

Summary of Decisions: Informal Resolution

Reference: STD003687 and STD003690

Complaint

The Monitoring Officer, Francesca Whyley, in consultation with the Independent Person, John Baggaley has considered two complaints made on 10 July 2023 and 13 July 2023 regarding an alleged breach of the Newstead Parish Council Member Code of Conduct by Councillor Paul Bruch.

Both complainants complained about the behaviour of Councillor Bruch as follows:

On June 14th at 19.30 Councillor Bruch contacted an employee of the Newstead Centre and left the following voicemail message.

*“You know there is a booking for the Parish Council tonight, where are you? Get the Centre open, you want a war you can f**king have one.”*

The complaints raised from two sources alleged that Councillor Bruch had not treated the employee with respect.

Councillor Bruch has responded to the complaint and accepted he left the message. There has supposed to have been a parish council meeting at the Newstead centre on that evening and the Councillors could not get in the building. Councillor Bruch referenced a history of difficulties in the relationship between himself, the Council and the centre and felt this had provoked the message that was left. Councillor Bruch did not wish to recant the message.

Decision of the Monitoring Officer

In accordance with Sections 28 (6) and (7) of the Localism Act 2011, having carefully considered the allegation in accordance with the Council’s Arrangements for Dealing with Complaints about breach of the Code of Conduct and in consultation with the Independent Person, the Monitoring Officer determined that the voicemail message left on the employee’s phone on 14th June 2023 met the threshold to demonstrate a potential breach of the Code of Conduct. Councillor Bruch has failed to treat the employee with respect contrary to para 1 of the Newstead Parish Council Code of Conduct.

The Monitoring officer determined, that this matter could be resolved by way of informal resolution and recommended that Councillor Bruch issued a private written apology to the employee within 1 month of the decision notice being issued. This has been done. In addition, the Monitoring Officer recommended that Councillor Bruch attend training in relation to the Code of Conduct. This training to be provided by NALC or the LGA or the Monitoring officer and should be completed within the next 3 months. Finally, and in accordance with the arrangements for dealing with complaints, the Monitoring officer advised this decision would be reported to the Standards Committee, and as a potential

breach of the Code has been identified, information in relation to the complaint would be publicised.

Reasons for Decision

In assessing the complaints the Monitoring officer had regard to:

- the complaints as submitted by the complainants;
- the response to the complaints from Councillor Bruch
- the recorded voicemail message left by Councillor Bruch on 14th June 2023
- the views of the Independent Person; and
- the Council's Code of Conduct and guidance documents

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

Newstead Parish Council adopted the LGA's Model Code of Conduct as its Code of Conduct at a Council meeting on 17th May 2023.

The Code specifies that it applies to councillors when acting in their capacity as councillor which may include when:

- you misuse your position as a Councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor.

Paragraph 1 of the Code states as follows:

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play

I am satisfied Councillor Bruch was acting in his official capacity when he left a voicemail on the 14th June 2023 relating to the opening of the Newstead Centre for a parish council meeting. I am satisfied that because of Councillor Bruch's role as a parish councillor he was leaving the voicemail in relation to council related business in order to get the centre open for a parish meeting and therefore was acting in his capacity as a councillor when he made the call and left the message.

There was some confusion as to whether the dates of the parish meetings had been provided to the Newstead Centre, but, whether or not the employees knew of the meeting dates does not, in my opinion justify Councillor Bruch's response to the building being closed.

Councillor Bruch has provided some history in relation to his previous dealings with the staff and the Trustees of Newstead Centre. He puts this history forward as provocation for his conduct, I do not consider however that this background information justifies the message left by Councillor Bruch on 14th June.

Councillor Bruch as a Councillor is in a position of authority and, as the Code of Conduct indicates, whether dealing with employees of partner agencies or the public, as a Councillor he should treat them with respect. It is of course acceptable to challenge behaviour and it may have been reasonable to challenge why the Centre was not open, however any such challenge should be reasonable and not offensive.

Having listened to the voicemail, Councillor Bruch is not shouting or raising his voice, the message does, however, sound intimidating. It was completely unnecessary for Councillor Bruch to use the language he did towards the employee.

The guidance contained within the Code of Conduct, in relation to respect states as follows:

Respect means politeness and courtesy in behaviour, speech, and in the written word.....In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

I do not consider the voicemail left by Councillor Bruch to be respectful, it is not polite, nor courteous and as indicated I do not consider the language used necessary, even if a mistake had been made by the employee.

In conclusion, I find that irrespective of the surrounding circumstances and the background put forward by Councillor Bruch, there was no justification for the language used and the tone of the voicemail left on the employee's phone on 14th June 2023. I consider that the conduct of Councillor Bruch does demonstrate a potential breach of the Code of Conduct as it could amount to disrespect.

I do not consider that any further investigation of this incident is warranted. Whilst the complaint does disclose a potential breach of the Code of Conduct, subject to Councillor Bruch fulfilling the recommendations of providing a written apology within 1 month of this decision and attending relevant Code of Conduct training within 3 months of the decision, I don't consider an investigation to be proportionate or in the public interest.