions. I work in a Hospice Charity Shop [REDACTED]





50. I strongly believe that [redacted] Councillor Paul Winfield [redacted] not fit to hold the position of Parish Councillors.

51. [redacted]

I Patricia Marks declare that this statement is true and accurate to the best of my knowledge and belief.

Signed



Date ...20/12/21...



# wilkin chapman llp

## STATEMENT of:- Lorraine Brown

1. I am an independent Parish Councillor for Calverton Parish Council (the Council). I was co-opted onto the Council some 9 or 10 months after the 2019 election following the death of one of the serving Parish Councillors.
2. I am responsible for signing cheques on behalf of the Council, and I lead the Community Projects Working Group, which comprises of myself and Councillors Pat Marks, [REDACTED] and Paul Winfield. Pat, [REDACTED] and I tend to be more involved in meetings and planning, whilst [REDACTED] and Paul do the heavy stuff, such as moving benches and other more physical tasks.
3. I have been asked about an incident which occurred at a meeting I attended on 16<sup>th</sup> June 2021. This is what I can say about that meeting.
4. The meeting that day was a Community Projects Working Group meeting which took place in the meeting room at the Village Hall. I had previously invited all members of the group, as listed in paragraph 2 above, to the meeting. Myself, Pat Marks and [REDACTED] were definitely attending, Paul Winfield had emailed me to say he would attend if he could and [REDACTED] was unable to attend as he was working away. The meeting that day would have started at either 12.30pm or 2.30pm but I am unsure of the start time on that occasion.
5. There is a small office at the Village Hall which is shared by the Village Hall Caretaker [REDACTED] and the Parish Clerk (either [REDACTED] or a lady called [REDACTED] at that time) if the Clerk is not working in their main office at the Parish Council offices. Occasionally the Park Keeper ([REDACTED]) used the office too.
6. On the day of the meeting I am sure that no-one else was present at the Village Hall when we arrived as [REDACTED] had opened the Village Hall with keys that she holds to let us in. We went through to the meeting room and [REDACTED] shut, but didn't lock the main entrance door. Once we were in the meeting room, its' door to the foyer area was shut but we opened one

set of the 2 sets of French doors that lead out to the bowling green to allow for airflow due to Covid-19.

7. The meeting room is rectangular in shape and, if drawn, has short sides at the top and bottom and longer sides to the left and right. The door into the meeting room is in the bottom left hand corner, on the short side, and leads into the room towards a number of chairs placed down the left side of a long rectangular table, which comprise of a number of smaller tables pushed together to make one large rectangular table. There are 5 or 6 chairs on each side of the table. Set into the longer right-hand side wall are the 2 sets of French doors which lead outside to the bowling green.
8. For the meeting the first chair on the left of the table (closest to the door) was empty, then Pat Marks sat in the second chair up, the third chair was left empty and I sat on the fourth chair up, with an empty chair, or chairs, after me. On the other side of the table the first and second chairs were empty, [REDACTED] sat in the third chair, leaving empty chairs after her. We sat like this to follow Covid-19 protocols.
9. I had produced a 5-year plan for the Village Hall and the William Lee Memorial Park relating to an application for funding for a wildlife area, and we were going through a list of items to make the Village Hall more community focussed.
10. We had been talking for a good half an hour or so and were discussing moving a bench, which had been vandalised, from one part of the village to another and were, therefore, discussing getting [REDACTED] and Paul to move that bench, when the door opened and Paul came into the meeting room. I thought that he had come to join the meeting and said to him, "*Your ears must have been burning*", referring to the fact that we had just mentioned him and [REDACTED].
11. Having entered the meeting room Paul walked to his right towards the first of the sets of French doors, stopped behind the first empty chair on the right side of the table and touched the back of the chair. I assumed he was going to pull out the chair, sit down and join the meeting. He said, "*Yes, they are*".
12. I would describe Paul as usually being a jovial character, but he can get stressed and is easily wound up. He did look to be stressed on this occasion. He looked at Pat and shouted at her across the table that what she had done was wrong and that she was being very silly. Paul was shouting at Pat. I think he called her a silly old lady, or a silly old woman, possibly with the "F" word included. He does use the "F" word, when he swears.

13. I couldn't understand what he was talking about. I thought he was there for our meeting and, at that time, I didn't know that Pat had made a complaint against him.
14. Paul then left the meeting room the same way he had come in, leaving the door open. [REDACTED] followed him out of the meeting room, and I heard her tell him to leave, and to calm down. I heard Paul say something like, "*How can I calm down when I've got this vindictive woman to deal with*", assumedly referring to Pat.
15. [REDACTED] came back into the meeting room and was about to close the door when Paul appeared in the doorway. He appeared visibly wound up, upset and very angry and was shouting at [REDACTED] because she had told him to leave. He was also shouting that Pat had it in for him because she believed he was trying to get rid of [REDACTED] ([REDACTED] the Park Keeper at the time). Paul was again swearing whilst shouting at [REDACTED].
16. [REDACTED] ushered Paul into the foyer area and told him she would speak to him later, that she would ring him, and told him he needed to go home and calm down. After Paul had gone, [REDACTED] locked the main entrance door before returning to the meeting room.
17. [REDACTED]
18. While [REDACTED] was in the foyer dealing with Paul, I was talking to Pat as she was visibly upset, and I was trying to calm her down. She was saying things under her breath, but I couldn't hear the actual words she was saying. I offered her a glass of water or a cup of tea, but she declined both. Pat also packed up her paperwork, which she had had out on the desk for the meeting, into her bag. I think that at one point Pat got her mobile phone out of her bag, but then didn't use it. I told her to wait 5 minutes to make sure that Paul had gone, and to compose herself as she had to drive herself home. Pat appeared to be really upset and shocked. I told her I was really sorry about what had happened.
19. When [REDACTED] came back into the meeting room there was a brief discussion. Pat said she was sorry that this had happened, and I think she also said, "*Sorry you had to witness that*". [REDACTED] then offered to check that Paul had gone before letting Pat out of the main entrance, where we then watched Pat get in her car and drive away.

20. To my knowledge no-one else was present at the Village Hall throughout the incident although, as I stated in paragraph 6 above, [REDACTED] did shut, but didn't lock, the main entrance door as we all entered the Village Hall on arrival. I have since been advised that [REDACTED] [REDACTED] was in the office working, however, I did not see or hear him.

I Lorraine Brown declare that this statement is true and accurate to the best of my knowledge and belief.

Signed

[REDACTED]

Date..10.Jan.2022.....

Councillor Brown (Jan 10, 2022,  
12:57pm)

**From:** Joan <cllrjeinger@calvertonpc.org.uk>  
**Sent:** 05 January 2022 10:05  
**To:** Dave Hayward  
**Subject:** [EXTERNAL] Re: (107695/3) - Investigation - Councillors Winfield and Meads

This Message originated outside your organisation.

Morning Dave Hayward  
Happy new year

Answer to your question

1. Regards to Mrs Pat Marks complaint

2. I have been on council for 4 1/2 years

3. Additional responsibilities as a councillor.

Cheque signing ,new cemetery group,Allotments group ,community group,cover for village hall sickness absent ,

4. Meeting on 16 June 2021 yes I was present at this meeting with Mrs Marks and Mrs Lorraine Brown,

5 Meeting. Was for Community management plan ,

6 Yes Mr Paul Winfield did open door to the Meeting

7 Mr Paul Winfield opened the door and straight away said YOU SAD SAD WOMAN he repeated this , Myself and Lorraine and Pat look at one another not sure at first who

Mr Paul Winfield was referring too then I realised ,

8 Mr Paul Winfield did come back to the doorway due to his frustration of what information he had just received by post a code of conduct letter which Paul and his wife was very upset to the underhand way this had come to him after a lot of help he and his wife had assisted with Mrs Pat Marks family [REDACTED] in the passed.

9. /10.

Yes I did ask Paul to calm down also asked him what had happened he said he was not going anywhere so don't shut the door ,Paul did say again she is a vindictive sad sad woman

Mrs Pat Marks did ask me to shut the door ,

Mr Paul Winfield did say I'm not Fucking going anywhere this was not Aimed at any one person .

11

No Mr Paul Winfield did not lung towards Mrs Pat Marks ,

I did keep saying to Paul calm down ,

I would just like to say I have known Mrs Pat Marks for 50 years but over the last 2 years a lot of issue have come to council regrading [REDACTED]

Mr Paul Winfield I have known him with living in calverton but since he has come on parish council ,I have work with Paul on a lot of voluntary work for the village , he can be very out spoken and verbal so some people aren't happy, but are quite happy to ask for his help has Mrs Pat Marks as done in the past ,

Kind regards

Mrs Joan Inger

**Gedling Borough Council**

**Interview Date: 10.01.2022**

**Interview Transcript – Councillor Paul Winfield**

**PW = Councillor Paul Winfield**

**DH = Dave Hayward**

DH Okay, right, so we started recording err now erm and at the right, also at the right hand side of the screen there's a transcript of us, us talking as well erm, what will happen Paul before I introduce this, so what, the, the, the I'm gonna talk to you now, have a conversation with you now, this is recorded, erm and at the end of which erm we'll produce a transcript of the recording and send it through to you to check and make sure you're happy with that but you'll also have the option to go back onto the Teams and listen to the recording yourself, okay

PW Yeah

DH so there's both ways there, but we'll actually do a transcript and send that, send that through to you, erm the time is erm almost quarter past 10 on the 10<sup>th</sup> January 2022 and, and my name's Dave Hayward erm with Wilkin Chapman Solicitors and I'm erm having a conversation, interview with err Councillor Paul Winfield from Calverton Parish Council, erm as you know Paul we've been instructed by the Monitoring Officer for Gedling Borough Council, erm to investigate a complaint erm made by Councillor Patricia Marks, erm and it's that that I want to erm talk to you about today

PW Okay

DH Erm, before we go into that erm, how long have you been a Councillor Paul?

PW Err I joined the Council in the May 19 after the elections but erm that wasn't my first, I, we have a meeting tomorrow and when I attend that meeting tomorrow, I'll be the only councillor sat in that room that has attended every meeting since January 2017, even when I weren't a councillor I have gone to every single meeting, extraordinary meeting, anything

DH Okay

PW I had two years of watching and learning before I even

DH Okay

PW put myself forward and I put myself forward, ha, bizarrely at the request of the people that are now complaining, as well as some local residents

DH Okay

PW The local residents who contact me about various things are well aware, what can I say, I'm cut from a different cloth to most councillors err on this parish council and a lot of the local residents are well aware that I'm not a person that'll give them an answer they want to hear or sit on something if I think it's uncomfortable, I'm, erm, whether it's because I was once a miner, I don't know, but I like to be straight John Bull

DH Okay

PW and erm

DH and, and

PW and it gets me into bother I know it does, but that's just the way I am

DH And, so, you're, you're elected in erm May 19, erm, in over and above being a parish councillor do you have any other responsibilities within the council?

PW Err yeah, I'm the erm, I'm the emergency contact number for the office, for the village hall and for the park erm they also made me lead on the HR group and I do allotment inspections

DH Okay, okay and in respect of the Council itself how many officers are there as in office staff?

PW There's 15 councillors

DH Yeah

PW 3 members of staff in the office and 2 members of staff that are erm caretakers come groundkeepers, because we erm restructured, we used to have separate caretakers and separate groundsmen but erm we farmed some of the jobs out to Gedling Borough cause of the complaints we was getting about some of the upkeep of some areas and erm sort of amalgamated the two jobs

DH Okay and who has the line management of the offices, who looks after them?

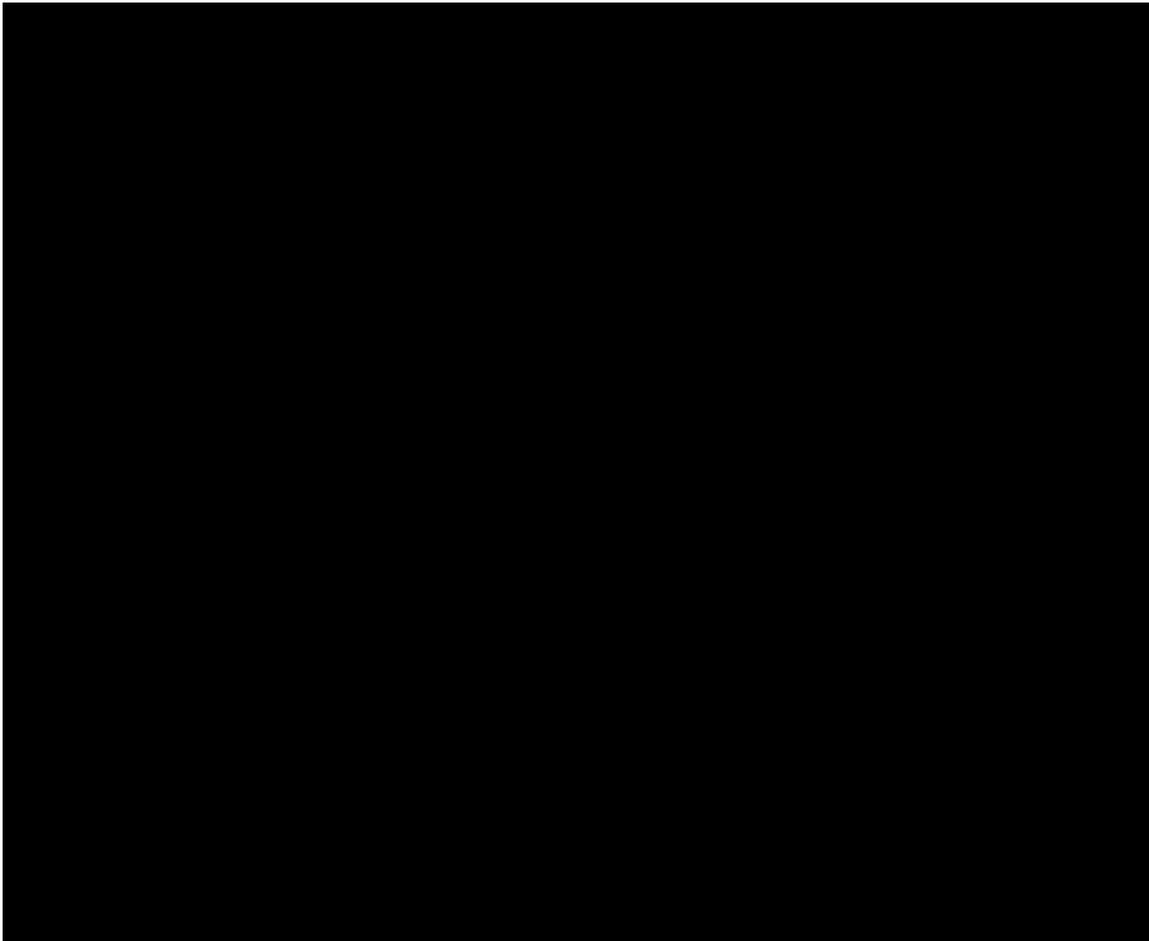
PW At the moment the line manager is Councillor Meads

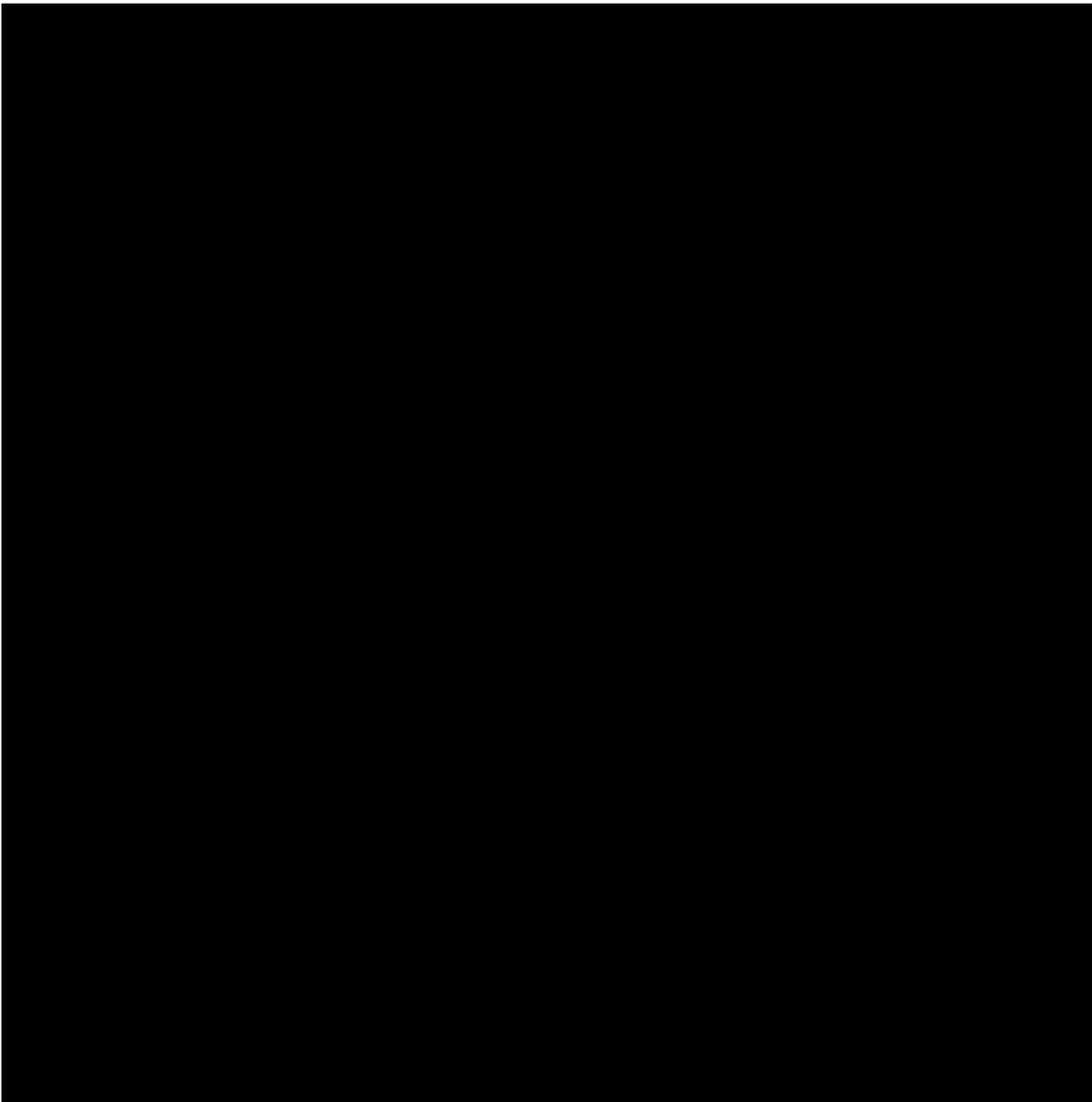
DH Okay

PW Erm because erm, mainly because erm we sort it in-between clerks and erm so erm we have a locum clerk and his assistant but as we was, as one clerk left, erm the last clerk, lady clerk left erm the council voted for Mr Meads to take line management, whatever, for the time being, normally it falls to the Clerk or that's how I understand it

DH

PW





DH

PW I would love, previously as a member of the public, I meant the previous Monitoring Officer, I would love to have a face to face with this Monitoring Officer and with my accusers in the same room because they soon change their tale, they'll soon change their tale if they've got to sit in front of me

DH

PW

DH

PW

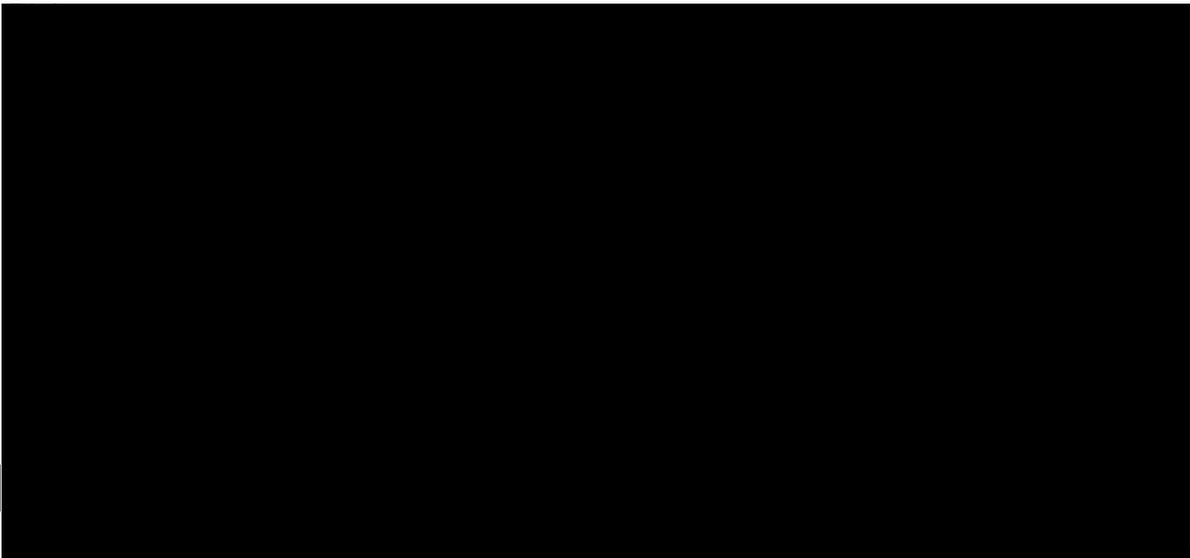
DH

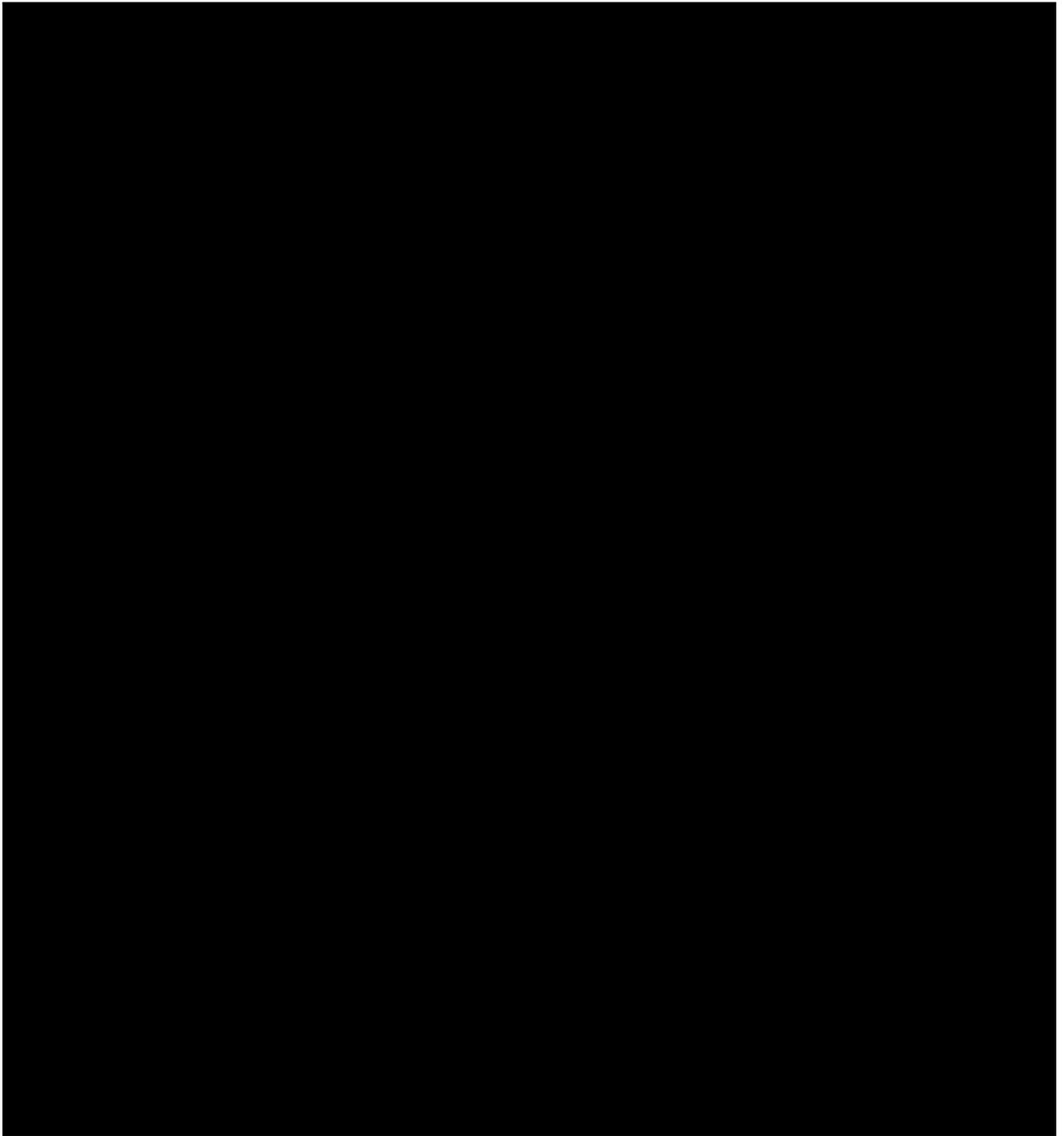
PW

DH

PW

DH





DH Can I talk to you about erm this incident on the 16<sup>th</sup> June erm when Councillor Marks talks about a working party with Lorraine Brown and Joan Inger

PW Yeah

DH Erm an hour into the meeting Councillor Winfield opened the door of the meeting room erm, Councillor Winfield pointed at her and shouted 'you are a sad, sad woman, you sad woman' then left erm, I think it goes on to say 10 minutes later you came back leaned into the room through the doorway and started shouting and pointing at Councillor Marks, she alleges that you were red-faced and angry and Councillor Inger went to the door and Inger spoke to you and asked you to go away and calm down and you said 'no, I'm not fucking going anywhere, don't fucking shut this door' erm you

continued saying 'I'm not fucking going anywhere' erm, what was that, what was that concerning?

PW That was, I'll tell you when that was, I could tell you, just a minute, shut up will you, the Mrs is typing it, she's not in the room but she can hear, that was erm the day that I received this code of conduct and I kept away, I'm on this group and I'd purposely kept away so that Mrs Marks didn't get upset with my attendance but when this came through the door, I was angry and I did go and tell her that she was a sad, sad woman, which I believe she is, to go this way, why can't you just thrash it out? And then I get, [REDACTED] was in the village hall at the same time in the office, working in the office and as I went to leave erm I believe [REDACTED] was there at one point and err he shouldn't be there because he wasn't on duty and erm that was, that was when I was told that Pat said I won't be there much longer and I, and I did open the door and I said to her erm, what did I say to her, I said something along the lines 'explain yourself, why have you had to do this?' and Councillor Inger did say 'oh go on Paul go away and calm down' this, that and the other, and I said, I may have sworn I can't remember but I, I, I just wanted her to explain why she had to go this route, why we couldn't have a conversation about things

DH Okay

PW I mean erm

DH Did you

PW [REDACTED]

DH Erm, are you erm, Paul erm I mean have you had any code of conduct training?

PW Erm we did some training when we first went on but err apart from that I haven't done nothing specific since we first went on to the council

DH You know a part of the code of conduct that your council is signed up to is that you must not intimidate or attempt to intimidate any person who's likely to be a complainant, a witness involved in the administration of any investigation or proceedings, obviously you know you've had a complaint about it, did you consider your behaviour as intimidating?

PW No more than what I've received to be honest with you, would you try and intimidate if someone is stood on your yard telling you they're gonna kill you? Would you try and intimidate if someone is stood there telling you you're not gonna be there any longer?

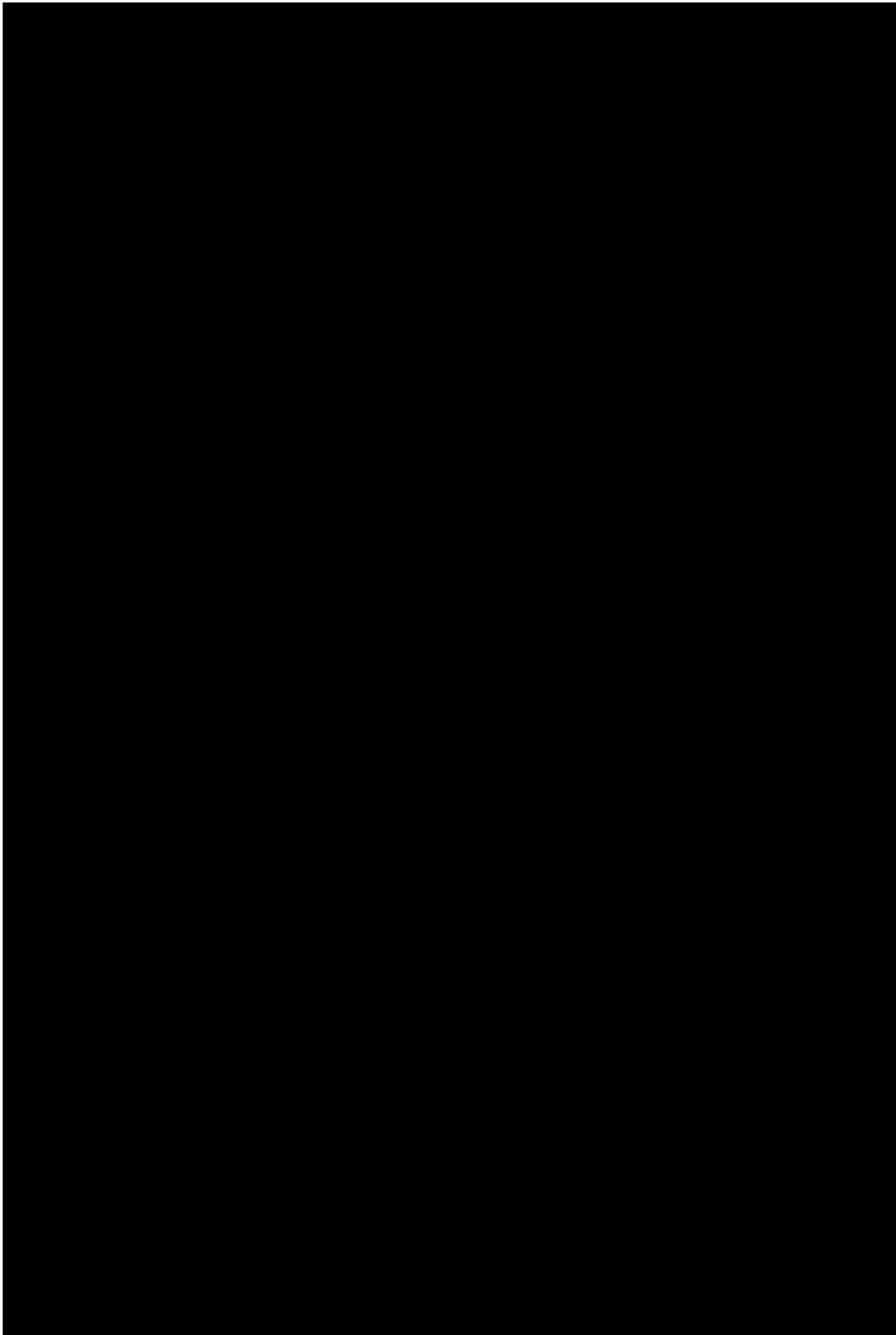
DH But the question is about your conduct on that morning as a result of receiving that complaint by Councillor Marks?

PW Well no, erm, I don't know some would see it that way, I don't see it that way, I wanted to clear the air and no what the problem was erm, I mean, I've err, Councillor Marks doesn't like the fact [REDACTED]

don't let that happen, just don't let that happen and I, I don't know I'm, I'm I get angry and I get frustrated that you just, people can't talk, talk about things, erm

DH But Councillor Marks has

PW



DH

PW

DH

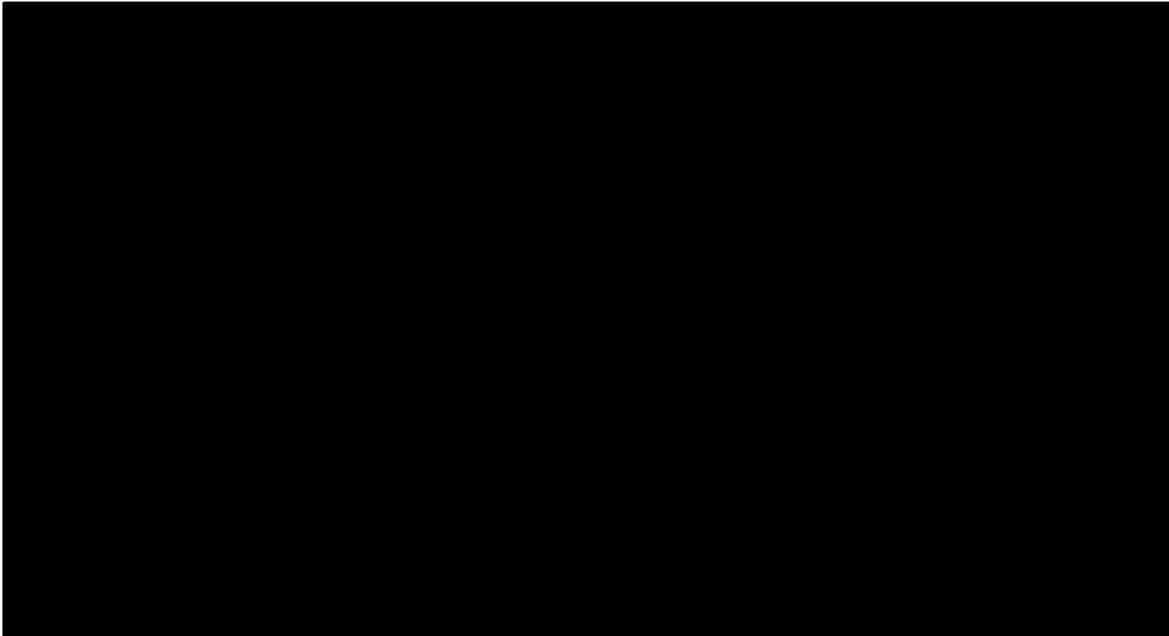
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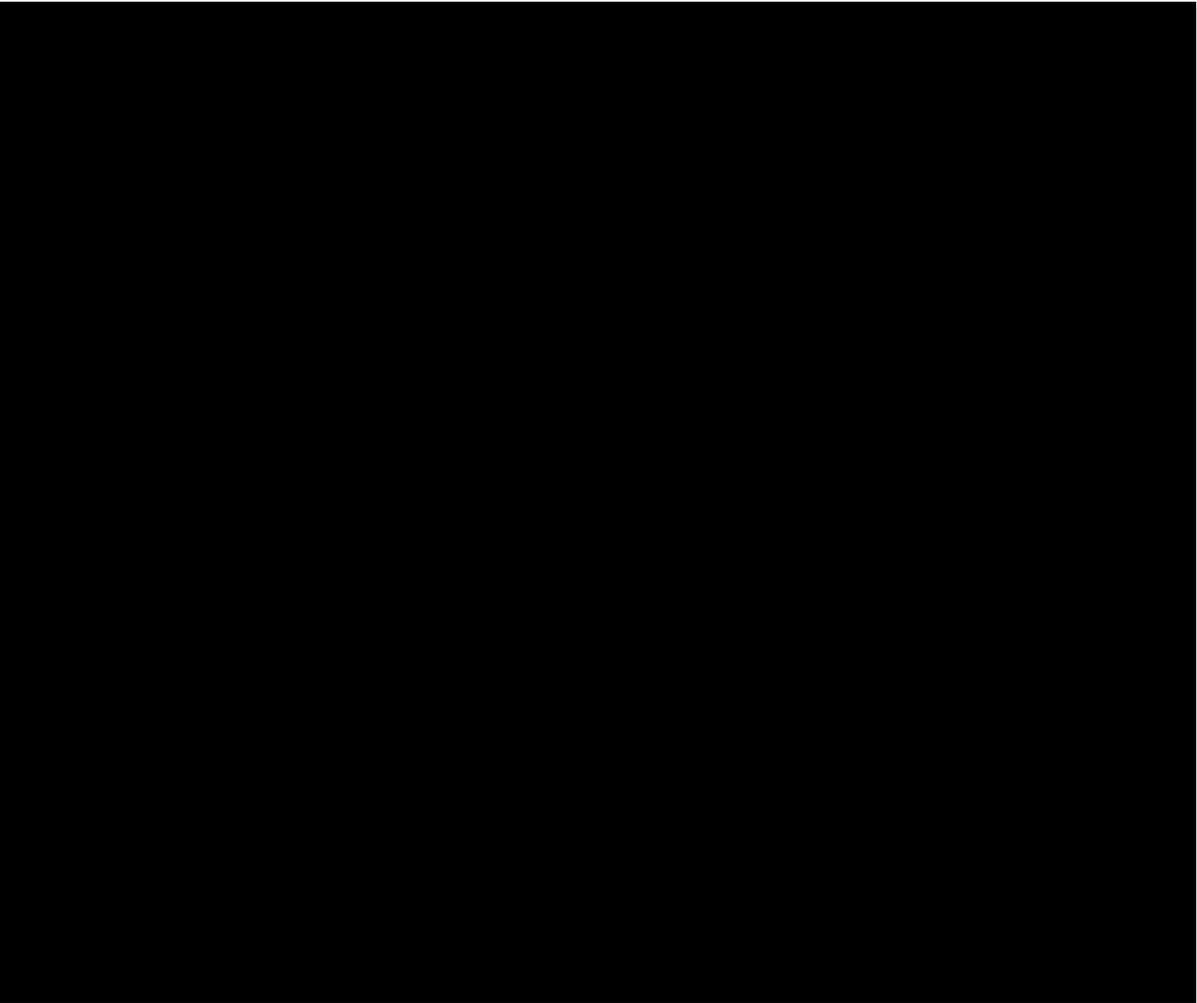
PW

DH [UNCLEAR 01:06:01]

PW No, I've considered I've been bullied

DH Okay and do you, do you think that erm any of your behaviour has brought the council into disrepute?

PW



DH

PW

DH

PW

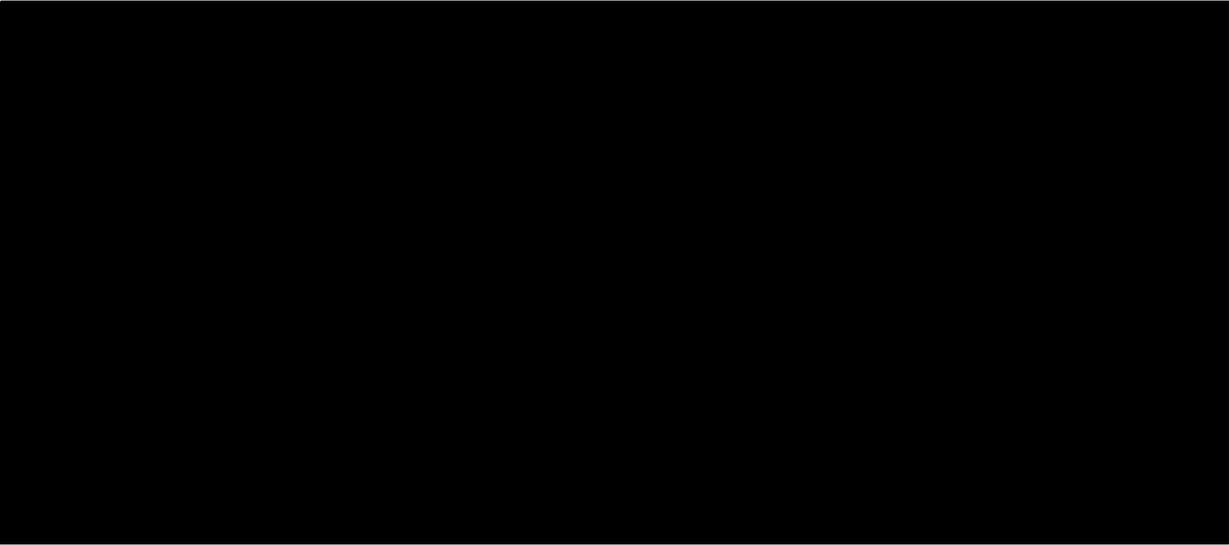
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PW

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DH



**END OF RECORDING**

*I certify that this is an accurate record of my interview with Dave Hayward on 10 January 2022.*

*Signed* .....

*Dated* .....

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