

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 14th June 2021. On 16th June 2021, whilst the complaint was still subject to initial assessment, the Subject Member confronted the complainant during a working group meeting. During this confrontation, it is alleged that the Subject Member made various comments to the Complainant calling her a sad woman and swearing. Information about this incident was reported to the Monitoring Officer and became part of the complaint against the Subject Member.

- 1.3 In consultation with the Independent Person, the Monitoring Officer determined to refer the complaint to investigation on 30 September 2021. The complaint was referred to independent investigators Wilkin Chapman on 5th October 2021.
- 1.4 Wilkin Chapman undertook an investigation and Dave Hayward, the investigating officer (the Investigator), produced a final report in June 2022. The Investigator concluded that the Subject Member had breached the Code of Conduct in relation to the incident on 16th June 2021 in particular the finding was that the Subject Member had breached the following paragraphs of the Calverton Parish Council Code of Conduct:
- 5(2)9(c) You must not intimidate or attempt to intimidate any person who is or likely to be:
- (i) A complainant
7. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or your Council into disrepute.
- 1.5 Following receipt of the final report, the Monitoring Officer, in line with the Council's Arrangements for dealing with Complaints, considered the report and was satisfied the investigation had been conducted properly. In relation to the finding of breach, the Monitoring Officer concluded that there was evidence of a failure to comply with the Code of Conduct.
- 1.6 Following consultation with the Independent Person, the Monitoring Officer contacted the Complainant and the Subject Member in an attempt to resolve the matter by way of a local resolution. The Subject Member was asked whether a resolution in the form of an apology to the Complainant and attendance at training in relation to the Code of Conduct and in particular in relation to civility and respect in office which was a course being offered by the National Association of Councils, was accepted. This offer was made on 22nd July 2022 and was rejected by the Subject Member on 28th July 2022.
- 1.6 In line with the Council's arrangements, the complaint has now progressed to a hearing. The Hearing Panel was originally due to convene on 12th 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