

Reference: S589/15/03

Complaint

The complaint was made about Councillor Andrea Bennington a Bestwood St Albans Parish Councillor by the Parish Clerk. The complainant complains about the behaviour of Councillor Andrea Bennington who was Chair of the Bestwood St Albans Parish Council between May 2015 and May 2016. A summary of the complaint is that Councillor Bennington:

- Subjected her to disrespectful and bullying behaviour
- Knowingly acted outside of local government law and standing orders
- Ignored her advice as clerk
- Furthered the interests of her own constituents at the expense of the whole community

According to the complainant, Councillor Bennington's conduct included undermining her in public meetings of the Parish Council, changing her contract in ways calculated to make the job unworkable and bombarding her with unreasonable emails.

Initial Assessment

The Monitoring Officer, in consultation with the Independent Person, John Baggaley considered the complaint and, at initial assessment, decided to refer the allegation for formal investigation on the basis that if the complaint was proven, there would potentially be a breach of the Code.

Potential breaches of the Code of Conduct considered

When investigating the complaint, the Investigator considered the following paragraphs of the Code of Conduct.

Paragraph 5 requires Members to treat others with respect; value their staff and engage with them in an appropriate way.

Paragraph 7 provides that Members must not behave in such a way as to bring their office or authority into disrepute.

Paragraph 9 provides that Members must have regard to advice provided by professional officers when making decisions.

Paragraph 10 requires Members to champion the needs of residents – the whole community, including those who did not vote for them.

Investigator's findings

The investigator found breach of paragraph 5 of the Code of Conduct for the following reasons:

- The investigator found that Councillor Bennington's negative attitude towards the complainant was evident in her unfair and unreasonable conduct.
- Through her treatment of the complainant Councillor Bennington sought to establish doubt in the minds of her fellow members about the complainant's suitability for the role.
- The behaviour amounted to a misuse of power which injured and denigrated the complainant to the extent that it amounted to bullying.

The investigator found no breach of paragraphs 7, 9 and 10 of the Code of Conduct for the following reasons:

- A line should be drawn between errors arising from, on one hand a lack of knowledge and understanding of parish council governance, and on the other, the deliberate use or abuse of parish council processes for ulterior purposes. The code is an ethical code not a backstop against poor governance. Councillor Bennington's conduct towards the complainant was not the product of a misuse of procedures and she did not bring the Parish Council into disrepute.
- There was not sufficient evidence to support the allegation that Councillor Bennington had failed to have regard to professional advice. Her handling of Parish Council business was not so one sided that it was to the detriment of the parts of the community outside her ward.

The investigator concluded that there was significant mitigation.

1. In May 2015 Councillor Bennington was, with others new to the role of councillor and to the intricacies of Parish Council business. The complainant was probably not in the best position to provide the level of challenge and guidance necessary.
2. Councillor Bennington did not act alone. Her attitude towards the previous administration, and to the clerk, was shared by other members of the Parish Council.
3. Councillor Bennington as chair was not wholly responsible for the content and presentation of the decisions made.
4. Councillor Bennington has reflected on her general tone in emails and softened it.

Councillor Bennington should be given credit for working hard to establish a solid framework in policy to ensure that in future the Parish Council meets all of its obligations towards its sole employee, the clerk. It is clear that she has sacrificed many hours of her own time for no personal reward to this end and continues to do so.

Decision

The Monitoring Officer agrees with the conclusions made by the Investigating Officer and has found that Councillor Bennington has breached paragraph 5 of the Bestwood St Albans Parish Council Members' Code of Conduct. The Monitoring Officer has concluded that Councillor Bennington has not breached paragraphs 7, 9 and 10 of the Bestwood St Albans Parish Council Members' Code of Conduct

After consultation with the Independent Person, the Monitoring Officer decided that this was an appropriate case, to seek to resolve the complaint informally, without the need for a formal Hearing Panel. Such local resolution involves Councillor Bennington accepting that her conduct was unacceptable and offering a written apology to the complainant. Such an apology has now been issued.

The Monitoring Officer also recommended that the Bestwood St Albans Parish Council Chair and Clerk work with her to ensure that the constitution and working of the personnel committee, and all the arrangements supporting the role of the clerk, are in line with recognised good practice in the sector.