

Report to Standards Committee

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

Date: 15 December 2022

Author: Monitoring Officer

Purpose

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

Recommendation

THAT the Committee:

- 1) Note the outcome of the complaint.

1 Background

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

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

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

2 Proposal

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

3 Alternative Options

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

4 Financial Implications

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

5 Legal Implications

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

6 Equalities Implications

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

7 Carbon Reduction/Environmental Sustainability Implications

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

8 Appendices

- 8.1 Appendix 1 – Decision Notice

9 Background papers

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

10 Reasons for Recommendation

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

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Drafted by the Monitoring Officer