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NORTH LINCOLNSHIRE COUNCIL

STANDARDS COMMITTEE (HEARING PANEL)
--

4 April 2022

Chairman: Councillor Poole

Venue: Council Chamber,
UCNL Building, UCNL
Building, Ashby Road,
Scunthorpe

Time: 3.00 pm

E-Mail Address:
dean.gillon@northlincs.ov.uk

AGENDA

1. Declarations of Disclosable Pecuniary Interests and Personal and Personal and Prejudicial (if any).

Please note: The Panel may consider any applications submitted for the exclusion of the public under 3(i) below, and then may decide to exclude the public from the meeting for consideration of the following item on the grounds that it involves the likely disclosure of exempt information as defined in appropriate paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

2. To consider the findings of the Investigating Officers (brief introduction by the Monitoring Officer) into an allegation that a member of Goxhill Parish Council breached the council's Code of Conduct. (Pages 1 - 94)

Papers attached: –

- (i) Procedure at Hearing (pages 1-2).
- (ii) Monitoring Officer's Summary Report (pages 3-4).
- (iii) Report of the Investigating Officer (pages 5-40).

Appendix 1 (pages 43-65)

- (iv) Pre-Hearing Process Summary Documents (pages 65-70)
- (v) Standards Arrangements (including the Code of Conduct) (pages 71-94).

STANDARDS COMMITTEE OUTLINE PROCEDURE FOR HEARINGS PANEL (CONTESTED)

Preliminary Procedural Issues

1. Introductions.
2. Declarations of Interest (if any).
3. To consider any request for the exclusion of Press and Public.

Findings of Fact

4. Monitoring Officer (or his/her representative) to present summary report and refer to outcome of pre-hearing process.
5. Investigating Officer to present report and call such witnesses as he/she considers necessary to substantiate his/her conclusion(s) within the report.
6. Member (or his/her representative) to raise/clarify issues with the Investigating Officer, including the questioning of the Investigating Officer's witnesses.
7. Members of the Panel to raise/clarify issues with the Investigating Officer, including the questioning of the Investigating Officer's witnesses.
8. Member (or his/her representative) to present their case and call such witnesses as he/she considers necessary.
9. Investigating Officer to raise/clarify issues with the Member (or his/her representative), including the questioning of the Member's witnesses.
10. Members of the Panel to raise/clarify issues with the Member (or his/her representative), including the questioning of the Member's witnesses.
11. Views of the Independent Person sought.
12. Members of the Panel to raise/clarify issues with the Independent Person.
13. The Panel will retire, along with the Monitoring Officer, to determine its findings of fact. The Panel's decision will be reported back to the meeting by the Head of Democratic Services.

Breach of the Code of Conduct

14. The Panel will need to consider whether or not, based on the facts it has found, the Member has breached the Code of Conduct.

15. Investigating Officer to address the Panel on whether the facts found constitute a breach of the Code of Conduct.
16. Member (or his/her representative) to address the Panel as to why the facts found do not constitute a breach of the Code of Conduct.
17. Views of the Independent Person sought.
18. Members of the Panel to raise/clarify issues.
19. The Panel will retire, along with the Monitoring Officer, to determine whether there has been a breach of the Code of Conduct. The Panel's decision will be reported back to the meeting by the Head of Democratic Services.

(If the Panel determine that there has been no breach of the Code of Conduct, the complaint will be dismissed. If, however, the Panel determine that there has been a breach of the Code of Conduct, the procedure at paragraph 20 will apply).

Action to be taken

20. The Panel will need to determine what sanction, if any, should be imposed as a result of the Member's breach of the Code of Conduct.
21. Monitoring Officer (or his/her representative) to outline possible sanctions.
22. Investigating officer to make submissions on appropriate sanction, if any.
23. Member (or his/her representative) to make submissions on whether any sanction should be imposed.
24. Views of the Independent Person sought.
25. Members of the panel to raise /clarify issues.
26. The Panel will retire, along with the Monitoring Officer, to consider what sanction, if any, should be imposed. The Panel's decision will be reported back to the meeting by the Head of Democratic Services.

Close of Hearing

NORTH LINCOLNSHIRE COUNCIL

STANDARDS COMMITTEE HEARINGS PANEL

4 April 2022

A complaint alleging that Councillor Sam England, a member of Goxhill Parish Council, breached Goxhill Parish Council's Code of Conduct.

Monitoring Officer's Summary

1. The Complaint

The complaint comprises four separate complaints that were consolidated into one complaint.

The complainants for each complaint are as follows:

Complaint 1 submitted by Miss Vicky Haines on 18 November 2020 and Complaint 3 submitted on 18 February 2021.

Complaint 2 submitted by Cllr Gathercole on 12 January 2021

Complaint 4 submitted by Cllr Dunkley on 23 February 2021.

The subject member in each complaint was Cllr Sam England of Goxhill Parish Council.

The complaints were considered by the Monitoring Officer and Assessment Panels of the Standards Committee on 14 January 2021, 16 February 2021 and 25 March 2021. In summary, the complaints alleged that at various meetings of Goxhill Parish Council and in correspondence, Cllr England behaved in such a way towards Miss Haines, who is the clerk to Goxhill Parish Council, that Cllr England breached paragraph 3.1 (failure to treat with respect) and paragraph 3.2 (bullying or intimidatory behaviour) of Goxhill Parish Council's Code of Conduct.

The Monitoring Officer and Assessment Panels determined that the complaints should be consolidated and referred for investigation.

Matthew Nundy and Katy Hague were duly appointed as the Investigating Officers by the Monitoring Officer.

2. Investigating Officers' Report

The Investigating Officers have completed their investigation and submitted their report.

In summary the Investigating Officers do not uphold:

Complaint 1 submitted by Miss Vicky Haines on 18 November 2020

Complaint 2 submitted by Cllr Gathercole on 12 January 2021

Complaint 4 submitted by Cllr Dunkley on 23 February 2021.

The Investigating Officers do uphold:

Complaint 3 submitted by Miss Vicky Haines on 18 February 2021 and find that Cllr England breached paragraphs 3.1 and 3.2 of the Goxhill Parish Council Code of Conduct.

The Investigating Officers have set out their rationale at sections 8 and 9 of their report.

3. Pre-Hearing

In preparation for the hearing before the Hearings Panel, the complainants and Cllr England have been provided with a copy of the Investigating Officers' report. The matter was not considered appropriate for informal resolution.

Cllr England has confirmed that he does wish to contest the findings of the Investigating Officers in relation to Complaint 3 and accordingly the hearing of this matter will be dealt with in accordance with the contested hearings procedure detailed in the Council's Standards Arrangements.

4. **Key Factors**

Whether Cllr England did breach paragraphs 3.1 and 3.2 of the Goxhill Parish Council Code of Conduct in an exchange of emails between himself and Miss Haines as detailed in Miss Haines' complaint submitted on 18 February 2021.

5. **Procedure**

The procedure to be followed by the Hearings Panel is enclosed with the agenda.

The Panel should note that its powers are purely recommendatory given that this matter concerns the conduct of a parish councillor.

Will Bell
Monitoring Officer
21 March 2022

STANDARDS COMMITTEE

INVESTIGATION REPORT

Complaint SC/21/01 and SC/20/10

1 Introduction

- 1.1 This report has been commissioned by North Lincolnshire Council's (the council) Monitoring Officer. Due to a number of complaints being submitted by various complainants associated with Goxhill Parish Council, the council's Standards Committee Assessment Panels have agreed that all four complaints submitted against Councillor England be investigated collectively.
- 1.2 The first complaint submitted by Miss Haines (Clerk) was submitted on the 18 November 2020. It was considered by the council's Standards Committee Assessment Panel on 14 January 2021, whereby it was agreed that a tightly focused investigation be undertaken into the verbal and written interactions between the complainant and Councillor England to determine whether there had been a breach of paragraph 3.1 of the Interests provisions of the Code of Conduct.
- 1.3 Miss Haines subsequently submitted a second complaint on the 18 February 2021. The complaint alleges that Councillor England had breached paragraphs 3.1 and 3.2 of the Code of Conduct, following a written exchange between Miss Haines, other Parish Councillors and Councillor England, which ultimately resulted in Miss Haines believing that Councillor England had not treat her with respect and courtesy (3.1) and had bullied or intimidated her (3.2). Following consultation with the Council's Monitoring Officer, it was agreed that this complaint would be investigated at the same time as Miss Haines first complaint.
- 1.4 The Council's Monitoring Officer received a further complaint from Chair of the Parish Council, Councillor Gathercole, on the 12 January 2021. The complaint raised by Councillor Gathercole was also supported by Councillor Dunkley, Councillor Stancer, Councillor Kirwan, Councillor Cleghorn, Councillor Lawtey and Councillor Gorbitt and alleged that Councillor England had breached paragraphs 3.1 and 3.2 of the Code of Conduct.
- 1.5 Councillor Gathercole's complaint was considered by the council's Standards Committee Assessment Panel on 16 February 2021, whereby it was agreed that a tightly focussed investigation be undertaken into the verbal and written interactions between the complainant and Councillor England. The investigation should focus on whether this amounts to a breach of paragraph 3.1 and 3.2 of the Code of Conduct. For the sake of clarity, the purpose of such investigation is not to investigate the council's staffing arrangements (including expenditure), its decision making processes, or the transparency and accountability of decisions taken.

- 1.6 The Council's Monitoring Officer received a fourth complaint from Councillor Dunkley on the 23 February 2021 supported by Councillor Stancer, which alleged that Councillor England had breached paragraphs 3.1 and 3.2 of the Code of Conduct.
- 1.7 Councillor Dunkley's complaint was considered by the council's Standards Committee Assessment Panel on 25 March 2021, whereby it was agreed the complaint be investigated alongside the complaints raised by Miss Haines (Clerk) and Councillor Gathercole.
- 1.8 For clarity the paragraphs referred to in the complaints are as follows:
- Code of Conduct Paragraph 3.1; you must treat other with respect and courtesy,*
- Code of Conduct Paragraph 3.2; you must not bully or intimidate any person.*
- 1.9 This investigation was conducted pursuant to the provisions of the Localism Act 2011, the Code of Conduct and relevant legislation and guidance informing good financial governance.

2 Nature of Complaints

The complainants make a number of allegations (see Appendix 1) which are summarised below -

- Element 1 - That, during consideration of the council's finances at a public meeting of Goxhill Parish Council on 5 November 2020, Councillor England queried the Clerk's salary and expenses over recent months. Despite being advised that this was a confidential matter, it is alleged that Councillor England continued to discuss the matter.
- Element 2 - The complainant added that Councillor England had previously questioned her salary directly, rather than request clarification from the council's Personnel Committee, which has delegated authority to deal with such matters. This had left the complainant disappointed and upset.
- Element 3 - That during the parish meetings in December 2020 and January 2021, Councillor England was disrespectful and bullied Miss Haines into discussing the financial details of her employment.
- Element 4 - The complainant also stated that Councillor England did not agree to the format of the minutes of the December meeting, despite receiving professional advice from the council's governance advisors ERNLLCA.

- Element 5 - That during an email exchange between the Clerk and the Parish Council with regard to vandalism in the local park, Councillor England sent to the complainant a number of emails that, in her opinion, the content and tone of which amounted to bullying. The complainant also stated that the bullying by Councillor England was now having a detrimental effect on her personal life and health.
- Element 6 - That Councillor England was continually harassing Miss Haines, with demands via email over a long period of time, causing stress, anxiety and ultimately resulting in a period of sickness absence whereby she was unable to fulfil her role as Clerk to the Parish Council.

3. Code of Conduct

- 3.1 The Council's Code of Conduct and accompanying arrangements were drafted pursuant to the Localism Act 2011. The Clerk confirmed that Goxhill Parish Council has adopted this Code of Conduct.
- 3.2 As described in Paragraph 1.2 – 1.7, the Assessment Panel directed that the Investigating Officers consider whether the following Paragraphs of the Code of Conduct had been breached.

Code of Conduct Paragraph 3.1; you must treat other with respect and courtesy,

Code of Conduct Paragraph 3.2; you must not bully or intimidate any person.

4. Methodology and Interviews Undertaken

- 4.1 Nine interviews have been undertaken in respect of the complaints. The Investigating Officers structured the questions put to each individual(s) in such a way so that only one interview was needed.
- 4.2 In addition, at the request of the respondent, questions were circulated to members of the public who observed the proceedings of the meeting held on the 5 November 2020. The Investigating Officers also spoke at length with the three North Lincolnshire Council ward members, who regularly attend the Parish Council meetings.
- 4.3 With the agreement of all individual(s), interviews were held at a location of their choosing (socially distanced) or via Microsoft Teams. Interviews were held with the following -

- Miss Haines (the Clerk),

- Goxhill Parish Councillors – Gathercole, England, Stancer, Dunkley, Leaning, Simons and Atkin, Kirwan, Lawtey, Gorbitt and Cleghorn,

5. Background Information

- 5.1 At the Goxhill Parish Council Personnel Committee meeting held on Thursday 10 September 2020, the Clerk’s hourly rate was amended to in line with the postholders current grade scale as approved by the National Association of Local Councils.
- 5.2 The Personnel Committee had delegated authority to agree, monitor and amend terms and conditions of staff.
- 5.3 The Parish Council held a virtual full meeting on the 5 November 2020, conducted via Zoom. Included on the agenda was an item relating to the consideration of the Parish Council’s finances. The item was included within the public part of the meeting (agenda item 2011/4 refers).
- 5.4 Prior to the 5 November 2020 Parish Council meeting, all Councillors had received a bundle of documentation that included the details of the council finances (including the Clerks salary and expenses).
- 5.5 However, despite this agenda item being included within the public part of the agenda, the documentation which accompanied the item was not disclosed to the public observing the meeting or available on the Parish Council website.
- 5.6 Despite the financial information relating to the Clerk being listed on the agenda, as was stated in paragraph 5.2, the Personnel Committee had delegated authority to approve and set the Clerks salary/disbursements in accordance with the Parish Council’s Terms of Reference.
- 5.7 During the public part of the 5 of November 2020 meeting, it has been alleged that Councillor England raised questions about the Clerk’s salary quoting specific figures despite being told prior to the meeting that this was not the correct forum to discuss such matters.
- 5.8 At the 3 December 2020 meeting of Goxhill Parish Council, it was alleged that Councillor England was disrespectful and bullied the Clerk into again discussing the financial details of her employment.
- 5.9 It was also alleged that Councillor England did not agree to the format of the minutes of the 3 December 2020 meeting, despite receiving professional advice from the council’s governance advisors ERNLLCA.
- 5.10 The complainant alleges that, at the 7 January 2021 meeting, Councillor England again raised the issue of the Clerks salary and expenses. Similarly, he also refused to approve the minutes of the December 2020 meeting and asked that his name be recorded as not supporting the motion to approve the council’s finances.

- 5.11 In January 2021, Councillor England, on two occasions, reported to Miss Haines (via email) that damage and vandalism had occurred to the Multi-Use Games Area (MUGA) in Goxhill park. In response to Councillor England's email, Miss Haines contacted (via e mail) all Parish Councillors notifying them of the damage and to ask whether any other members had seen the damage.
- 5.12 Councillor Gathercole responded to all recipients, suggesting that, in his opinion, the installation of a camera may assist in monitoring the activities in the park. This response then initiated a number of emails between members of the Parish Council discussing the installation of cameras in a public place, including whether this proposal was lawful. Miss Haines was copied into all these e mails.
- 5.13 Within one of the emails sent from Councillor England directly to Miss Haines, he raised concerns of safeguarding children and the legality of placing cameras within a public park without appropriate permissions in place. He inferred that as Miss Haines was the Senior Child Protection Officer, she should intervene and advise Councillor Gathercole in respect of placing cameras in a public place. Councillor England was concerned that he was yet to have seen any response or comments from the Clerk on the matter.
- 5.14 Miss Haines and Councillor England proceeded to exchange a number of e mails about the Clerks lack of action in responding to Councillor Gathercole's idea. The Clerk alleged that the tone, language and manner of Councillor England's emails intensified as a result of Miss Haines' perceived lack of intervention.
- 5.15 A further complaint was submitted by a Parish Councillor stating that, in their opinion, Councillor England was continually harassing Miss Haines, with demands via email over a long period of time. The outcome being that Councillor England's actions had led to the Clerk being stressed, anxious and requiring a period of sickness absence that resulted in her being unable to fulfil her role as Clerk to the Parish Council.
- 5.16 The four complaints against Councillor England were submitted on the following grounds -
- Element 1 - That, during consideration of the council's finances at a public meeting of Goxhill Parish Council on 5 November 2020, Councillor England queried the Clerk's salary and expenses over recent months. Despite being advised that this was a confidential matter, it is alleged that Councillor England continued to discuss the matter.
 - Element 2 - The complainant added that Councillor England had previously questioned her salary directly, rather than request clarification from the council's Personnel Committee, which has delegated authority to deal with such matters. This had left the complainant disappointed and upset.

- Element 3 - That during the parish meetings in December 2020 and January 2021, Councillor England was disrespectful and bullied Miss Haines into discussing the financial details of her employment.
- Element 4 - The complainant also stated that Councillor England did not agree to the format of the minutes of the December meeting, despite receiving professional advice from the council's governance advisors ERNLLCA.
- Element 5 - That during an email exchange between the Clerk and the Parish Council with regard to vandalism in the local park, Councillor England sent to the complainant a number of emails that, in her opinion, the content and tone of which amounted to bullying. The complainant also stated that the bullying by Councillor England was now having a detrimental effect on her personal life and health.
- Element 6 - That Councillor England was continually harassing Miss Haines, with demands via email over a long period of time, causing stress, anxiety and ultimately resulting in a period of sickness absence whereby she was unable to fulfil her role as Clerk to the Parish Council.

6. **The Evidence**

Summarised below are what are considered to be the salient points arising from each interview (it is not a verbatim account)= of each interview).

Interview with Miss Haines, Goxhill Parish Council Clerk held on the 26 March 2021.

- 6.1 When Miss Haines was appointed as Goxhill Parish Clerk her relationship with all the Councillors was friendly, professional and constructive. Her relationship with Councillor England was also good. However, that relationship changed when he was no longer Chairman.
- 6.2 Miss Haines believes that the catalyst for the change in her relationship with Councillor England was, whilst he was Chairman of the Parish Council, the external auditors highlighted concerns over the management of the council's finances.
- 6.3 Following the publication of the external audit report, Councillor England informed Miss Haines that complaints had been made about her, which she believed were not true.

- 6.4 The relationship between Miss Haines and Councillor England deteriorated to such an extent that, in June 2019, she submitted a standards complaint to North Lincolnshire Council about his behaviour to her and a fellow councillor.
- 6.5 North Lincolnshire Council commenced an investigation in to Miss Haines complaint. However, after a number of months Miss Haines informed North Lincolnshire Council that she wished to withdraw the complaint.
- 6.6 The Clerk believed that the more confident she became in her role at the Parish Council, the more Councillor England criticised and undermined her. An act that made her feel sad. Miss Haines believed that Councillor England was “constantly battering her”.
- 6.7 Despite Miss Haines strained relationship with Councillor England, she enjoyed an excellent relationship with the remaining ten parish councillors.
- 6.8 At the 5 November 2020 meeting, Councillor England raised questions regarding the finance report, quoting figures from her salary. This discussion was in the public part of the agenda. Despite Miss Haines asking Councillor England to stop his line of questioning, he ignored her request. This act made Miss Haines feel undermined.
- 6.9 Councillor England again questioned Miss Haines salary and expenses at the Goxhill Parish Council meetings in December 2020 and January 2021.
- 6.10 Miss Haines submitted her second standards complaint against Councillor England as, following an exchange of emails following the vandalism of the MUGA in the park, she felt that the tone of Councillor England’s e mails made her feel extremely harassed, intimidated and bullied.
- 6.11 Miss Haines believed that the subject matter set out in the emails regarding the cameras was more of an argument between Councillors and that she was not there to monitor their email exchanges.
- 6.12 Miss Haines was shocked and saddened that Councillor England had criticised her for not fulfilling her obligations of being the Parish Council’s Principal Safeguarding Officer, a post that she was unaware she held nor had received any training on. Consequently, the Clerk removed herself from the position of Principal Safeguarding Officer until she has received training.
- 6.13 The Clerk confirmed that Councillor England’s behaviour towards her was starting to affect her family life. She felt that Councillor England would only stop criticising her once she had resigned and left her role at the Parish Council.
- 6.14 Miss Haines has had a period of sickness from her role as Clerk which, in her opinion, was due to the behaviour of Councillor England towards her.

Interview with Councillor Gathercole, Chairman of Goxhill Parish Council held on 26 March 2021.

- 6.15 There was a clear divide within the members of the Parish Council which was caused by historic events.
- 6.15 Councillor England is a former Chairman of the Parish Council. Councillor Gathercole succeeded Councillor England as Chairman.
- 6.16 Councillor England has unfortunately had issues with previous Goxhill Parish Council Clerk's. As a result of Councillor England's behaviour, the previous Clerk had a long period of sickness absence, which ultimately saw her resign her position and commence an employment tribunal claim against the Parish Council.
- 6.17 Councillor Gathercole believes that Councillor England has a problem with woman and likes to control them.
- 6.18 As Goxhill Parish Council Chairman, he has no problem with Councillor England raising questions or seeking clarification on any matter. However, the problem is with his attitude and his aggressive mannerisms.
- 6.19 Councillor Gathercole believes that Councillor England can be threatening towards himself and Miss Haines.
- 6.20 Councillor Gathercole believes that there will be no satisfactory resolution unless it is on Councillor England's terms. Even if he said sorry he would behave exactly the same the next week.
- 6.21 He feels that Councillor England's ultimate goal is to get Miss Haines removed from her position at the Parish Council.
- 6.22 When challenged by the Investigating Officers, Councillor Gathercole confirmed that he was a member of the Personnel Committee, took part in debate and contributed to the decisions made by the Committee.
- 6.23 The Clerk's salary had increased due to COVID-19, working from home and her move to Barton.
- 6.24 Councillor Gathercole believed that Councillor England does not like being told.
- 6.25 In his view Councillor England wants to feel superior. He constantly questions the Clerks salary, wanting the figures broken down but when Councillor England was Chair the Clerk's salary was accepted by all and never questioned.

Element 1

- 6.26 Councillor England had been told before the November meeting that the full council meetings were not the forum to raise questions about Miss Haines salary and he knew that all questions should be directed to the Personnel Committee.

- 6.27 The discussions held at the meeting in November did at one point get quite aggressive regarding the finances. As the chairman, he did say in the meeting that the matter was not to be discussed any further and that they were to move on.

Element 2

- 6.26 Councillor England had been informed previously that it was the Personnel Committee who should be contacted were he seeking clarification on the Clerk's employment terms and conditions.

Element 3

- 6.27 At the December 2020 and January 2021 meetings the atmosphere of the meeting was light-hearted until the finance agenda item was discussed. Councillor England again raised questions regarding Miss Haines salary which is when it became heated.

Element 4

- 6.28 Councillor England continues to object to the approval of the council's finances, despite receiving advice from ERNLLCA that the minutes were not a verbatim account of Parish Council meetings.

Element 5

- 6.29 Councillor Gathercole confirmed that he had no intention of placing surveillance cameras in the park.

Interview with Councillor England was held on 16 April 2021.

Complaint 1 – submitted by Miss Haines on the 18 November 2020

- 6.30 Councillor England alleges that the complaints submitted against his conduct are simply to deflect from the real issue which was the unexplained increase in the Clerk's salary.
- 6.31 All comments made by Councillor England on the finances of the Parish Council were discussed at the appropriate part of the meeting.
- 6.32 At the 5 November 2020 meeting, Councillor England claimed that he only asked one question, seeking clarification on the increase in the Clerk's salary. When he was informed by the Clerk that the question should be directed towards the Personnel Committee, he immediately ceased any further questions on this matter.
- 6.33 There was no protracted conversation on the council's finances.
- 6.34 The Clerk's salary was a matter of public record and was available on the Goxhill Parish Council website.

- 6.35 The Clerk could, when drafting the agenda, have ensured that any discussion on her salary and expenses be considered in the private and confidential part of the Parish Council agenda. The Clerk chose not to do this.
- 6.36 The Personnel Committee Chair has not responded to numerous requests to provide clarification on the Clerk's salary and expenses.

Complaint 2 – submitted by Councillor Gathercole on the 12th January 2021

- 6.37 As a Parish Councillor, he is perfectly entitled to not support the minutes of previous meetings. This is not bullying or harassing the Clerk, but his right, as a Parish Councillor, if he believes the minutes do not reflect the proceedings of Parish Council meetings.
- 6.38 The Parish Council is not open and transparent about its finances. Any requests for further detail or clarification are just ignored.
- 6.39 Raising questions about the salary and expenses of the Parish Clerk does not amount to bullying or harassing the postholder. It is simply him ensuring that resident's parish precept is being spent wisely.
- 6.40 Had the Personnel Committee engaged with Councillor England prior to the January 2021 meeting and responded to his requests for information/clarification on the Clerk's salary, the matter would not have been discussed at a full Parish Council meeting.
- 6.41 Councillor Gathercole is assuming that Councillor England's questioning of the Parish Clerk's salary amounts to bullying and harassment. Yet the questioning is simply about the remuneration of the post, not the individual in the post. Councillor England has not questioned the conduct or performance of Miss Haines at a Parish Council meeting.
- 6.42 No permission was required to research the salary paid to neighbouring Parish Council Clerk's. It is information for illustrative purposes only and obtained from their respective websites.
- 6.43 The Clerk is not being managed correctly by the Personnel Committee.
- 6.44 It is not nor never has been Councillor England's intention for Miss Haines to resign.
- 6.45 Agendas and minutes of the Personnel Committee are not published on the Parish Council website or submitted to the Parish Council for approval.
- 6.46 Any inference that Councillor England's questioning over the salary paid to the Clerk of the Parish Council may lead to her resignation and reporting the Parish Council to an employment tribunal are unjust and unfair.

Complaint 3 – submitted by Miss Haines (second complaint) (written response) on the 18 February 2021

- 6.47 The number and nature of the complaints against Councillor England are nothing more than vexatious and amount to him being bullied and harassed.
- 6.48 Miss Haines has interpreted the subjective nature of the emails as she perceives them, instead of looking at the issue in hand.
- 6.49 The issue could and should have been dealt swiftly and conclusively as a child safeguarding issue, however, it became a deflection of responsibility and an avoidance of duty by all people who had the capacity to rectify the issue.
- 6.50 In Miss Haines complaint, she has not included some whole e mails and part emails which clearly show intent to locate cameras in the park in a bid to film people including children and wildlife.
- 6.51 Following a conversation with Sargent Jamie Allen of Humberside Police on 14 February 2021, Councillor England wrote an e mail to Miss Haines in her capacity as the Proper Officer of Goxhill Parish Council and the Senior Child Protection Person at the council. In Miss Haines reply to his e mail, he was surprised that the Clerk denied any knowledge of the issue.
- 6.52 Councillor England was shocked and concerned that the Senior Child Protection Person at the council was attempting to sidestep a sensitive issue and was not fulfilling her duties as stated in the council's own child safeguarding policy.
- 6.53 Miss Haines e mail to the Parish Council on 17 February 2021 was an attempt to blame Councillor England for her actions regarding the Child Protection Policy. This action itself could be deemed as bullying towards him as a councillor and an attempt to humiliate him.
- 6.54 Councillor England had not criticised Miss Haines, he had simply asked her to fulfil her duty in her role at the Parish Council and then expressed his disappointment when, in his opinion, she fell short of her responsibility.
- 6.55 Councillor England believes that her knee-jerk reaction was more than disappointing and shows immaturity and a lack of confidence.
- 6.56 Miss Haines had been the Senior Child Protection Person on the Parish Council's Child Protection Policy since July 2019, and to his knowledge had never once raised a concern about her suitability for this role, nor had the Personnel Committee ensured that Miss Haines was appropriately qualified/trained to fulfil this role.
- 6.57 Councillor England believes that the Personnel Committee are neglecting Miss Haines and although they will support her with her complaints against him, they are failing in their roles as they should be supporting the Clerk in her role at the Parish Council to ensure she is well equipped to function properly and become

less reliant on either the Personnel Committee or the chair to fulfil her responsibilities competently.

- 6.58 Councillor England stated that he did email the chair of the Personnel Committee at the Parish Council with his concerns on this issue and Miss Haines' behaviour. However, no response was received.

Complaint 4 – submitted by Councillor Dunkley (written response) on the 18 February 2021

- 6.59 Councillor England claims that Miss Haines and Councillor Dunkley are good friends, which is a conflict of interest in the operation of Goxhill Parish Council. Prejudice is likely to always form part of Councillor Dunkley's Personnel Committee decision making on all matters relating to the Clerk.
- 6.60 Councillor Dunkley's complaint is merely an attempt to support her friends' complaints and allegations against Councillor England.
- 6.61 As Chair of the Personnel Committee, Councillor Dunkley has allowed the Chairman of the Parish Council to attend and participate at meetings, contrary to the Procedure Rules of the Committee. This itself is a breach of the Nolan Principles.
- 6.62 Councillor Dunkley, as Chair of the Personnel Committee has exacerbated the situation about the Clerk's salary and expenses by refusing to respond to legitimate requests for information.
- 6.63 No personal information has been requested about the Clerk. The only information requested is in connection to the Clerk's increase in salary and expenses.
- 6.64 Councillor England is unaware of any anxiety, stress or ill health experienced by the Clerk because of him asking anything of her.
- 6.65 Councillor Dunkley's allegations of Councillor England harassing or bullying the Clerk are refuted.
- 6.66 Councillor England confirmed that he always treats people with respect.
- 6.67 The allegations against Councillor England are false, misleading and damaging.
- 6.68 Councillor England believes that standards complaints are being used as a tool to deflect from the complainants' own shortcomings as Councillor in a bid to cover up malpractice and failure to follow the Parish Council's own protocol and policy.

Interview with Councillor Dunkley held on the 27 May 2021.

- 6.69 The majority of the Parish Council try to get along and resolve matters without difficulty except when it is about finances.
- 6.70 Prior to Councillor Gathercole being elected as chair, the parish council was not as efficient as it should have been which has had to be corrected, at great cost financially.
- 6.71 Confidential information which has been made available to the Parish Councillors has been given to members of the public. That information has been used to attack the Parish Council and individual Councillors.
- 6.72 Councillor Dunkley believes the nastiness from Councillor England started when he was running a pop-up bar in the memorial hall and there was an issue over the lack of financial records and the ownership of the hall. Solicitors were appointed and resolving the issues was very expensive.
- 6.73 Councillor Dunkley no longer trusts Councillor England.
- 6.74 Councillor Dunkley has been verbally attacked by Councillor England's partner over a misunderstanding with the key for the memorial hall. As a result, Councillor England complained about her to North Lincolnshire Council for abusing his partner.
- 6.75 She feels like Councillor England acts like a little school child blaming others and he always tries to get the upper hand.
- 6.76 Miss Haines is an inexperienced Clerk. Consequently, the Personnel Committee has supported the Clerk with training opportunities. Once fully trained, Miss Haines will prove to be an excellent appointment.

Element 1

- 6.77 At the meeting on the 5 November, it was very upsetting to observe the proceedings as she could see that Councillor England was getting at Miss Haines and making her upset.

Element 2

- 6.78 Councillor England asked for further information from Councillor Dunkley (as chair of Personnel Committee) but she didn't provide him with the information requested. Councillor Dunkley confirmed that upon advice from ERNLLCA, Councillor England was not entitled to the information requested as it was subject to the Data Protection Legislation. This resulted in an exchange of emails and accusations from Councillor England, who believes that as a Parish Councillor he was entitled to the information in order to make appropriate decisions relating to the finances of the council. As a result of not receiving the information he now abstains from agreeing any finance decisions due to not having the information.

Element 6

6.79 Councillor England was continually harassing Miss Haines, with demands via email over a long period of time, causing stress, anxiety and ultimately resulting in a period of sickness absence whereby she was unable to fulfil her role as Clerk to the Parish Council. Councillor Dunkley's complaint was partly to complain about his behaviour, but also to show her support to Miss Haines.

Interview with Councillor Stancer held on the 27 May 2021.

6.80 When Councillor England raises objections towards any matters of the Parish Council he is rude and aggressive.

6.81 In her view Councillor England makes you feel like you cannot be yourself.

6.82 Councillor England is good at what he does and he does good for the parish but he does not treat people well and has hurt many people.

6.83 In her view Councillor England bullied the previous Clerk.

6.84 Councillor England's behaviour had caused Miss Haines to go off sick.

6.85 She thinks that Councillor England is always finding things to pick on. He has sent solicitors letters to other members of the Parish Council, causing angst and upset.

6.86 Councillor Stancer maintains that all members of the Parish Council get on well barring one person who always puts a spanner in the works and who continuously disagrees.

6.87 Her relationship with Council England can be tense, he speaks his mind and she does not think that he likes to be challenged by a woman. Councillor England has never challenged her directly which she thinks is because she is of the older generation.

6.88 Parish Council meetings prior to Councillor England being elected were enjoyable but can now be tense. As meetings progress she is nervously waiting for something to happen with Councillor England.

6.89 The main issues between the members of the Parish Council are the finances.

6.90 Miss Haines has done a very efficient job within her role and always tries her best. She is currently studying an accredited course associated with being a Parish Clerk.

6.91 Councillor Stancer did not see the complaint that Councillor Gathercole submitted. However, he discussed the complaint with her and she was happy to support the complaint and show her support to the chair and Clerk.

6.92 Councillor England's partner has been confrontational with her outside of the Parish Council and in a public place.

6.93 Councillor England appears to have an issue with women on the Parish Council.

Element 1

6.94 Councillor England has a fixation on the Clerk's wages, the Parish Council budget and its precept. She thinks this is because when Councillor England was chair the budget was stripped back and there was no reserves which was illegal.

6.95 At the 5 November meeting she remembers it being quite tense. When Councillor England questioned the figures of Miss Haines salary, he was asked to stop but didn't.

Interviews with Councillors Leaning, Atkin and Simmons were held on the 27 May 2021.

6.96 The Councillors were of the opinion that there were ongoing issues of bullying by the Chair (Councillor Gathercole) at the Parish Council.

6.97 Councillor England does like to ask a lot of questions at meetings. However, it appears that when he does become inquisitive a complaint is raised which, in their opinion, is an attempt to silence him.

6.98 The Councillors believed that the relationship between the members of the Parish Council was divisive.

6.99 They believe that the Chair is the one that is bullying Councillor England.

6.100 They believe Councillor England is not given a chance to defend himself.

Element 1

6.101 At the 5 November 2020, the Councillors remembered a conversation being held about Miss Haines salary but nothing untoward took place.

6.102 The Councillors claimed that after the 5 November 2020 meeting, one of the Councillors did ask Miss Haines about her salary. Miss Haines was happy to disclose the reasons behind the increase.

6.103 One of the Councillor's recorded the 5 November 2020 meeting. Having viewed the recording, they could not recall Councillor England's behaviour being unusual.

Element 2

6.104 The Councillors claimed that Councillor Gathercole chooses who sits on the Personnel Committee.

Interview with Councillor Kirwan was held on the 27 May 2021.

- 6.105 Councillor Kirwan used to attend the parish council meetings as a member of the public prior to his election.
- 6.106 Miss Haines was appointed during Councillor England's tenure as Parish Council Chairman. The newly appointed Clerk was very inexperienced and required training. However, this was not forthcoming.
- 6.107 Miss Haines was heavily influenced by Councillor England, due to her inexperience. The Clerk slowly became more confident and instead of relying on the Chairman she sought advice and counsel from ERNLLCA, much to Councillor England's annoyance.
- 6.108 The culture and atmosphere at the Parish Council meetings was fine but when the previous Clerk resigned Councillor England's attitude seemed to change.
- 6.109 He feels that Councillor England likes to set himself apart from the other Councillors which makes it difficult to achieve harmony.
- 6.110 Councillor England acts no differently in the virtual meetings. He likes to make a point. He has no respect for the chair or the judgement of other parish council members if they don't agree with him.
- 6.111 Councillor England's behaviour is affecting the whole operation of the Council. He is of the view that there is bad blood created by Councillor England which needs to be resolved to allow the Parish Council to move forward.
- 6.112 Councillor England uses the 'system' to bully and belittle Miss Haines like he did at the previous parish meetings. He does this to intentionally intimidate others.

Element 1

- 6.113 At the 5 November meeting, Councillor England did not stop asking questions of Miss Haines when asked. He continued to raise questions and quote Miss Haines salary even when asked to stop.
- 6.114 Councillor England knew that he cannot talk about the Clerk's salary at the Parish Council meetings and that he should go to the Personnel Committee.
- 6.115 Councillor England is still pressing the matter as he tried to attack the Clerk at the March and May 2021 meetings.

Interview with Councillor Lawtey was held on the 27 May 2021.

- 6.116 He described the Parish Council as an unhappy organisation which is divided into two. Unfortunately, there was no middle ground which made him stop and think what he is going to say.

- 6.117 The relationship between Councillor England and Councillor Gathercole was, in his opinion, open warfare.
- 6.118 He is a big supporter of Miss Haines and believe she is really growing into her role as Clerk.
- 6.119 He was not aware of any conflict between Councillor England and Councillor Dunkley.
- 6.120 Councillor England's partner has made a complaint against him in the past.
- 6.121 There has been a high turnover of Parish Clerk's at the Council. He was surprised when the previous Clerk left and so did the temporary Clerk before Miss Haines.
- 6.122 Round the table meetings of the Parish Council are mainly polite but Councillor England can be like a dog with a bone never letting go.
- 6.123 The governance of the Parish Council is getting better thanks to Miss Haines. A lot has changed in the past year and the precept was agreed by all members baring one. The increase was due to the reserves from the previous year being spent.
- 6.124 He believes that all members get enough information they require to make decisions.

Element 1

- 6.125 At the 5 November meeting he recalls an exchange between members and those that sit on the Personnel Committee. It was said at the meeting that the Clerk's salary was not to be discussed at this meeting. He recalls Councillor Gathercole getting involved.
- 6.126 Councillor England was, in his opinion, desperately trying to get a reaction out of Miss Haines by discussing her salary and expenses.

Interview with Councillor Gorbutt held on the 27 May 2021.

- 6.127 Councillor England has an attitude towards other members on the Parish Council.
- 6.128 Councillor England seems unable to distinguish between his day job and being a Parish Councillor. He speaks to the Councillors like he is in the classroom, with him being the teacher and the Councillors being the students.
- 6.129 Councillor England is, in her opinion, a bully, disrespectful and talks above others.
- 6.130 In her opinion, Councillor England belittles Miss Haines, just like he did with the previous Clerk.

6.131 There are definitely two camps within the Parish Council. Those who support Councillor England and those who support Councillor Gathercole.

6.132 Councillor England is the catalyst for the culture of the parish council. His behaviour is confrontational.

Element 1

6.133 At the 5 November 2020 meeting she remembers an exchange over the Clerk's salary.

Interview with Councillor Cleghorn held on 6 July 2021.

6.134 There is a history of conflict between certain Councillors.

6.135 Councillor Cleghorn confirmed that her relationship with Councillor England was fine at times. He wants everything to be transparent but at times he does not act the same. It is like he uses power to get what he wants.

6.136 The relationship between the Chair and the Clerk is good. Councillor Dunkley and the Clerk are also good friends.

6.137 Councillor Cleghorn believed that the Clerk puts up with a lot. The Chair can also be a little bit childish at times.

6.138 She is of the view that Councillor Gathercole and Councillor England dislike each other. It was also apparent that Councillor England doesn't like the Clerk but she was not sure of the reason why and what the issue was.

6.139 There can be personality clashes between members of the Parish Council. For example, when the Council were making preparations for the VE day celebrations for the village, a suggestion was put forward that Councillor England agreed with which would have been good for the village. However, she felt that Councillor Gathercole and other Councillors voted against it because it was Councillor England that raised the event.

6.140 Councillor Cleghorn believes that Councillors cannot rise above certain issues which causes conflict.

6.141 Councillor England can use a tone which is not friendly, he has never tried to be friendly with her. She feels that he is there to do a job and that is it. The tone of his emails depends on who he is communicating with. He doesn't send them out much and he is less verbal at meetings so it cannot be recorded with no hard evidence.

6.142 The Parish Council is collectively well managed and is a more efficient body which it has not been in the past. The Clerk has had to correct many things to resolve historical issues.

- 6.143 Councillors always receive the information that they need to be able to make informed decisions, other than a break down of the Clerks wages.
- 6.144 Councillor Cleghorn was now a member of the Personnel Committee so she was privy to the information concerning the Clerk's salary and expenses. However, it was the Personnel Committee that had the authority to consider the Clerk's salary and expenses, not the Parish Council.
- 6.145 Councillor England does a lot of good for the village of Goxhill. He is a good member of the council and will help when there are discussions about things that need to be a done. However, when he has a bee in his bonnet he takes it a little too far.
- 6.146 Councillor England has made the Clerk feel very uncomfortable and at points she verges on wanting to give up and she shouldn't be made to feel that way.
- 6.147 She feels Councillor England is taking things too far and it has got to the point where he is showing that he holds grudges and when he is with the Clerk he cannot move past issues.

Element 1

- 6.145 At the meeting in November she remembered a lot of backwards and forwards, particularly over the finance agenda item. It was clear that the Clerk was getting quite upset about the discussion, even though she didn't want to show it.
- 6.146 Since the November meeting she has been in meetings where Councillor England has displayed disrespectful and bullying behaviour.
- 6.147 She believed that Councillor England was heavily scrutinising the Clerk's salary and expenses following the Parish Council challenging him, whilst Chair of the Memorial Hall Committee, to be more open and transparent with the finances of the pop-up pub. Now, at every single monthly meeting he brings the same issue up when there is no real need for it.

7. DISCUSSION AND EVALUATION

Element 1

- 7.1 The first complaint submitted by Miss Haines (Goxhill Parish Council Clerk) was submitted on the 18 November 2020.
- 7.2 For the sake of clarification, the remit of the Standards Investigation was to conduct a tightly focused investigation into the verbal and written interactions between the complainant and Councillor England to determine whether there had been a breach of paragraph 3.1 of the Interests provisions of the Code of Conduct.

- 7.3 The first question the Investigating Officers had to answer was to confirm whether the Clerk's salary and expenses were discussed at the 5 November 2020 Goxhill Parish Council meeting, and if so, to what extent the discussion ensued.
- 7.4 By Councillor England's own admission, he did query the increase in the Clerk's salary since the previous finances were presented to the Parish Council, as well as seeking clarification on the expenses that were paid to the postholder. However, Councillor England maintains that he only asked one question and, following a request from the Clerk to direct any queries towards the Personnel Committee, the discussion immediately ceased.
- 7.5 However, it became clear during the interviews that attendees at the meeting had a different recollection of the events that transpired at the 5 November 2020 meeting.
- 7.6 After interviewing all of the Parish Councillors who attended the virtual meeting on 5 November 2020, as well as the Parish Clerk and the North Lincolnshire Council ward Councillors, the Investigating Officers came to the conclusion that, on the balance of probabilities, there was a conversation between the Clerk and Councillor England as to her salary increase and reasons for her expenses.
- 7.7 It should be pointed out that more than one Councillor informed the Investigating Officers that they had recorded the proceedings of the meeting held on 5 November 2020. However, the recordings were done discreetly and not with the permission of or agreement of those that were in attendance. For reasons unknown, they were not prepared to share the recording with the Investigating Officers.
- 7.8 Once they had confirmed that a discussion on the Clerk's salary and expenses did take place at the 5 November 2020 meeting, the Investigating Officers had to determine whether Councillor England had been informed not to raise this issue at a Parish Council meeting, instead directing any queries to the council's Personnel Committee.
- 7.9 Miss Haines provided evidence that confirmed she had written to Councillor England informing him that any queries over her salary or expenses should be directed to the council's Personnel Committee to consider. The e mail sent to Councillor England was sent to Councillor Gathercole and the members of the Personnel Committee.
- 7.10 Councillor Gathercole also wrote to Councillor England, again copying members of the Personnel Committee into the communication. The e mail reinforced the comments made by the Clerk that all queries about the Clerk's employment should be directed to the Personnel Committee. Councillor Gathercole also suggested that were Councillor England to raise any issue at a Parish Council meeting about the Clerk's employment, it should be done in the private session and not when members of the public were in attendance. It

would then be at the discretion of the Personnel Committee members whether to answer the question.

- 7.11 These statements, plus the admission of Councillor England in his written response to Miss Haines first complaint that the Clerk's personal financial information could have been included within the private part of the meeting had she deemed it appropriate, confirmed to the Investigating Officers that Councillor England was aware that personal, private information relating to the Clerk's employment should not be raised at a public forum.
- 7.12 In order to assess what documentation the Parish Councillors had received for consideration at the 5 November 2020 meeting, the Clerk provided the Investigating Officers with the agenda and all associated documentation circulated to all Parish Councillors for their information.
- 7.13 Agenda item 2011/4 at the 5 November 2020 meeting was -
- a. To receive notification of accounts paid by the Parish Clerk under devolved authority LGA1972.
 - b. APPENDIX A To approve the accounts that are to be paid in November 2020
 - c. APPENDIX B: To receive and approve the Bank Reconciliations for the month of October 2020
 - d. APPENDIX C: To receive the detailed finance report detailing the projected figures

The aforementioned agenda items were for consideration during the 'public' part of the agenda.

- 7.14 Included within the agenda documentation for approval by the Council were the schedule of payments for the following month. This included the Clerk's salary and expenses, as well as a number of other payments to individuals and organisations for various works undertaken in the Parish.
- 7.15 It was wrongly assumed by the Clerk that as the schedule of payments were confidential, they would not be disclosed or discussed at the meeting. However, the Investigating Officers informed the Clerk during interview that as a result of the agenda item being included within the public part of the meeting, any discussion on the matter, including consideration of any background paper to accompany the item, would be held in public. Therefore, any member of the public observing the meeting or any interested party that contacted the Clerk would also be entitled to view the documents.
- 7.16 In determining whether there was a breach of Paragraph 3.1 of the Code of Conduct, the Investigating Officers had to determine whether Councillor England had shown Miss Haines courtesy and respect. The Investigating Officers paid particular attention to Chapter 2 General Obligations Under the Code of Conduct of the Code of Conduct Guide to Members.

- 7.17 Showing respect to others is fundamental to a civil society. As an elected representative of Goxhill Parish Council, it is important to treat others with respect and to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech, and in the written word. It also relates to all forms of communications councillors undertake, not just in meetings.
- 7.18 Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.
- 7.19 This provision of the Code is not intended to stand in the way of lively debate in local authorities. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through councillors' arguments and public debate are an essential part of the cut and thrust of political life. Councillors should be able to express their opinions and concerns in forceful terms. Direct language can sometimes be appropriate to ensure that matters are dealt with properly. The code is not intended to stifle the expressions of passion and frustration that often accompany discussions about local authority business.
- 7.20 It is therefore the view of the Investigating Officers that as the Clerks salary and expenses were included within the generic finance item contained in the public part of the agenda, it was entirely appropriate for Councillor England, or indeed any other Councillor, to refer to any figures or matters contained in the background papers.
- 7.21 There was no suggestion that Councillor England was rude, offensive, or showed disrespectful behaviour towards Miss Haines.
- 7.22 It is clear from the complaint and from witness testimony that the disclosure of the Clerk's personal information during the public meeting caused upset to Miss Haines and made her feel undermined. A number of Parish Council members when interviewed did state that they could see Miss Haines was trying to hide her emotions when Councillor England raised the questions.
- 7.23 It was also disappointing to note that Miss Haines was left to defend herself during the discussion with Councillor England. Witness testimony indicated that there was a perceived lack of intervention from Personnel Committee members and more importantly the Chairman of the Parish Council. Miss Haines is not a member of the Parish Council and, as such, should not play an active role in the meeting. However, on this occasion, the Clerk was left to "fend for herself", which was a very disappointing situation to find herself in.

- 7.24 That being said, it cannot be ignored that the inclusion of the Clerk's salary and expenses within the public part of the agenda meant that it was perfectly legitimate for Councillor England to discuss the details of the schedule of payment within agenda item 2011/4.
- 7.25 Therefore, as a result of the error in procedure by the Parish Council by not listing confidential Parish matters in the appropriate part of the agenda and that there was no suggestion that Councillor England was rude, offensive, or showed disrespectful behaviour towards Miss Haines, the Investigating Officers have concluded that Councillor England has not breached paragraph 3.1 of the Code of Conduct.
- 7.26 That being said, the Investigating Officers were disappointed in Councillor England's conduct at the 5 November meeting. Councillor England has been a member of the Parish Council for some time and has previously held the position of chair. Therefore, it is reasonable to take the view that he was fully aware of the procedures of the Parish Council relating to when confidential matters should be discussed coupled with the fact that he had already been notified of the correct procedure for raising employment queries about the Clerk in writing on two separate occasions prior to the 5 November 2020 meeting.
- 7.27 The Investigating Officers do acknowledge that the Parish Clerk has now put in place the appropriate measures to ensure that private and confidential information is no longer listed in the public part of the agenda.

Element 2

- 7.28 Included within Miss Haines first complaint was the allegation that that Councillor England had previously questioned her salary directly, rather than request clarification from the council's Personnel Committee, which has delegated authority to deal with such matters. This had left the complainant disappointed and upset.
- 7.29 Miss Haines confirmed that, in April 2020, following a request for clarification on her salary and expenses, she circulated the requested details to Councillor England. Following the circulation of her salary and expenses, Miss Haines sought guidance from ERNLLCA as to the correct process for responding to any future personal enquiries. The response was that as the Personnel Committee had delegated responsibility to consider and approve the Clerk's salary and expenses, only those members could request information relating to the employment of the Clerk.
- 7.30 Miss Haines relayed this advice to Councillor England via e mail.
- 7.31 In addition, the Chairman of the Parish Council also e mailed Councillor England, advising him of the correct process for requesting details of the Clerk's employment.

- 7.32 Councillor England duly followed that advice and contacted Councillor Dunkley, Chair of the Personnel Committee, seeking clarification on the salary and expenses of the Clerk.
- 7.33 Councillor Dunkley duly confirmed that Councillor England had contacted her as the Chair of the Personnel Committee. However, during her interview, Councillor Dunkley admitted that she did not acknowledge or respond to Councillor England's queries. This was because she believed his requests for information were excessive when the Personnel Committee was the appropriate body to consider and discuss the Clerk's employment benefits.
- 7.34 The Investigating Officers have sympathy with Councillor England with regards to his request for information being ignored or disregarded. Councillor England has quite rightly been advised to contact the Parish Council Personnel Committee about the Clerk's salary and expenses. However, during the interview it became clear that despite Councillor England being advised to contact the Personnel Committee, which he duly did, the committee has consciously taken the decision to not acknowledge or respond to his request, which was very disappointing.
- 7.35 The Investigating Officers again had to determine whether Councillor England had shown Miss Haines respect and courtesy, as stated in Paragraph's 7.8 to 7.11 of the report.
- 7.36 The Investigating Officers concluded that, in accordance with Paragraph 7.25 of this report, due to the administrative error of the Clerk's salary and expenses being included within the public part of the agenda, Councillor England was entitled to raise the matters during consideration of agenda item 2011/4.
- 7.37 Consequently, the Investigating Officers concluded that Councillor England did not breach Paragraph 3.1 of the Code of Conduct.

Element 3

- 7.38 The Investigating Officers also considered a complaint submitted by the Chairman of the Parish Council, Councillor Gathercole, on the 12 January 2021. This complaint was supported by Councillor Dunkley, Councillor Stancer, Councillor Kirwan, Councillor Cleghorn, Councillor Lawtey and Councillor Gorbutt and alleged that Councillor England had breached paragraphs 3.1 and 3.2 of the Code of Conduct.
- 7.32 The complainant alleged that during the Parish Council meetings in December 2020 and January 2021, Councillor England was disrespectful and bullied Miss Haines into discussing the financial details of her employment.
- 7.33 For the sake of clarification, the remit of the Standards Investigation was to conduct a tightly focussed investigation into the verbal and written interactions between the complainant and Councillor England. The investigation should focus on whether this amounts to a breach of paragraph 3.1 and 3.2 of the Code of Conduct. For the sake of clarity, the purpose of such investigation is not to

investigate the council's staffing arrangements (including expenditure), its decision making processes, or the transparency and accountability of decisions taken.

- 7.34 The Investigating Officers noted that Councillor England raised the Clerk's salary and expenses as part of consideration of the Goxhill Parish precept for 2021-22. This was an item listed in the public part of the agenda, and included documentation that the Clerk believed would assist the Parish Council in making an informed decision on the precept. Information which again included the Clerk's salary and expenses.
- 7.35 Prior to the meeting, and as per the instructions from the Clerk and Chairman of the Parish Council, Councillor England contacted the Chair of the Personnel Committee, seeking clarification on the Clerk's salary and expenses as part of the proposed parish precept.
- 7.36 Councillor Dunkley acknowledged the e mail, informing Councillor England that she would investigate. However, Councillor Dunkley did not provide any further communication to Councillor England on this matter.
- 7.37 Councillor Gathercole was also unhappy that, without permission of the Parish Council, Councillor England contacted neighbouring Parish Councils to obtain their respective Clerk's salary and the Parish population.
- 7.38 The Investigating Officers have sympathy with Councillor England with regards to his request for information being ignored or disregarded. Councillor England has quite rightly been advised to contact the Parish Council Personnel Committee with regard to the Clerk's salary and expenses. However, during the interview it became clear that despite Councillor England being advised to contact the Personnel Committee, which he duly did, the committee has consciously taken the decision not to respond to his request.
- 7.39 The Personnel Committee's conscious decision to not engage with Councillor England has exacerbated an already volatile situation, which ultimately resulted in Councillor England raising his concerns about the clerk salary and expenses at the December 2020 and January 2021 meetings.
- 7.40 When determining whether a breach of Paragraph's 3.1 and 3.2 of the Code of Conduct had occurred, the Investigating Officers again had to consider whether Councillor England had not treat Miss Haines with courtesy and respect and whether his actions had led to the Clerk feeling bullied or intimidated.
- 7.41 As was explained in Paragraph's 7.17 to 7.19, respect means politeness, courtesy and civility in behaviour, speech, and in the written word. Bullying, as set out in Appendix 2 of North Lincolnshire Council's Code of Conduct, "may be characterised as offensive, intimidating, malicious or insulting behaviour or an abuse or misuse of power in a way that intends to undermine, humiliate, denigrate or injure the recipient." The Advisory, Conciliation and Arbitration Service ("ACAS") are an independent public body who work alongside employers and employees in respect of employment matters. ACAS state that

bullying within the workplace can be a regular pattern of behaviour or a one-off incident.

- 7.42 Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing. Whatever form it takes, it is unwarranted and unwelcome to the individual.
- 7.43 The Investigating Officers have read and heard from Parish Councillor's their personal thoughts and opinions on the precept and the Clerk's salary and expenses. However, it was not within the remit of the investigation to consider the aforementioned.
- 7.44 The Investigating Officers determined that Councillor England did not contact Goxhill Parish Council's neighbouring councils. He merely perused their respective websites and obtained the information himself. The information was to be used for illustrative purposes to compare Goxhill Parish Council to that of its neighbours.
- 7.45 The Investigating Officers concluded that, in accordance with Paragraphs 7.24 and 7.25 of this report, due to the administrative error of the Clerk's salary and expenses being included within the public part of the agenda, Councillor England was entitled to raise the matters during consideration of agenda item 2011/4.
- 7.46 Similarly, Councillor England cannot be criticised for being proactive in undertaking his own research on the salary paid to neighbouring Parish Council Clerk's and the size of their electorate.
- 7.47 Therefore, as a result of the error in procedure by the Parish Council by not listing confidential Parish matters in the appropriate part of the agenda and that there was no suggestion that Councillor England was rude, offensive, or showed disrespectful behaviour towards Miss Haines, the Investigating Officers have concluded that Councillor England has not breached paragraph 3.1 of the Code of Conduct.
- 7.48 As was explained in Paragraph 7.42, bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened.
- 7.49 The Investigating Officers concluded that, after speaking to all attendees at the meeting in December 2020 and January 2021, Councillor England did not exhibit bullying behaviour when seeking clarification as to the rationale behind the Clerk's salary and expenses.

7.50 Consequently, the Investigating Officers concluded that Councillor England did not breach Paragraph 3.1 and Paragraph 3.2 of the Code of Conduct.

Element 4

7.51 Councillor Gathercole, in his complaint, stated that Councillor England did not agree to the format of the minutes of the December 2020 meeting, despite receiving professional advice from the council's governance advisors ERNLLCA.

7.52 Councillor England refused to agree the finances at the December 2020 meeting. This was because of him not being afforded an explanation as to why the Clerk's salary had increased and why her expenses were so high.

7.53 Councillor England contacted the Clerk on 7 December 2020, requesting that the reasons for his objection to the council's finances be included in the minutes and that she elaborates on the wording contained in the minutes that currently read "Councillor England asked his vote against the proposal be noted in the minutes".

7.54 The Clerk sought clarification from ERNLLCA on Councillor England's request. They confirmed that Councillor England was perfectly entitled to have his objection recorded in the minutes. However, the minutes were a public record of what decisions the council undertakes, not the speeches / contributions of individual members.

7.47 This advice was duly forwarded to Councillor England in an e mail dated 7 December 2020.

7.48 At the December 2020 meeting of the Parish Council, Councillor England raised the accuracy of the minutes during the meeting. Councillor England asked for consistency in how decisions were recorded, and respectfully requested that the reason for his objection be included in the minutes. The request was denied.

7.49 However, the Investigating Officers did note the inconsistent practice adopted by the Parish Council, noting that, at the 6 February 2020 meeting, a vote was taken on the award of monies to the Memorial Hall for a 10-piece band. In voting against the decision to award the monies, Councillors Gorbitt, Lawtey, Stancer and Gathercole had their reasons for voting against the proposal recorded in the minutes. However, this practice was not afforded to Councillor England.

7.50 The Investigating Officers are of the same view as Councillor England in that any member of the Parish Council is entitled to vote for or against any decision made by the Parish Council and have such objection recorded as part of the Parish Council's governance and audit process. It is clearly stated in the Parish Council Standing Orders (paragraph 3s) that a Councillor may request for any vote for or against a decision be recorded.

7.51 Consequently, the Investigating Officers concluded that Councillor England did not breach Paragraph 3.1 and Paragraph 3.2 of the Code of Conduct.

Element 5

7.52 Miss Haines submitted a second complaint on the 18 February 2021. The complaint alleges that Councillor England had breached paragraphs 3.1 and 3.2 of the Code of Conduct, following a written exchange between Miss Haines, other Parish Councillors and Councillor England, which ultimately resulted in Miss Haines believing that Councillor England had not treat her with respect and courtesy (3.1) and had bullied or intimidated her (3.2).

7.53 Following consultation with the Council's Monitoring Officer, it was agreed that this complaint would be investigated at the same time as Miss Haines first complaint.

7.54 Miss Haines alleged that, during an email exchange between the Clerk and Parish Councillors about vandalism in the local park, Councillor England sent to the complainant a number of emails that, in her opinion, the content and tone of which amounted to bullying. The complainant also stated that the bullying by Councillor England was now having a detrimental effect on her personal life and health.

7.55 The Investigating Officers established that there was a number of email exchanges between the Parish Councillors regarding vandalism of the MUGA at the local park. As part of the conversation, Councillor Gathercole put forward an idea to place surveillance cameras in the park.

7.56 Councillor England responded to this idea by raising his own concerns about cameras being placed in the park without the appropriate authorisation to ensure the protection and safety of children. Councillor England copied Miss Haines into those emails on the understanding that she was the Parish Council's designated Senior Child Protection Officer and for her to take necessary action to resolve this issue swiftly.

7.57 Councillor Lawtey also replied to Councillor Gathercole's email, expressing his reservations about the idea to place surveillance cameras in the park.

7.58 However, Councillors Stancer and Dunkley responded to Councillor Gathercole's email, supporting the need to take action in response to the vandalism.

7.59 In response to Councillors England and Lawtey's concerns, Councillor Gathercole queried who said he was going to place cameras in the park? Councillor Gathercole also stated that "if a member of the public wished to photograph someone they do not need their permission".

7.60 Councillor Lawtey replied to Councillor Gathercole's email, stating that the Parish Council "should not be putting personal cameras in the playing field or

anywhere that children are likely to be present". Councillor Dunkley also replied, agreeing that it would be wrong to place cameras in the park. Councillor England also echoed Councillor Lawtey's sentiments.

- 7.61 Councillor Gathercole again responded, including all Parish Councillors in the e mail, stating that the Parish Council had no intention of implementing his suggestion of placing cameras in the park. However, as a member of the public, "if he wanted he was legally entitled to take photos in the park of anyone or anything".
- 7.62 Councillor Lawtey responded, encouraging all Parish Councillors to stop talking about placing cameras in the park.
- 7.63 Following Councillor Lawtey's e mail, there was no further Parish Council discussion on the placing of cameras in the park.
- 7.64 During his interview, Councillor Gathercole confirmed that, as per his e mail, he never said he was going to take photos of anyone or anything in the park, merely he could if he wanted.
- 7.65 However, Councillor England was still worried about this issue and continued to make enquiries with professionals from the education and policing sector. Following those conversations, he pressed Miss Haines (as the Senior Child Protection Officer) to intervene in the matter.
- 7.66 During her interview Miss Haines stated that, in her opinion, the emails were more of an argument between Parish Councillors and that it was not appropriate for her to become involved. Miss Haines confirmed that as no formal request for an agenda item on the placing of surveillance cameras in the park had been requested for a forthcoming Parish Council meeting, there was no need nor reason for her to intervene.
- 7.67 In Councillor England's written response to Miss Haines complaint, he claimed that Miss Haines was inferring that she was unaware of any issue and attempting to "brush the incident under the carpet" instead of acting correctly in her role as Proper Officer and Senior Child Protection Person. Councillor England forwarded to Miss Haines all the e mails that had been exchanged between Parish Councillors on this issue.
- 7.68 Miss Haines confirmed during interview that she liaised with the Chairman of the Parish Council and ERNLLCA over how to proceed. The advice from ERNLLCA was that it is not Miss Haines responsibility to manage or become involved in disagreements between Councillors. Her responsibility as Clerk is to ensure that any decision taken by the Parish Council is conducted correctly and lawfully. Miss Haines did not receive any request for the matter to be included on a future parish council agenda for discussion, nor does she have the authority to install the cameras without a formal decision of the Parish Council. ERNLLCA also advised that the Clerk's role as the Proper Officer did not extend to monitoring emails between Parish Councillors, nor was she

required to become involved in such communications. This advice was communicated to Councillor England.

- 7.69 Councillor England stated that he was shocked and concerned that Miss Haines was attempting to “side step a sensitive issue” and was not fulfilling her duties as stated in the council’s own safeguarding policy. He duly replied to Miss Haines e mail, whereby he expressed his opinion that Miss Haines lack of intervention was disappointing and that he believed she was distancing herself from her responsibility as Senior Child Protection Officer and was failing in her duties to the residents of Goxhill.
- 7.70 Miss Haines confirmed during her interview that the tone of Councillor England’s e mails made her feel extremely harassed, intimidated and bullied. Consequently, she chose to remove her name from the Parish Council’s Child Safeguarding Policy. A decision she communicated to all Parish Councillors on 17 February 2021.
- 7.71 Upon receiving the email from Miss Haines, Councillor England believed the Clerk’s response was an attempt to blame him for her actions regarding the Child Protection Policy. This action itself could be deemed as bullying towards Councillor England and an attempt to humiliate him. Councillor England added that he had not criticised Miss Haines. He had simply asked her to fulfil her duty in her role at the Parish Council and then expressed his disappointment when in his opinion she fell short of her responsibility.
- 7.72 Councillor England, following Miss Haines e mail, wrote to the Chair of the Personnel Committee, outlining his concerns about the Clerk’s behaviour. He confirmed that no response was received.

Breach

- 7.73 In response to an e mail from Miss Haines, Councillor Gathercole suggested an idea that perhaps the time had come for a surveillance camera to be installed in the park to monitor the activities of the users following the vandalism of the MUGA.
- 7.74 What followed was, in the Investigating Officers opinion, a healthy debate amongst Parish Councillors on Councillor Gathercole’s idea. The exchange of e mails was respectful with those Parish Councillors who responded articulating their views either in support or against the idea.
- 7.75 When pressed, Councillor Gathercole confirmed that it was not the intention for the Parish Council to install cameras in the park. However, Councillor Gathercole stated that if he, as a member of the public wanted to he was legally entitled to take photos in the park of anyone or anything.
- 7.76 The Investigating Officers noted that, in the e mail thread, Councillor England had acknowledged Councillor Gathercole’s confirmation that there was no intention on behalf the Parish Council to install cameras in the park. However,

Councillor England took great exception to the statement made by Councillor Gathercole that he could take photos in the park.

- 7.76 Regardless of the legalities of his statement it was, in the Investigating Officers opinion just that, a statement. Councillor Gathercole never said he was going to take photos in the park, just he could if he wanted to.
- 7.77 The Clerk quite rightly sought advice from ERNLLCA as to whether there was a requirement for her to intervene. The advice from ERNLLCA was that it is not Miss Haines responsibility to manage or become involved in disagreements between Councillors. Her responsibility as Clerk is to ensure that any decision taken by the Parish Council is conducted correctly and lawfully. Consequently, Miss Haines did not intervene.
- 7.78 Following Councillor Gathercole's last e mail, Councillor Lawtey replied, stating that, in his opinion, it was time for those Parish Councillors to stop discussing the merits of placing a camera or taking photos in the park.
- 7.78 By Councillor England's own admission, the e mail thread about the surveillance cameras had ceased and Councillors stopped commenting on the issue following Councillor Lawtey's suggestion that Parish Councillors stop talking about the installation of cameras in the park.
- 7.79 However, unlike previous e mail correspondence where all Parish Councillors were included in the thread, Councillor England began e mailing Miss Haines directly. The emails referred to the perceived lack of action from Miss Haines in communicating to Councillor Gathercole the appropriateness of suggesting it was acceptable to place a camera or take photos in the park.
- 7.80 The Investigating Officers agreed that, in their opinion, there was an escalation in the tone, language and criticism in the emails of Miss Haines by Councillor England.
- 7.81 It appeared that after every e mail reply Miss Haines sent to Councillor England, his responses became more critical of the Clerk, questioning her professionalism and duty to the people of Goxhill.
- 7.82 Contrary to Councillor England's assertion, at no point did Miss Haines state that she was unaware of the e mail exchange between the Parish Councillors.
- 7.83 Similarly, at no point did Miss Haines attempt to brush the item under the carpet, contrary to Councillor England's opinion.
- 7.84 And at no point did any Parish Councillor suggest that the placing of surveillance cameras in the park be included on a future Parish Council agenda. In accordance with ERNLLCA's advice, this would have been the point that the Clerk would have intervened.

- 7.85 Indeed, at no point did Councillor England formally request to the Clerk that the agenda item for surveillance cameras be included at a forthcoming Parish Council meeting.
- 7.86 After seeking advice the Investigating Officers are of the opinion that this was not a safeguarding matter but more a data protection or regulation of investigatory powers (RIPA) issue.
- 7.87 The Investigating Officers believe that Code of Conduct is not intended to constrain councillors' involvement in local governance, including the role of councillors to challenge performance. Councillors can question and probe poor officer performance provided it is done in an appropriate way. In the everyday running of a local authority, it is inevitable that councillors may have disagreements with officers from time to time.
- 7.88 However, it is important that councillors raise issues about poor performance in the correct way and at the appropriate forum in accordance with the Parish Council's processes and procedures, and not in a public meeting or through a published attack in the media.
- 7.89 The Investigating Officers are of the opinion that Councillor England should have raised any concerns he had about the Clerk's lack of action in the camera dispute with the Personnel Committee, instead of sharing his thoughts directly to the Clerk. The Investigating Officers do acknowledge, however, that Councillor England did inform the Personnel Committee of his concerns, but this was only after informing the Clerk first.
- 7.90 The Investigating Officers had to consider whether Councillor England's behaviour amounted to bullying. Bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Bullying may be obvious or be hidden or insidious. As referred to in paragraph 7.41 bullying can be characterised as a regular pattern of behaviour or a one-off incident which attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health. Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by telephone or in writing, including emails, texts, or online communications such as social media.
- 7.91 The Investigating Officers had to also be mindful of the overall potential impact of the behaviour on Miss Haines, particularly her well-being and health.
- 7.92 As was stated in Paragraph 7.80, the Investigating Officers agreed that there was an escalation in the tone, language and criticism in the emails of Miss Haines by Councillor England.

- 7.93 This escalation did, in the opinion of the Investigating Officers, make Miss Haines feel undermined, affect her confidence and capability and adversely affected her health.
- 7.94 Miss Haines informed the Investigating Officers that she was unaware that she held the role of Senior Child Protection Officer at the Parish Council. However, Councillor England provided evidence which contradicted this statement which evidenced that Miss Haines role was clearly defined within the policy and was in attendance at the Parish Council meeting the 4th July 2019 when the members formally adopted the policy. Consequently, upon being made aware of her obligations by Councillor England, Miss Haines subsequently relinquished the role as she had not received any formal training or guidance as to the duties associated with this role.
- 7.95 Miss Haines stated that she was unaware that she had been appointed to the role of Senior Child Protection Officer when in fact she was present at the Parish Council meeting when the policy was formally adopted. It was a cause of concern for the Investigating Officers that Miss Haines had little knowledge or understanding of the appointment or receipt of any training to fulfil the requirements of the position. This identified a lack of oversight by the Personnel Committee in ensuring that the Clerk is aware of all roles and responsibilities associated with her post as Clerk.
- 7.96 However, despite the aforementioned, the, Investigating Officers are of the view that on this occasion Councillor England has unnecessarily prolonged the discussion as a result of not receiving responses from Miss Haines that specifically dealt with his perceived safeguarding concerns. This escalation in the tone, language and criticism did, in the opinion of the Investigating Officers, make Miss Haines feel undermined, affect her confidence and capability and adversely affected her health.
- 7.97 Even though email communication is a useful tool, the content can often be misinterpreted which is in the Investigating Officers view is what Councillor England has done in respect of Miss Haines responses to his concerns.
- 7.98 With this in mind and after taking into account paragraphs 7.65 to 7.72 the Investigating Officers are of the opinion that Councillor England did not treat Miss Haines with respect or courtesy thus breaching paragraph 3.1 of the Code of Conduct.
- 7.99 Having concluded in paragraph 7.98 that Councillor England did breach paragraph 3.1 of the code of conduct, the Investigating Officers had to determine whether Councillor England had also breached paragraph 3.2 of the code of conduct.
- 7.100 Further to paragraphs 7.65 to 7.72 the Investigating Officers have agreed that Councillor England did attempt to undermine Miss Haines to ensure the Clerk undertook a particular action which he expected. This was therefore a breach of paragraph 3.2 of the Code of Conduct.

Element 6

- 7.101 The Council's Monitoring Officer received a fourth complaint from Councillor Dunkley on the 23 February 2021 supported by Councillor Stancer, which alleged that Councillor England had breached paragraphs 3.1 and 3.2 of the Code of Conduct.
- 7.102 Councillor Dunkley's complaint was considered by the council's Standards Committee Assessment Panel on 25 March 2021, whereby it was agreed the complaint be investigated alongside the complaints raised by Miss Haines and Councillor Gathercole.
- 7.103 The complainant alleged that Councillor England was continually harassing Miss Haines, with demands via email over a long period of time, causing stress, anxiety and ultimately resulting in a period of sickness absence whereby she was unable to fulfil her role as Clerk to the Parish Council.
- 7.104 The Investigating Officers considered Councillor Dunkley's complaint which, in their opinion, was more of a statement about Councillor England's alleged behaviour rather than a complaint relating to a specific incident.
- 7.105 There was no evidence or supporting documentation to substantiate the complaint.
- 7.106 The Investigating Officers noted that Councillor Dunkley was a signatory to complaint SC/21/01 whereby similar allegations were made against Councillor England by Councillor Gathercole.
- 7.107 Councillor Dunkley also acknowledged during her interview that one of the reasons she submitted her complaint was to show support to the Clerk, Miss Haines.
- 7.108 Consequently, as described in paragraphs 7.25, 7.36, 7.47, 7.49 and 7.51 of this report, the Investigating Officers have concluded that Councillor England has not breached paragraphs 3.1 or 3.2 of the code of conduct.

8 CONCLUSIONS

- 8.1 As part of this investigation, it became apparent to the Investigating Officers that there are a number of issues relating to the way that Goxhill Parish Council undertakes its affairs.
- 8.2 Although the Investigating Officers were not instructed to investigate the procedures and governance of the Parish Council, it quickly became apparent that the governance of the Parish Council was the catalyst for Councillor England's dissatisfaction with the operation and decision making of the Parish Council.
- 8.3 Examples of poor governance that the Investigating Officers discovered are as follows:

- There was a lack of understanding as to what constitutes an exempt agenda item. Agenda items that are clearly of a confidential nature were included within the public part of the agenda. In addition, confidential information was being circulated to Parish Councillors as a background paper to an item in the public part of the agenda, therefore making it admissible.
- That Councillor Gathercole was attending and participating in meetings of the Personnel Committee despite this being against the terms of reference for the committee.
- The Personnel Committee was disbanded in September 2019 due to it not being established in accordance with the Parish Council's standing orders.
- Personnel Committee agendas and minutes were not published on the Parish Council website or sent to the full Parish Council for approval, contrary to the council's Standing Orders. However, the Clerk has now rectified this error, albeit the minutes are received as an exempt item at the Parish Council meetings yet published on its website.
- The way in which decisions and votes are recorded within the minutes is inconsistent. Minute reference 2002/15 from the meeting held on the 6 February 2020 included specific reasons as to why members of the Parish Council voted against this agenda item. Whereas minute reference 2012/4 of the meeting held on the 3 December 2020 does not, despite a Councillor requesting that the reasons be included.
- The Clerk relinquished her role as the Senior Child Protection Officer as she was unaware that she had been appointed in to the role or had any training on how to fulfil her obligations. This oversight by the Personnel Committee was clearly a cause for concern.

8.4 The Investigating Officers do acknowledge, however, that the clerk has been proactive and following disclosure has taken action to rectify the aforementioned points.

9 INVESTIGATING OFFICERS RECOMMENDATIONS

On account of the reasons stated within section 7 of this report, the Investigation Officers have concluded that: in respect of:

- 9.1 Complaint 1 submitted by Miss Haines on the 18 November 2020, there was no breach of Paragraph 3.1 of the Code of Conduct by Councillor England.
- 9.2 Complaint 2 submitted by Councillor Gathercole on the 12 January 2021, there was no breach of Paragraphs 3.1 or 3.2 of the Code of Conduct by Councillor England.
- 9.3 Complaint 3 submitted by Miss Haines on the 18 February 2021, Councillor England had breached paragraphs 3.1 and 3.2 of the Code of Conduct.

9.4 Complaint 4 submitted by Councillor Dunkley on the 23 February 2021 , there was no breach of Paragraphs 3.1 or 3.2 of the Code of Conduct by Councillor England.

M Nundy/K Hague
Investigating Officer
August 2021

Appendix 1

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Complaint SC 20 10

Customer Name:

Title	First name	Last name
Miss	Vicky	Haines

Customer Address:

Flat	House	Street	Locality / Village	Town	Postcode

Customer Contact Details:

Email Address	Phone Number	Mobile Number

I wish to request that my identity is kept confidential: No

Please tell us which complainant type best describes you: An elected or co-opted member of an authority

Council Member(s):

Title	FirstName	Last name	Council or authority name
Mr.	Sam	England	Goxhill Parish Council

Code of Conduct breaches: 3.1 "You must treat others with respect and courtesy"

Please provide us with the details of your complaint.: At the parish council meeting dated 5/11/2020, during the approval of the councils finances a question was raised by Cllr England querying my salary and expenses over the last several months.

Cllr England was quoting my take home pay in the public session at which point I interrupted him and stated that this wasn't the meeting for this conversation and that there are specific procedures that need to be followed, I then reminded Cllr England that this was a conversation we had previously had.

Despite my efforts to end the conversation, Cllr England stated it's a council meeting and continued to quote my take home pay; information that he had taken from the finance documents. Documents that are emailed to the Cllrs prior to a council meeting which includes information that isn't in the public domain.

Previously on 4/4/2020 Cllr England raised the same question directly with me via email. I collated and forwarded him the requested details on email dated 4/4/2020. (Copied in Cllr Gathercole as Chair of the Parish Council and the Personnel Committee). I was unsure of the situation so I had a conversation with Steve Shaw-Wright at ERNLLCA 4/4/2020, 2.05pm, were I was informed that this information should only be made available to the personnel committee.

I then sent the enclosed the following email to Cllr England (Copied Cllr Gathercole as Chair of the Parish Council and the personnel committee):

"Hi Sam,

I have sent this however I have been informed I shouldn't have! This information isn't available to everybody and for future reference should you have any query relating to this and anything other relating to the Clerk, please address to personal for them to go down the correct route

Thanks

Vicky Haines

Parish Clerk and RFO

Goxhill Parish Council"

(I have the original email which I can email)

I then received an email from Cllr Gathercole, Chair of the Parish Council addressed to myself, Cllr England and the Personnel Committee as per the following:

"Hello Cllr England.

As courtesy to the role of Chair could you please copy me into emails you send to individuals of the council.

Now to the matter in point.

Ms Haines is employed by the council and as you are aware the council has delegated all matters of employment including Pay and allowances to the Personnel Committee.

You as an individual member of the council are not permitted to ask the clerk matters of this nature through private emails. You can ask the council questions of this nature through the private session in the council meeting and the Chair of the Personnel Committee can decide if your question is valid and answer accordingly.

Ms Haines has indeed answered your question as courtesy and sent you an email.

As you know emails are not secure and as consequence you should destroy the copy you have received and not show it to members outside the addresses as above or discuss with members of the public.

Distribution of such could be deemed as a breach of confidentiality under NLC Code of conduct.

I have in the past sought legal advice on such an issue.

Mike Gathercole

Sent from my iPhone"

(I have the original email which I can send)

Despite Cllr England previously being made aware of the correct procedure both by myself and the Chair of the Parish Council; Cllr England continued to quote my salary and expensive in a public meeting that consisted of the Parish Council, 6+ members of public and 2 Ward Cllrs.

I was extremely upset and disappointed, however continued my duties in the meeting.

Please explain what steps, if any, you have taken to resolve this complaint directly with the member concerned: After the meeting dated 5/11/2020, I emailed all members of the Personnel Committee and included the Chair of the Parish Council expressing the disappointment and upset I felt after having a Cllr disclose personal information regarding my salary in a public meeting.

This was purely to express my extreme concern and not for any investigation to be carried out by the Parish Council.

I was informed by the Chair of the Personnel Committee that there is currently an ongoing situation with Cllr England and the Personnel Committee, to which I then decided not to address this with the Parish Council going forward but to address through North Lincolnshire Council.

Would you be prepared to engage in mediation with the member concerned, if considered appropriate, to try and resolve the complaint?: Yes

Declaration:

Declaration
I accept

Customer Name:

Title	First name	Last name
Mr	Mike	Gathercole

Customer Address:

Flat	House	Street	Locality / Village	Town	Postcode

Customer Contact Details:

Email Address	Phone Number	Mobile Number

I wish to request that my identity is kept confidential: No

Please tell us which complainant type best describes you: An elected or co-opted member of an authority

Council Member(s):

Title	FirstName	Last name	Council or authority name
Mr.	Sam	England	Goxhill Parish Council

Code of Conduct breaches: 3.1 "You must treat others with respect and courtesy", 3.2 "You must not bully or intimidate any person".

Please provide us with the details of your complaint.: As chair of the parish council, I would like to register a complaint regarding CLLR ENGLAND's conduct.

My complaint follows emails received from fellow councillors urging me to take action as chair of the Parish Council. Included within this, other councillors have agreed on this complaint, they include CLLR STANCER, CLLR KIRWAN, CLLR CLEGHORN, CLLR DUNKLEY, CLLR LAWTEY, and CLLR GORBUTT, in total including myself amount to seven councillors all agreeing to the submission of this complaint.

CLLR ENGLAND is in our opinion in breach of sections 3.1 and 3.2, of the code and is amounting to bullying and not showing respect towards the clerk of Goxhill Parish Council MS V HAINES.

At our latest Full council meeting in January 2021 (members of the public being present) and at the Decembers full council meeting in 2020 he was disrespectful and was bullying the clerk into supplying financial details of her employment. He also informed the full meeting in January he did not agree with the minutes of the December's full council meeting since they did not show openness in regards to himself when he had declared he wanted the minutes to be written verbatim as to a statement he made to the council. Regarding this incident, prior to submitting the minutes our Clerk MS V HAINES sought advice from ERNLLCA regarding minuting verbatim and the advice sought that 'minutes should be as short as is consistent with clarity and accuracy, not a verbatim report or a

record of discussion or argument and that if requested the objecting councillors name is to be recorded.'

Following this advice MS V HAINES emailed CLLR ENGLAND the below email informing him of the advice sought and the outcome ensuring CLLR ENGLAND was fully aware. Despite receiving this email on the 7th December 2020, CLLR ENGLAND still chose to raise this as an issue in Januarys meeting, accusing our Clerk of censoring the minutes. Another example of bullying her.

"On 7 Dec 2020, at 10:42, Vicky Haines wrote:

Dear Sam,

Having received the following advice from ERNLLCA, I will record your objection to the motion by name not by verbatim as requested

If a councillor wants their vote recording in the minutes, then you could record

" a vote was taken and approved by a majority decision of 10 to 1 Cllr Jones asked his vote against the proposal be noted in the minutes". The Clerk should not record verbatim why the councillor voted in such a way. Minutes are a public record of what the council undertakes, not the speeches / contributions of individual members.

Kind Regards

Vicky Haines

Parish Clerk and RFO

Goxhill Parish Council

CLLR ENGLAND is fully aware his actions and statements amount to bullying. His constant actions and comments towards the clerk appear to becoming a regular occurrence.

Whilst approving the council's precept for 2021/2022 the first section to be approved was the Clerks expenditure. CLLR ENGLAND immediately stated ' Has anyone actually investigated these figures' CLLR ENGLAND then made reference to an email he had sent that evening to the head of personnel committee were CLLR ENGLAND documented where he had researched the clerks expenditure for the following villages: Barrow, Hibaldstow, Ulceby, Barnetby, Scawby and compared them to Goxhill. At this point MS V HAINES was clearly distressed and stated the like for like could not be measured since Goxhill had other factors to be taken into consideration. I had to call the meeting to account since CLLR ENGLAND was showing disrespect and bullying MS V HAINES. CLLR ENGLAND did not have permission of the full council to approach these other councils.

The clerk on a monthly basis submits to the personnel committee and myself her expenses breakdown and detailed timesheet, which is always to a high standard as with the work she carries out on a day-to-day basis. The committee agrees to these matters and the minutes are recorded as to acceptance. They are also ratified by the full council at the following months council meeting.

It is becoming more and more obvious that CLLR ENGLAND will not relent on our Clerk until I feel something drastic will happen, such as she resigns which would have a massive impact on our council which is running to a very high standard. Her departure would also be a reflection on the councils inability to manage its Human Resources and would not bode well if the council was justify the actions of CLLR ENGLAND at a subsequent employment tribunal.

Below is a copy of the email sent from CLLR ENGLAND to the head of personnel committee CLLR DUNKLEY and this is along with many other matters where CLLR ENGLAND has demanded to see the Clerks expenses breakdown and timesheet, despite being told this is protected under GDPR. CLLR ENGLAND has also made threats he will not approve any finances until he is satisfied they are 100% transparent, despite Goxhill already being 100% transparent with finances that are allowed (Clerk expense breakdown excluded)

Dear Freda

I am contacting you as chair of the personnel committee prior to January's full Parish Council meeting.

Prior to Thursday's meeting, I have been examining closely the proposed precept, which is by a long way the largest I have ever seen for Goxhill Parish Council. There are some startling entries which I will be looking for clarity on, however my reason for contacting you personally is because I have some queries relating to the amount proposed for staff expenditure which has been proposed at £24,400.

Firstly, can Goxhill Parish Council justify such a huge cost?

I ask this specifically because at Thursday's meeting the whole council will be asked to pass the 2021/22 precept, when some councillors aren't even allowed to see exactly how some expenses relating to staff expenditure are calculated.

I have already made the council aware of my opinion on this matter and will not be approving expenses until I am satisfied that Goxhill Parish Council is 100% transparent with all of its affairs.

After having compared Goxhill to other villages of similar sizes in North Lincolnshire, I am very surprised at how we compare with staff costs. Here are some for comparison:

Goxhill, population 2200, staff expenses £24,400

Ulceby, population 1711, staff expenses £3153

Barnetby, population 1700, staff expenses £5176

Hibaldstow, population 2350, staff expenses £3759

Scawby, population 2243, staff expenses £7612

Barrow, population 3000, staff expenses £9209

Alarming! I am sure you will agree.

I appreciate that Goxhill is a diverse village, but is it that different to other villages in North Lincolnshire that we are spending 4,5 or 6 times more on our staff expenses that other villages do?

I know that comparing villages is like comparing apples to oranges, and I know our clerk has the added responsibility of the cemetery and the Neighbourhood Plan, but those

aside, why are we as a council spending significantly more than every other parish?
I would not be asking such questions if information relating to how the £24,400 was calculated in detail and I could see 2020/21 finances in detail for comparison, and I know that this information will not be forthcoming.

I feel Goxhill Parish Council should be looking at ways to save money. Staff costs have increased from £14892 in 2017/18 to £24400 in 2020/21. That is an increase of £9508 a year in just 3 years. Please can you justify this.

If you would like to discuss this further, please don't hesitate to contact me personally.

I look forward to hearing from you.

Kind regards

Sam

For whatever reason CLLR ENGLAND appears to have a vendetta against MS V HAINES and his bullying is having an effect on her and is damaging towards her health and mental wellbeing and is indeed affecting her ability to perform to the usual high standards set by the council to which she always meets.

Those councillors mentioned herein have all stated they are prepared to make written statement on the subject of bullying and disrespect shown by CLLR ENGLAND towards MS V HAINES.

Please explain what steps, if any, you have taken to resolve this complaint directly with the member concerned: There has been frequent email correspondence between the chair of the personnel committee and CLLR ENGLAND explaining that the Clerk wages and expense breakdown is covered by data protection, however CLLR England refuses to accept this answer so our only option is to report through the correct channels

Would you be prepared to engage in mediation with the member concerned, if considered appropriate, to try and resolve the complaint?: No

Please state reason why: I don't feel the situation can be solved with mediation

Declaration:

Declaration
I accept

Customer Name:

Title	First name	Last name
Miss	Vicky	Haines

Customer Address:

Flat	House	Street	Locality / Village	Town	Postcode

Customer Contact Details:

Email Address	Phone Number	Mobile Number

I wish to request that my identity is kept confidential: No

Please tell us which complainant type best describes you: An elected or co-opted member of an authority

Council Member(s):

Title	FirstName	Last name	Council or authority name
Mr.	Sam	England	Goxhill Parish Council

Code of Conduct breaches: 3.1 "You must treat others with respect and courtesy", 3.2 "You must not bully or intimidate any person".

Please provide us with the details of your complaint.: The incident first began, when I as clerk received information from a councillor via telephone that part of the MUGA that was broken, awaiting repair had gone missing. Wed 10/02/2021 10:49, I emailed the council asking if anyone was aware in the hope that a councillor had taken it to try and repair

In reply to my email Cllr Mike Gathercole on 10/02/2021 at 16:20, sent an email to the council stating "The time has come I think to place my night camera in the park, moving it around adhoc to see the wildlife that visits the park late at night"

This then started several, in my opinion argumentative emails between some councillors regarding this subject to which I as Clerk was copied in to.

Cllr Mike Gathercole then sent the below email (1) Thur 11/2/2021 13:29 clearly stating the parish council will not be considering cameras (stated twice in the email)

(1) Thu 11/02/2021 13:29

From Mike Gathercole to the full council

Hello Jack/Sam.

The PC has no intention of placing cameras in the park. However as a member of the public if I wanted I am legally entitled to take photos in the park of anyone or thing.

I have sent you Jack information from the Police stating a member of the public can take photographs of anyone including children in public.

The National Police Chiefs Council will willingly send you the instruction to Police Officers on the subject.

PINAC. The anachronism for Photography Is Not A Crime is well documented on the internet.

You may be getting mistaken about surveillance cameras etc which is a different subject and is also well documented on the internet.

Once again, the PC is not presently considering placing cameras in the park.

Mike Gathercole
Sent from my iPhone

Shown in emails numbered 2-6, email correspondence continued between Cllr Sam England and myself as Parish Clerk regarding this subject.

Cllr Sam England made me feel extremely bullied, harassed, intimidated and undermined.

(2) Mon 15/02/2021 09:13

From Cllr Sam England to goxhillparishcouncil@gmail.com

Dear Vicky

I am emailing you as both the Proper Officer of GPC and the Senior Child Protection Person at GPC.

I hope you are aware of the recent email exchanges between councillors, some suggesting and supporting the use of covert surveillance/ wildlife cameras in the park (Mike and Marion) and some advising against such behaviour (myself and Jack). (Freda has both supported and advised against)

I would hope that as our Senior Child Protection Person you have already advised Mike that he shouldn't be installing any cameras in a public place, even if he claims it is for wildlife purposes.

I haven't seen any comments from yourself on this matter in any capacity, so can only assume you have remained silent, when in my opinion you should be taking charge and advising councillors accordingly, for both their own protection and the protection of

GPC.

Following suggestions made by Mike claiming he can film whoever he likes whenever he likes, without permission (adults or children) on the park/ playing field, I sought advice from the safeguarding lead at Baysgarth school and the Police on this matter.

The Safeguarding lead at Baysgarth School was shocked and disgusted at the idea of someone placing cameras in a public area, and would be keen to know if any students from her school were being secretly filmed by either an individual or GPC as an authority.

The Police Sargeant who called me yesterday evening (Sergeant Jamie Allen) was equally as shocked at this idea, especially as it was being suggested by an ex-police officer. I informed him of the content of Mike's emails and he clearly stated that Mike is wrong.

Even if Mike decides to install his personal cameras for his own personal use using PINAC as his reference point (PINAC are an American media group who predominantly film the police in the USA), as a body/ authority who have been made aware of his intent, and as he is the chair of the authority (GPC), the Parish Council itself would be at fault.

Sargeant Allen then stated that in order to install any sort of remote surveillance in any public location, GPC or an individual would need permission and licenses from the Data Commissioner and the whole process would need to be well documented and displayed. Any attempt to secretly place surveillance equipment in a public area should be reported to the police and they will deal with the issue. Only with support from RIPA (Regulation of Investigatory Powers Act) would we or an individual be allowed to place cameras in a public place in order to gather evidence secretly.

Sargeant Allen then stated that even if the issue was progressed this permission would not be granted.

He also mentioned that if cameras were found on the park and the public/ parents were made aware, this could be very damaging for GPC.

Sargeant Allen and his policing team are not planning to intervene in this matter at present, however has given me his contact details should I have any further concerns on this issue.

I feel I have done all I can for the moment to hopefully prompt a change in attitude from our chairman, and will leave it to you as the Proper Officer to advise your councillor accordingly.

If you would like to discuss this matter further, please don't hesitate to call me.

Kind regards
Sam



From: Vicky Haines
Sent: Monday, February 15, 2021 11:23
To: 'Samuel England'
Subject: RE: Cameras in the park/ playing field

(3) Dear Sam

Thank you for your email

As proper officer of Goxhill Parish Council, I have never received, from any Parish Councillor a request to add the siting of surveillance equipment to the agenda for any parish council meeting.

I have also not been approached by any member of the public to place any surveillance equipment within parish council property.

Many Thanks

Vicky Haines
Parish Clerk and RFO
Goxhill Parish Council
Parish Rooms, Howe Lane, Goxhill, North Lincolnshire, DN19 7HS
Tel: 07834 418338
Email: goxhillparishcouncil@gmail.com

Mon 15/02/2021 11:33
Cllr Sam England to Vicky Haines

(4) Vicky

I can see that you have been copied in to every email regarding this issue. The email trail

is titled MUGA Repair.

If you are claiming that you are unaware of Mike's suggestion to place a camera in the park, I find that hard to believe, however will forward you all the relevant emails so you can familiarise yourself with the conversations that have taken place recently via email.

I am alerting you to this issue and trust you will act appropriately.

Please could you respond to say you have read and received them.

Kind regards
Sam

(Sam then forwarded me 8 emails relating to this issue, despite clearly confirming he has seen I am copied in on all the correspondence)

From: Vicky Haines
Sent: Tuesday, February 16, 2021 14:09
To: samuelengland1@hotmail.com
Cc: mikegathercole@aol.com
Subject: Cameras in the park/ playing field

(5) Dear Sam,

With regards to your emails dated 15th February 2021 at 09:13 and 11.33, I sought advice from the chair of the parish council and ERNLLCA.

I have enclosed the relevant information received from ERNLLCA as well as the CCTV document as mentioned....

.....("Cllr England has intervened and reported this exchange to the local police, who whilst being "shocked" do not propose to take further action. (one would have thought if they said this was wrong and were shocked then they would have at the least contacted the councillor concerned)

An exchange of emails between councillors is commonplace and you as clerk cannot become involved between disagreements between councillors.

As the matter has been reported to the police, we don't believe that there is any action you can or should take.

It should be noted that whilst councillors do have a code of conduct to work to, the

council is not responsible for the actions of its members 24/7. The individual activities of councillor may be embarrassing for the council, it's not the council responsibility to monitor their email exchangers, with a view to protecting the council reputation.

Anyone who believes a councillor has broken the code of conduct has a duty to report that councillor to the monitoring officer.

Should Cllr England wish the council to formally debate the issue then he can request the item to be on a council agenda.

I have attached a model document re CCTV . Many local councils operate a CCTV system in public parks, shopping streets, and safe routes home. If the council posts notices that the area is under surveillance, obtains the relevant licences or employs a contractor the council would not be operating outside its powers)

This clearly states the Clerks / Proper Officers role does not include monitoring emails between councillors and that the Clerk / Proper Officer cannot become involved in such communications.

As confirmed in my previous email to you dated: 15th February 2021 at 11.24 I have never received any notification from any parish councillor to add any surveillance equipment to the agenda for a parish council meeting.

The responsibility of the Clerk / Proper officer is to ensure any decisions considered in a parish council meetings are acted upon lawfully

Vicky Haines
Parish Clerk and RFO
Goxhill Parish Council
Parish Rooms, Howe Lane, Goxhill, North Lincolnshire, DN19 7HS
Tel: 07834 418338
Email: goxhillparishcouncil@gmail.com

Tue 16/02/2021 17:45
Cllr Sam England to Vicky Haines goxhillparishcouncil@gmail.com

(6) Dear Vicky

A very lengthy email in response to a child protection/ safeguarding concern I alerted you to as our designated child protection person, and not one reference to this issue whatsoever from yourself, ERNLCCA or the chairman (Mike).

You appear to be distancing yourself from your responsibility as our child safeguarding lead which shows a lack of professionalism and understanding of basic child protection policy, in my opinion.

This is not a disagreement between councillors, this is me as an elected member of GPC alerting you to the worrying intent of another elected member of GPC to install covert cameras on GPC property, which is wrong on many levels.

To say I am disappointed is an understatement, and what is even worse is that there is still no indication from yourself or the chair to confirm that covert cameras will not be placed in the park/ playing field.

I feel that you and the chair are failing the electorate in your responsibilities in your roles as Designated Senior Child Protection person and Deputy Designated Child Protection Person, and I don't think ERNLLCA are the right body to be advising on this issue.

This issue is not about codes of conduct being broken, and further standards complaints to NLC Monitoring Officer. This is about whether we as an independent body can actually follow laws and protocol for the benefit of our electorate, and for the safeguarding of all users of all facilities we own and manage.

Kind regards
Sam

I feel that Cllr Sam England's behaviour towards me as Clerk has dramatically increased since I raised an official complaint with North Lincolnshire Council in November 2020 for bullying. This terrible situation is now affecting me on a personal level, my health and more concerning, my family life which is something I simply cannot allow to happen.

After enduring many months of bullying from Cllr Sam England both via email and in public council meetings has resulted in me taking sick leave due to stress

Please explain what steps, if any, you have taken to resolve this complaint directly with the member concerned: I have registered an official complaint with the council personnel committee and copied in the chair of the parish council

Would you be prepared to engage in mediation with the member concerned, if considered appropriate, to try and resolve the complaint?: Yes

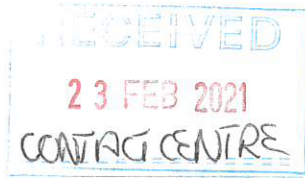
Declaration:

Declaration
I accept

This e-mail expresses the opinion of the author and is not necessarily the view of the Council. Please be aware that anything included in an e-mail may have to be disclosed under the

Freedom of Information Act and cannot be regarded as confidential. This communication is intended for the addressee(s) only. Please notify the sender if received in error. All Email is monitored and recorded.

Please think before you print- North Lincolnshire Council
greening the workplace.



**COMPLAINT FORM
MEMBER(S) CONDUCT**

Your details

1. Please provide us with your name and contact details:

Title:	MRS
First name:	FREDA
Last name:	DUNKLEY
Address:	[REDACTED]
Daytime telephone:	[REDACTED]
Evening telephone:	"
Mobile telephone:	[REDACTED]
Email address:	[REDACTED]

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the monitoring officer of the authority
- the parish or town clerk (if applicable)
- the council's Independent Person (if required)
- members of the Assessment Panel or Hearings Panel convened to consider your complaint
- **officers involved in mediation (if applicable)**

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other (please state)

Making your complaint

Once your complaint has been received a decision will be taken in accordance with the council’s published arrangements as to what action, if any, should be taken on it. You will not have the opportunity to attend a meeting at this stage. It is important that you provide information that you want taken into account as part of your complaint.

Please refer to the council’s published arrangements under the heading “Making a complaint” which explains how your complaint will be dealt with.

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name
MR.	SAM	ENGLAND	GOXHILL PARISH COUNCIL

I as a councillor whole heartedly agree with the complaint against Mr Sam England. My name is Maria Stance of Merle House Softham Goxhill my phone no is [REDACTED]



It is important that you provide a summary of the information you wish to have taken into account (within the space provided below) so a decision can be made, in accordance with the published arrangements, whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please indicate which paragraphs of the Code of Conduct you consider the member(s) to have breached by ticking the appropriate box(es).

- 3.1** " You must treat others with respect and courtesy"
- 3.2** "You must not bully or intimidate any person".
- 3.3** "You must not do anything which may cause the Council to breach any equality laws."
- 3.4** "You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute. "
- 3.5** "You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law".
- 3.6** "You must act solely in the public interest and not use or attempt to use your position as a Member improperly to confer or secure for yourself or any other person an advantage or disadvantage".
- 3.7** "You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council".
- 3.8** "You must only use, or authorise the use of the Council's resources for proper purposes (regard being had to any applicable Local Authority Code of Publicity) and in accordance with the Council's procedural and policy requirements".
- 3.9** "You must not disclose information which is given to you in confidence, or information which you believe, or ought to be aware, is of a confidential nature, except where:

- a) You have the consent of the person authorised to give it;
- b) You are required to do so by law;
- c) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that third party agrees not to disclose the information to any other person;
- d) The disclosure is reasonable in the public interest, made in good faith, and that you have consulted the Monitoring Officer."

Interests. Tick this box if you believe that the member(s) either did not declare an interest, or has declared the wrong type of interest. (Interest requirements re Personal, Prejudicial or Disclosable Pecuniary Interests are outlined in paragraphs 4, 6 and 7 of the Code of Conduct). If you are unsure, please tick the box, adding an explanation in section 4 below.

4. Please explain in this section what the member has done that you believe breaches the Code of Conduct. Please enclose any supporting documents but limit these to those that are directly relevant and material to the complaint (see paragraph 3 of the Arrangements).

If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

Please provide us with details of your complaint (within the space provided)
He has continually harassed the Clerk, with demands via E-mail, over a long period of time, causing stress and anxiety leading to sickness. She is an excellent worker giving service way beyond her expected duties. This cannot be allowed to continue.

Please explain what steps, if any, you have taken to resolve this complaint directly with the member concerned?
I have not acceded to his incorrect demands re the Clerk's personal information, and I have not given in to his demands.

Would you be prepared to engage in mediation with the member concerned, if considered appropriate, to try and resolve the complaint?

Yes
 No

If you answered no please state reason why below:
He is not the type of person to see in alternative view.

Mediation is a way of resolving disputes with the assistance of an independent mediator who will try and help the parties reach a solution to the dispute that both parties are agreeable to. The independent mediator will avoid taking sides, making judgements or giving guidance. They are simply responsible for developing effective communications between the parties with a view to a common sense settlement being arrived at. Mediation is a voluntary process and will only take place if the parties agree and remains confidential to the parties involved.

Only complete this next section if you are requesting that your identity is kept confidential

5. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reasons.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

I am of the age and dementia that his attitude and past behaviour would be very unnerving. I have been subjected to verbal attacks by his partner backed up by him, this has been far from pleasant. One occasion was witnessed by an officer of North Lincolnshire Council, during a Neighbourhood Plan meeting, when chairs were thrown across the next room.

6. Additional Help

Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

The council has an interpretation service for people who don't speak English.

Just call the hotline number for your language. This connects you to an interpreter who will speak to the council for you and tell you what they say.

No English?

For information please call:

08000 193530 (Arabic) **المسؤول على المزيد من المطويات اتصل به: 08000 193530**

08000 193531 (Bengali) **অন্যান্য ভাষায় জানতে যখন এই নম্বরে যোগাযোগ করুন: 08000 193531**

08000 193532 (Cantonese) **欲知詳細服務的信息, 請致電: 08000 193532**

08000 193533 (Hindi) **हिंदी में जानकारी के लिये 08000 193533 पर फोन करें**

08000 193537 (Kurdish Sorani) **بۆ زانیاری به گۆرۆدی سۆزانی تۆلۆن بۆ زماره 08000 193537**

08000 193538 (Portuguese) **Para mais informação em português contacte-nos através do telefone 08000 193538**

08000 193539 (Punjabi) **ਪੰਜਾਬੀ ਵਿਚ ਜਾਣਕਾਰੀ ਲਈ 08000 193539 'ਤੇ ਫੋਨ ਕਰੋ**

08000 193540 (Somali) **"Waxbadinta oo ah Soomali ah wax 08000 193540"**

08000 193541 (Urdu) **اردو میں جاننے کے لیے اس نمبر پر فون کریں۔ 08000 193541**

For information in large print, audio, Braille or to request a signer to speak to us please contact 01724 296296

If you call in person at Local Links, libraries and leisure venues, staff can also contact a network of interpreters available 24 hours a day, seven days a week. They will also be able to arrange for translation of documents, publications and other information.

If you need any support in completing this form, please let us know as soon as possible.

North Lincolnshire Council is committed to treating everyone equally irrespective of gender, age, responsibility for dependants, creed, race, religion or ethnic origins, sexuality or disability.

Subject: Official complaint
From: "Vicky Haines" <
Date: 17/02/2021, 09:51
To: <

Dear Personnel Committee,

I wish to make yet another official complaint regarding Councillors England's conduct towards me as the Parish Clerk.

I feel that this has dramatically increased since I raised an official complaint with North Lincolnshire Council, November 2020.

I have suffered many months of bully from Councillor England via email and frequently in public council meetings, however during (Monday 15th and Tuesday 16th February 2021) the constant harassment of emails from Cllr England clearly questioning my capabilities and professionalism in my role has drastically increased (emails have been sent to you both).

This situation is now drastically affecting me on a personal level, my health and more concerning, my family life which is something I simply cannot allow to happen.

Due to the stress caused, I have no alternative to inform you that as of immediate effect, I will be taking sickness leave due to this extended harassment by Councillor England.

This is until further notice and I will supply a doctor's note should the length be longer than the self-certified days I am entitled to.

The council know how much I love my job so this decision has not been taken lightly!

I will ensure the parish council laptop is made available for the chair to conduct the schedule Extra-ordinary zoom meeting, to eliminate minimal disruption to the council during the clerks absence, however I will require the laptop to continue my CILCA training in my own time.

Vicky Haines

Parish Clerk and RFO

Goxhill Parish Council

Parish Rooms, Howe Lane, Goxhill, North Lincolnshire, DN19 7HS

Tel: 07834 418338

Email: ;

Statement by Councillor Samuel England, relating to the findings of the investigation SC 2010/10 & SC 2020/01

4 complaints lodged against myself were amalgamated and investigated together. Each complaint alleged that I had breached North Lincolnshire Council's Code of Conduct, specifically sections 3.1. You must treat others with respect and courtesy, & 3.2. You must not bully or harass any person.

NLC have decided to find me guilty of breaching the Code of Conduct on the 3rd complaint only, and exonerated me from any wrongdoing or breach in the other 3 complaints.

The 3rd complaint by Miss Vicky Haines Clerk to Goxhill Parish Council is subjective, supported only by 3 emails, hearsay, personal opinion and anecdotal evidence.

NLC have stated that they have no evidence to suggest that any claims made by Miss Haines are factual.

I have been found guilty of breaching the code of conduct based on 3 emails sent to Miss Haines whom I contacted in a professional manner to highlight a Child Safeguarding issue at Goxhill Parish Council. I followed GPC policy, a policy which Miss Haines had written and that had been approved at a meeting presided over by Miss Haines. (Full Council Meeting July 4th 2019)

The emails that I sent to Miss Haines, the Clerk of Goxhill Parish Council, in her capacity as the **Designated Child Protection Person**, are published below.

The emails are factual and were sent to Miss Haines to highlight a child safeguarding concern as per the council's policy.

Email 1:

Dear Vicky

I am emailing you as both the Proper Officer of GPC and the Senior Child Protection Person at GPC.

I hope you are aware of the recent email exchanges between councillors, some suggesting and supporting the use of covert surveillance/ wildlife cameras in the park (Mike and Marion) and some advising against such behaviour (myself and Jack). (Freda has both supported and advised against)

I would hope that as our Senior Child Protection Person you have already advised Mike that he shouldn't be installing any cameras in a public place, even if he claims it is for wildlife purposes.

I haven't seen any comments from yourself on this matter in any capacity, so can only assume you have remained silent, when in my opinion you should be taking charge and advising councillors accordingly, for both their own protection and the protection of GPC.

Following suggestions made by Mike claiming he can film whoever he likes whenever he likes, without permission (adults or children) on the park/ playing field, I sought advice from the safeguarding lead at Baysgarth school and the Police on this matter.

The Safeguarding lead at Baysgarth School was shocked and disgusted at the idea of someone placing cameras in a public area, and would be keen to know if any students from her school were being secretly filmed by either an individual or GPC as an authority.

The Police Sergeant who called me yesterday evening (Sergeant Jamie Allen) was equally as shocked at this idea, especially as it was being suggested by an ex-police officer. I informed him of the content of Mike's emails and he clearly stated that Mike is wrong.

Even if Mike decides to install his personal cameras for his own personal use using PINAC as his reference point (PINAC are an American media group who predominantly film the police in the USA), as a body/ authority who have been made aware of his intent, and as he is the chair of the authority (GPC), the Parish Council itself would be at fault.

Sergeant Allen then stated that in order to install any sort of remote surveillance in any public location, GPC or an individual would need permission and licenses from the Data Commissioner and the whole process would need to be well documented and displayed.

Any attempt to secretly place surveillance equipment in a public area should be reported to the police and they will deal with the issue. Only with support from RIPA (Regulation of Investigatory Powers Act) would we or an individual be allowed to place cameras in a public place in order to gather evidence secretly. Sergeant Allen then stated that even if the issue was progressed this permission would not be granted.

He also mentioned that if cameras were found on the park and the public/ parents were made aware, this could be very damaging for GPC.

Sergeant Allen and his policing team are not planning to intervene in this matter at present, however has given me his contact details should I have any further concerns on this issue.

I feel I have done all I can for the moment to hopefully prompt a change in attitude from our chairman, and will leave it to you as the Proper Officer to advise your councillor accordingly.

If you would like to discuss this matter further, please don't hesitate to call me.

*Kind regards
Sam*

Reporting a child safeguarding concern to the Clerk of a council in their official capacity as Designated Child Protection Person.

The email is innocuous.

Miss Haines denied any knowledge of any incident I had highlighted or concern I raised, despite being copied into all previous emails.

Email 2:

Vicky

I can see that you have been copied in to every email regarding this issue. The email trail is titled MUGA Repair.

If you are claiming that you are unaware of Mike's suggestion to place a camera in the park, I find that hard to believe, however will forward you all the relevant emails so you can familiarise yourself with the conversations that have taken place recently via email.

I am alerting you to this issue and trust you will act appropriately.

Please could you respond to say you have read and received them.

*Kind regards
Sam*

This email is not contentious.
Innocuous again.

Email 3: Sent after Miss Haines, the Designated Child Protection Person treated my concerns as a disagreement between councillors and refused to act appropriately.

Dear Vicky

A very lengthy email in response to a child protection/ safeguarding concern I alerted you to as our designated child protection person, and not one reference to this issue whatsoever from yourself, ERNLCCA or the chairman (Mike).

You appear to be distancing yourself from your responsibility as our child safeguarding lead, which shows a lack of professionalism and understanding of basic child protection policy, in my opinion.

This is not a disagreement between councillors, this is me as an elected member of GPC alerting you to the worrying intent of another elected member of GPC to install covert cameras on GPC property, which is wrong on many levels.

To say I am disappointed is an understatement, and what is even worse is that there is still no indication from yourself or the chair to confirm that covert cameras will not be placed in the park/ playing field.

I feel that you and the chair are failing the electorate in your responsibilities in your roles as Designated Senior Child Protection person and Deputy Designated Child Protection Person, and I don't think ERNLCCA are the right body to be advising on this issue.

This issue is not about codes of conduct being broken, and further standards complaints to NLC Monitoring Officer. This is about whether we as an independent body can actually follow laws and protocol for the benefit of our electorate, and for the safeguarding of all users of all facilities we own and manage.

*Kind regards
Sam*

This is the final email I sent Miss Haines. It is in no way disrespectful or discourteous, and was in no way intended to cause upset.

I could not have reported my concerns to the other NAMED person on the child safeguarding policy, owing to the fact the other person was the subject of my concerns, Mike Gathercole.

Grave errors had taken place within Goxhill Parish Council and the people responsible for their rectifications (Miss Haines and Mike Gathercole) had not fulfilled their roles properly.

Sadly, at this point I became the focus of the issue. A complaint against me was lodged with NLC and was investigated.

The complaint itself was subjective and alleges misconduct and breaches of the Code of Conduct by me, based on personal opinion, not on facts.

I have in no way been insulting towards Miss Haines, and there is no evidence whatsoever to suggest I have been.

The complainant, Miss Haines states in her interview with NLC that she did not know she was the **Designated Child Protection Person** at Goxhill Parish Council. This is untrue, as I have already stated.

I was in attendance at the meeting on 4th July 2019 where Miss Haines presented a policy she had written to the council and proceeded to preside over a Parish Council Meeting where the Child Protection Policy she wrote was approved, signed and witnessed. (Minutes 1907/12)

Miss Haines states in her complaint:

"After enduring many months of bullying from Cllr Sam England both via email and in public council meetings has resulted in me taking sick leave due to stress"

This statement by Miss Haines is nonfactual. As I have already stated I have been exonerated from all other allegations and accusations where allegations of bullying have been cited.

The claim that Miss Haines had time off sick due to the nature of the emails she had received is also nonfactual. There is no evidence to suggest this ever happened, and no evidence to substantiate this claim has been forthcoming, according to both the investigating officer and their final report.

The findings of complaint number 3, a complaint from 1 person against another have been shared with all councillors in Goxhill. This is not fair or just.

This is not the proper way to publish the findings of any complaint.

In addition, no part of the investigation relating to complaints 1, 2 or 4 should be considered as part of complaint 3. This includes large parts of the report in which my conduct and character have been questioned.

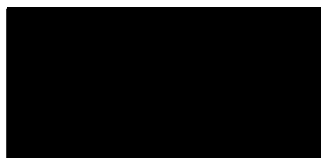
I respectfully request that North Lincolnshire Council retract their decision to find me guilty of breaching the Code of Conduct.

Any reference to a child safeguarding issue has been lost in the investigation, in the need to find me guilty of breaching the code of conduct.

Something, which the investigating officer told me **he felt under pressure to do.**

The complaint is vexatious, nonfactual and wholly subjective. It is not evidence based and is nothing more than a tool for Miss Haines to deflect from the fact she had herself not acted properly in her role as **Designated Child Protection Person** for Goxhill Parish Council.

Cllr Samuel England.



11/2/22

Norma Stevenson

From: [REDACTED]
Sent: 11 February 2022 13:42
To: [REDACTED]
Subject: Litigation Matter: Sam England
Attachments: NLC Statement.pdf

Dear David,

Please find attached the statement we discussed today, signed and dated.

I trust you will send this to NLC on my behalf.

The monitoring officer dealing with the complaint is Dean Gillon. His email is:
Dean.Gillon@northlincs.gov.uk

Please also act on my behalf to respond to the unreasonable request that I attend a hearings panel on either Monday 28 February at 5.00pm, or Friday 4th March at 10.30am.

North Lincs Council Democratic services are well aware that I am a teacher and work full time. I have offered my availability previously, but this appears to have been completely disregarded. NLC expect me to finish work after a long and stressful school day and then present myself to a hearings panel on Monday evening, 28th February, ill prepared and after rushing to meet their timetable. Should I be unable to meet this appointment they then expect me to take time off work to meet at 10.30am on Friday 4th March when I should be teaching.

I find these arrangements wholly unacceptable and ask at least that further dated in March be investigated.

I am surprised that the dates suggested above are so soon and my availability has been ignored. I am taking a school trip out of the country on Saturday 12th February and won't be back in England until Monday 21st February.

I have complied with the whole investigation, without exception, since it began in November 2020 and don't understand and don't appreciate the pressure NLC are now subjecting me to.

The person dealing with the hearings panel is also Dean Gillon. His email address is:
Dean.Gillon@northlincs.gov.uk

Kind regards
Sam England

Pre-hearing process – received 01/03/22. Cllr England.

Dear Dean

I am only contesting the 3rd complaint by Vicky Haines relating to the 3 emails I sent. 2 on 15/2/21 and one on 16/2/21 regarding the suggestion of placing secret cameras in the park in Goxhill and the reporting thereof to the responsible person (Vicky Haines), which was deemed as a breach of standards by Miss Haines, and subsequently by NLC Democratic services.

I am not contesting the findings of complaint 1 from Vicky Haines, complaint 2 from Mike Gathercole, supported by 6 other councillors and the interviews which followed, or complaint 4 from Freda Dunkley supported by Marion Stancer. I have not been found to have breached any code of conduct and have been exonerated from these 3 complaints. (see my statement).

The interviews conducted whilst investigating complaint 2 have no bearing whatsoever on complaint 3 and no findings from complaints 1,2 or 4 should be used to influence the panel whilst deciding the outcome of complaint 3.

Complaint 3 is by 1 person (Vicky Haines) against 1 councillor (Sam England) and should be dealt with as such. I hope this makes sense. I will call you to discuss as soon as I find time in my ever increasingly busy life.

Regarding a hearing date, please can you look at the fortnight of the Easter Holidays commencing 4th April.

Kind regards
Sam

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North Lincolnshire Council's 'Arrangements'
for dealing with standards allegations under the Localism Act 2011

1 Context

These "Arrangements" set out how to make a complaint that an elected or co-opted Member of this Council or of a Parish or Town Council in the area has failed to comply with the Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Code of Conduct.

Under Sections 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a Member or co-opted Member of the Council or of a Parish or Town Council in the area has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a Member or co-opted Member of a Parish or Town Council in the area against whom an allegation has been made.

2 The Code of Conduct

The Council has adopted a Code of Conduct for its Members, which is attached at Appendix 2 to these arrangements and is available for inspection on the Council's Website and on request from Reception at the Civic Offices.

Each Parish and Town Council is also required to adopt a Code of Conduct. (*The Parish and Town Councils within North Lincolnshire have all adopted the Council's Code of Conduct as at Appendix 2: to be determined*).

3 Making a complaint

If you wish to make a complaint, please complete the Model Complaint Form at Appendix 1. Please send your completed form to:

"The Monitoring Officer"
North Lincolnshire Council
Church Square House
30 - 40 High Street
SCUNTHORPE
DN15 6NL

Or -

standards@northlincs.gov.uk

The Monitoring Officer is a Senior Officer of the Council who has statutory responsibility for maintaining the Register of Members' Interests and is responsible for administering the system in respect of complaints of Member misconduct and is the Council's Proper Officer for such matters.

In order to ensure that we have all the relevant information which we need to be able to process your complaint, please complete the Model Complaint Form at Appendix 1, which can be downloaded from the Council's Website, next to the Code of Conduct, and is available on request from Reception at the Civic Offices. At this stage, we would ask that you confine your comments to the Model Complaint Form and limit the amount of supporting documents (if any) to those that are directly relevant and material to the complaint. If, on consideration of your complaint, further information/documentation is thought necessary, you will be asked to provide it and, if your complaint is the subject of investigation, the Investigating Officer will afford you the opportunity to provide further information/documentation in support of your complaint.

Please provide us with your name and a contact address or email address so we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this and the reason why, in the space provided on the Model Complaint Form.

As a matter of fairness and natural justice, a Member should usually be told who has complained about them. However, there may be exceptional circumstances where a complainant's identity should be withheld from disclosure such as where the complainant has reasonable grounds for believing they will be at risk of physical harm if their identity is disclosed or their employment may be placed at risk or there is a risk that any investigation may be impeded or interfered with. In such cases, the Monitoring Officer will refer the issue of disclosure to the Assessment Panel who, in reaching a decision on the issue, will carefully balance the public interest in ensuring that the Member complained of is aware of who has complained against them against the complainant's wish that their identity be withheld. The Council does not normally investigate anonymous complaints save where it considers the provisions in the Assessment Criteria at Appendix 3 on such complaints are met.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it. A full copy of your complaint will, subject to any ruling on disclosure, ordinarily be sent to the Member complained of inviting their written comments within 10 working days. Thereafter, arrangements will be made for your complaint to be assessed as soon as practicable in accordance with the procedures detailed in paragraph 4.

It should be noted that complaints which allege that Members may have committed a criminal offence in breaching the 'disclosable pecuniary interest' provisions under Section 34 of the Localism Act 2011, will be referred by the Monitoring Officer to Humberside Police for consideration, in accordance with the Protocol at Appendix 8.

4 Will your complaint be investigated?

For complaints concerning Members of Parish and Town Councils, where those Members are not also Members of North Lincolnshire Council, ordinarily the Monitoring Officer will assess such complaints against the Assessment Criteria at Appendix 3 and, after consultation with the Independent Person, take a decision as to whether a formal investigation is merited.

The Monitoring Officer may, however, in his discretion refer complaints to an Assessment Panel to assess where he feels it reasonable and appropriate to do so such as where the Monitoring Officer has had prior involvement in the complaint.

For complaints concerning Members of North Lincolnshire Council (or where the Monitoring Officer has exercised his discretion to refer a Parish and Town Council related complaint) either in their capacity as Parish or Town Council Members or as Members of the Council, an Assessment Panel will be convened to assess whether the complaint should be investigated. In considering the matter, the Assessment Panel shall consult and consider the views of the Independent Person and apply the Assessment Criteria.

Decisions on whether a complaint will be investigated will normally be taken within 28 days of receipt of the complaint. A formal notice of decision will be issued in each case. The decision of the Monitoring Officer or Assessment Panel is final and is not subject to a right of appeal.

Where the Monitoring Officer or the Assessment Panel requires additional information in order to come to a decision, you may be contacted to provide such further information, as may the Member against whom your complaint is directed.

Where your complaint relates to a Member of a Parish or Town Council, the Monitoring Officer may also inform the Clerk of the Parish or Town Council concerned of your complaint and seek the views of the Parish or Town Council before deciding whether the complaint merits formal investigation

In appropriate cases, the Monitoring Officer or Assessment Panel may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology or the complaint maybe considered suitable for mediation or such other remedial action by the Council. Where the Member concerned makes a reasonable offer of informal resolution such as an apology or agrees for the complaint to be mediated but you are not willing to accept that offer, the Monitoring Officer or the Assessment Panel will take this into account in deciding whether the complaint merits formal investigation.

5 How is the investigation conducted?

If the Monitoring Officer or Assessment Panel decides that a complaint merits formal investigation, the Monitoring Officer will appoint an Investigating Officer, who may be another Senior Officer of the Council, an Officer of another Council or an external investigator.

The Council has adopted a model procedure for the investigation of complaints, which is attached at Appendix 4 together with explanatory flowchart. Ordinarily the Council would hope that investigations will take no more than 6 months to complete from the date the decision to investigate is taken. This will very much depend on the facts of each complaint and some investigations may be concluded earlier and others may take longer.

It is vital to the timely completion of investigations that you, as the complainant, and the subject Member under investigation, comply with the reasonable requirements of the Investigating Officer in terms of interview attendance and supplying relevant documents. If you, as the complainant, do not the Investigating Officer may deem that you no longer wish to proceed with the complaint and refer the matter back to the Monitoring Officer or Assessment Panel for direction as to whether the investigation should be terminated. Similarly if the subject Member does not comply, the Investigating Officer will proceed to determine the investigation in the absence of their contribution and may draw an adverse inference from their non-cooperation.

The Investigating Officer will normally carry out the investigation in accordance with the model procedure detailed at Appendix 4 although may decide to depart from this if the circumstances of the complaint warrant it.

As an initial step, and subject to any ruling on disclosure, the Investigating Officer may write to the subject Member at the beginning of the investigation to see if the subject Member still wishes to contest the complaint. Subject to this the investigation will ordinarily follow the model procedure at Appendix 4.

At the end of the investigation, the Investigating Officer will produce a draft report and will send copies of the draft report, in confidence, to you and to the Member concerned to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

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

It should be noted that at any time during an investigation, the Investigating Officer may, following consultation with the Independent Person, refer the matter back to an Assessment Panel for re-consideration as to whether the investigation should proceed if the Investigating Officer considers that the Re-consideration Criteria in Appendix 3 are satisfied.

6 What happens if the 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 consult with the Independent Person thereon. If having done so the Monitoring Officer is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned and to the Parish or Town Council on which the Member serves, notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to re-consider his/her report.

7 What happens if the 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 after consulting the Independent Person will consider whether Local Resolution should be attempted or the matter proceed direct to hearing before the Hearings Panel.

7.1 Local Resolution

The Monitoring Officer will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology or the complaint being referred for mediation or such other remedial action as is considered appropriate in the circumstances. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee and the Member's Council for information but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate or the Member concerned does not accept that the matter should be resolved in such a manner, the Monitoring Officer will refer the matter for a hearing before the Hearings Panel.

7.2 Hearings Panel

If the Monitoring Officer considers that Local Resolution is not appropriate or you are not satisfied by the proposed resolution, or the Member concerned does not accept that the matter should be resolved in such a manner, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a Hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the failure.

In readiness for the convening of the Hearings Panel, the Monitoring Officer will conduct a written "pre-hearing process", requiring the Member concerned to give their response to the Investigating Officer's report in order to identify what is likely to be agreed and what is likely to be in contention at the Hearing.

If, through the "pre-hearing process", the Member concerned accepts the Investigating Officer's report, they will be given the opportunity to provide a statement of mitigation

which they may invite the Hearings Panel to consider in their absence. Alternatively, they may elect to attend a Hearings Panel to present their mitigation. In either case, the 'uncontested' hearing procedure will be followed as set out at Appendix 5.

Where, following the "pre-hearing process", the Investigating Officer's report remains in contention, the matter will be set down for a 'contested' hearing before the Hearings Panel. The 'contested' hearing procedure will be followed as set out at Appendix 6. In essence, 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 Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you, as the complainant, to attend and give evidence to the Hearings Panel. Unless called to do so by the Investigating Officer, you do not have the right to address the Hearings Panel of your own volition. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct. The Member may be represented legally or otherwise at the Hearings Panel.

The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct and so dismiss the complaint. If the Hearings Panel concludes that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should recommend as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the Member an opportunity to make representations to the Panel and will consult the Independent Person but will then decide what action, if any, to take in respect of the matter.

8 What action can the Hearings Panel take where a Member has failed to comply with the Code of Conduct?

The Council has delegated to the Hearings 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 Hearings Panel may -

- 8.1 Write to the Member over their conduct;
- 8.2 Publish its findings in the local media in respect of the Member's conduct;
- 8.3 Report its findings to the Council or to the Parish or Town Council concerned;
- 8.4 Recommend to the Member's Group Leader (or in the case of ungrouped Members, recommend to the Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.5 Recommend to the Leader of the Council that the Member be removed from the Cabinet or removed from particular Portfolio responsibilities;

- 8.6 Instruct the Monitoring Officer to, or recommend to the Parish or Town Council concerned that it, arrange training for the Member;
- 8.7 Recommend removal, or recommend to the Parish or Town Council concerned removal, of the Member from all outside appointments to which he/she has been appointed or nominated by the Council or the Parish or Town Council;
- 8.8 Withdraw, or recommend to the Parish or Town Council concerned that it withdraws, facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- 8.9 Recommend that any aspects of the complaint that are considered suitable be referred for mediation between the parties; or
- 8.10 Exclude, or recommend to the Parish or Town Council concerned that it excludes, the Member from the Council's Offices or other premises 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 Member or to withdraw a Member's basic allowance or any special responsibility allowances.

9 What happens at the end of the Hearing?

At the end of the Hearing, the Chair will state the decision of the Hearings Panel as to whether the Member has failed to comply with the Code of Conduct and as to any action which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel and send a copy to you, to the Member and to any Parish and Town Council concerned and make such decision notice available for public inspection and report the decision to the next convenient Meeting of the Standards Committee.

The decision of the Hearings Panel is final and is not subject to a right of appeal.

10 Who are the Assessment and Hearings Panel?

The Assessment Panel and the Hearings Panel are Sub-Committees of the Council's Standards Committee. The Standards Committee has decided that each of those Panels will comprise a maximum of 3 elected Members of the Council's Standards Committee drawn from at least 2 different political Parties. Subject to those requirements, they are appointed on the nomination of Party Group Leaders in proportion to the strengths of each Party Group on the Council. Co-opted, non-voting Members of the Standards Committee may be asked to sit on such Panels.

The Independent Person is invited to attend all Meetings of the Assessment Panel and the Hearings Panel and his/her views are sought and taken into consideration before

the Monitoring Officer or Assessment Panel takes any decision on whether a complaint should be investigated. The Hearings Panel will seek the Independent Person's views on whether a 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.

11 Who is the Independent Person?

The Independent Person is a person who has applied for the Post following advertisement of a vacancy for the Post and is then appointed by a positive vote from a majority of all the Members of the Council.

A person cannot be "independent" if he/she -

- 11.1 Is, or has been within the past 5 years, a Member, co-opted Member or Officer of the Council;
- 11.2 Is, or has been within the past 5 years, a Member, co-opted Member or Officer of a Parish or Town Council within the Council's area; or
- 11.3 Is a relative or close friend of a person defined at paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
 - 11.1.1 Spouse or civil partner;
 - 11.1.2 Living with the other person as husband and wife or as if they were civil partners;
 - 11.1.3 Grandparent of the other person;
 - 11.1.4 A lineal descendent of a grandparent of the other person;
 - 11.1.5 A parent, sibling or child of a person defined at paragraphs 11.3.1 or 11.3.2;
 - 11.1.6 A spouse or civil partner of a person defined at paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 11.1.7 Living with a person defined at paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12 Revision of these arrangements

The Standards Committee may amend these arrangements.

The Chair of any Assessment Panel or Hearings Panel may, following consultation with the Independent Person, depart from the procedures detailed herein where he/she considers it is expedient to do so in order to secure the effective and fair consideration of any matter, including the convention of an external panel where Members are conflicted.

For the avoidance of doubt, Members who have sat on an Assessment Panel are not precluded from sitting on a subsequent Hearings Panel called to determine the same complaint as considered by the Assessment Panel.

If the Monitoring Officer considers that he may be conflicted in the discharge of these arrangements, he may delegate such matters to a Deputy Monitoring Officer to discharge.

13 Appeals

There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer, the Assessment Panel or the Hearings Panel.

If you feel that the Council has failed to deal with your complaint in accordance with these arrangements, you may make a complaint to the Local Government Ombudsman.

Appendix 1	Model Complaint Form
Appendix 2	The Council's Code of Conduct
Appendix 3	Assessment Criteria
Appendix 4	Procedure for Investigations
Appendix 5	'Uncontested' hearing procedure
Appendix 6	'Contested' hearing procedure
Appendix 7	Overview of process
Appendix 8*	Protocol reporting potential criminal offences

Will Bell
Monitoring Officer
April 2012

* as amended on 18 January 2017 by the Standards Committee



COMPLAINT FORM MEMBER(S) CONDUCT

Your details

1. Please provide us with your name and contact details:

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the monitoring officer of the authority
- the parish or town clerk (if applicable)
- the council's Independent Person (if required)
- members of the Assessment Panel or Hearings Panel convened to consider your complaint
- **officers involved in mediation (if applicable)**

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ()

Making your complaint

Once your complaint has been received a decision will be taken in accordance with the council’s published arrangements as to what action, if any, should be taken on it. (Link) You will not have the opportunity to attend a meeting at this stage. It is important that you provide information that you want taken into account as part of your complaint.

Please refer to the council’s published arrangements (link) under the heading “Making a complaint” which explains how your complaint will be dealt with.

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

It is important that you provide a summary of the information you wish to have taken into account (within the space provided below) so a decision can be made, in accordance with the published arrangements, whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please indicate which paragraphs of the Code of Conduct you consider the member(s) to have breached by ticking the appropriate box(es)..

- 3.1** “ You must treat others with respect and courtesy”
- 3.2** “You must not bully or intimidate any person”.
- 3.3** “You must not do anything which may cause the Council to breach any equality laws.”
- 3.4** “You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute. “
- 3.5** “You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law”.
- 3.6** “You must act solely in the public interest and not use or attempt to use your position as a Member improperly to confer or secure for yourself or any other person an advantage or disadvantage”.
- 3.7** “You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council”.
- 3.8** “You must only use, or authorise the use of the Council’s resources for proper purposes (regard being had to any applicable Local Authority Code of Publicity) and in accordance with the Council’s procedural and policy requirements”.
- 3.9** “You must not disclose information which is given to you in confidence, or information which you believe, or ought to be aware, is of a confidential nature, except where:

- a) You have the consent of the person authorised to give it;
- b) You are required to do so by law;
- c) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that third party agrees not to disclose the information to any other person;
- d) The disclosure is reasonable in the public interest, made in good faith, and that you have consulted the Monitoring Officer.”

4, 6 or 7 (Interest requirements re Personal, Prejudicial or Disclosable Pecuniary Interests)

4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

Please provide us with details of your complaint (within the space provided)

Please explain what steps, if any, you have taken to resolve this complaint directly with the member concerned?

Would you be prepared to engage in mediation with the member concerned, if considered appropriate, to try and resolve the complaint?

Yes

No

If you answered no please state reason why below:

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Mediation is a way of resolving disputes with the assistance of an independent mediator who will try and help the parties reach a solution to the dispute that both parties are agreeable to. The independent mediator will avoid taking sides, making judgements or giving guidance. They are simply responsible for developing effective communications between the parties with a view to a common sense settlement being arrived at. Mediation is a voluntary process and will only take place if the parties agree and remains confidential to the parties involved.

Only complete this next section if you are requesting that your identity is kept confidential

- 5.** In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reasons.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

6. Additional Help

Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

The council has an interpretation service for people who don't speak English. Just call the hotline number for your language. This connects you to an interpreter who will speak to the council for you and tell you what they say.

No English?

For information please call:

08000 193530 للحصول على المزيد من المعلومات اتصل بـ: (Arabic)

তথ্যগুলি বাংলায় জানতে হলে এই নম্বরে ফোন করুন: 08000 193531 (Bengali)

欲知粵語版的消息, 請致電: 08000 193532 (Cantonese)

हिन्दी में जानकारी के लिये 08000 193533 पर फोन करें (Hindi)

بۆ زانیاری به کوردی سۆزانی تەلەفۆن بۆ ژماره 08000 193537 بکە. (Kurdish Sorani)

Para mais informação em português contacte-nos através do telefone 08000 193538 (Portuguese)

ਪੰਜਾਬੀ ਵਿਚ ਜਾਣਕਾਰੀ ਲਈ 08000 193539 'ਤੇ ਫੋਨ ਕਰੋ (Punjabi)

"Warbixinta oo af Soomaali ah wac 08000 193540" (Somali)

08000 193541 - اردو میں انفارمیشن کے لیے اس ٹیلیفون نمبر پر رابطہ کریں۔ (Urdu)

For information in large print, audio, Braille or to request a signer to speak to us please contact 01724 296296

If you call in person at Local Links, libraries and leisure venues, staff can also contact a network of interpreters available 24 hours a day, seven days a week. They will also be able to arrange for translation of documents, publications and other information.

If you need any support in completing this form, please let us know as soon as possible.

North Lincolnshire Council is committed to treating everyone equally irrespective of gender, age, responsibility for dependants, creed, race, religion or ethnic origins, sexuality or disability.

ASSESSMENT CRITERIA

Stage 1 Criteria

Before the assessment of a complaint begins, the Monitoring Officer or Assessment Panel must be satisfied that the complaint meets the following requirements:

- (i) It is a complaint against one or more named Members of the Council or a Parish or Town Council within the area;
- (ii) The named Member or Members were in Office at the time of the alleged conduct and acting in their official capacity; and
- (iii) The complaint, if proven, would be a breach of the Council's Code of Conduct in force at the relevant time.

If the complaint fails any one of these tests, it cannot be investigated as a breach of the Council's Code of Conduct and the complainant must be informed that no further action can be taken in relation to the complaint. If it passes all three tests then it can be assessed according to the criteria set out below.

Stage 2 Criteria

The Monitoring Officer or Assessment Panel is/are unlikely to refer a complaint for investigation where it falls into any of the following categories:-

- (a) The complaint appears to be vexatious, malicious, politically motivated, relatively minor, insufficiently serious, tit-for-tat, or there are other reasons why an investigation may not be in the public interest.
- (b) The same, or substantially similar, complaint has already been the subject of assessment or investigation and there is nothing more to be gained by further action being taken.
- (c) It appears that the complaint concerns or is really about dissatisfaction with a Council decision or policy rather than a breach of the Code of Conduct.
- (d) There is not enough information currently available to justify a decision to refer the matter for investigation.

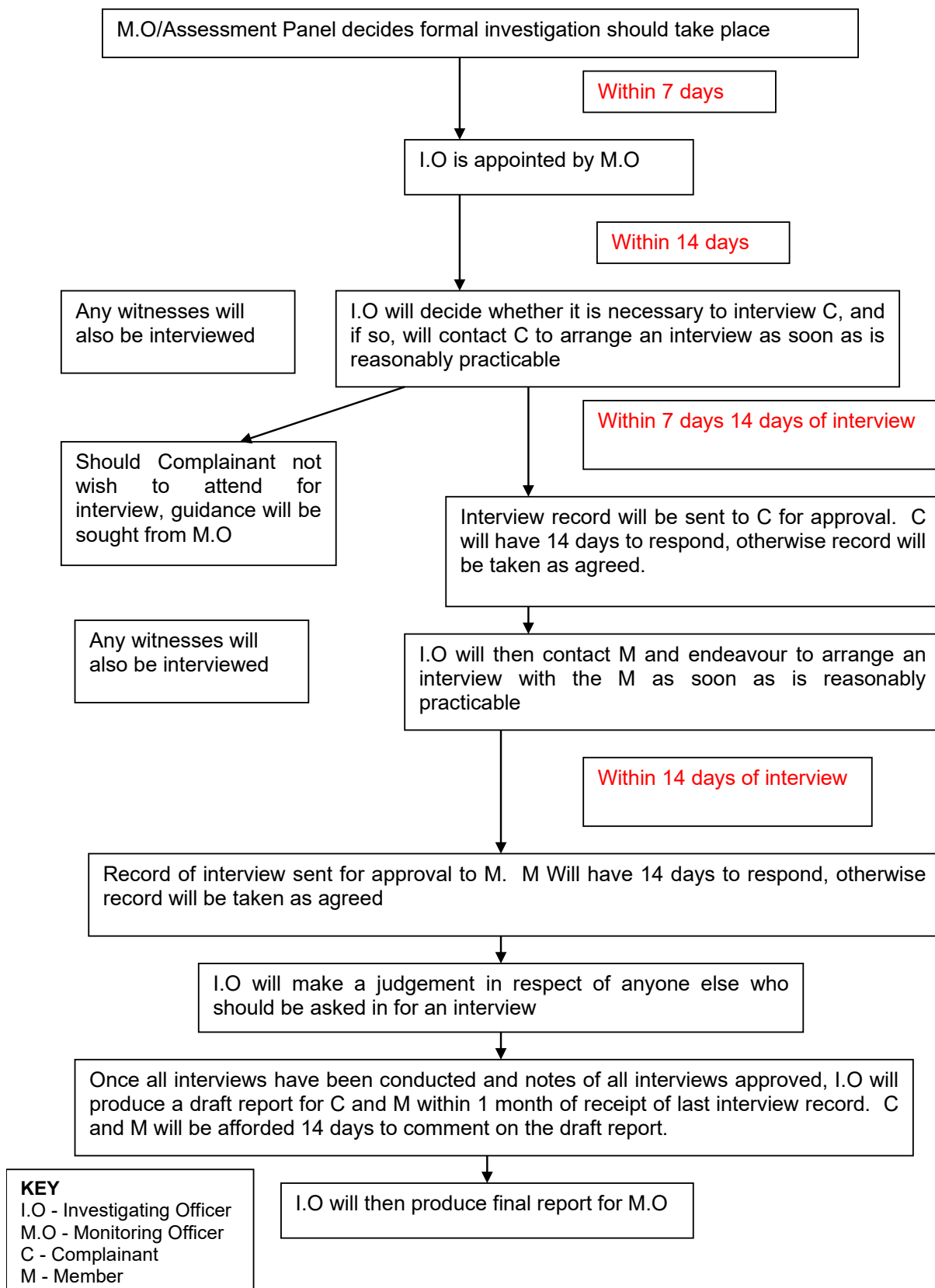
- (e) The complaint is about someone who has died, resigned, is seriously ill or is no longer a Member of the Council concerned and therefore it is not in the public interest to pursue.
- (f) Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter and it is considered in the public interest that it be investigated.
- (g) Where the event/s or incident/s took place more than 6 months prior to the date of complaint being received or where those involved are unlikely to remember the event/s or incident/s clearly enough to provide credible evidence.
- (h) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter and where independent evidence is likely to be difficult or impossible to obtain.
- (i) If it is considered that the subject Member has offered a satisfactory remedy to the complainant (for example by apologising) or the complaint is capable of other informal resolution such as mediation and the Member complained of is amenable to such approach.
- (j) If it is satisfied that having regard to the nature of the complaint and the level of its potential seriousness, the public interest in conducting an investigation does not justify the cost of such an investigation.
- (k) Where the allegation discloses a potential breach of the Code of Conduct but it is considered that the complaint is not serious enough to warrant any further action and:
 - the Member and Officer resource needed to investigate and determine the complaint is wholly disproportionate to the matter complained about; or
 - **in all the circumstances there is no overriding public benefit or interest in carrying out an investigation.**

RE-CONSIDERATION CRITERIA

The Investigating Officer may, following consultation with the Independent Person, refer an investigation to an Assessment Panel for re-consideration as to whether the investigation should proceed where:

- As a result of new evidence or information, the Investigating Officer is of the opinion that the matter is materially less serious than may have seemed apparent to the Monitoring Officer or Assessment Panel when the decision was made to refer the complaint for investigation, and a different decision may have been made had either the Monitoring Officer or Assessment Panel been aware of the new evidence or information;
- The Member who is the subject of the allegation has died, is seriously ill or has resigned from the Council concerned and in the circumstances the Investigating Officer is of the opinion that it is no longer appropriate to proceed with the investigation; or
- Other circumstances arise, which in the reasonable opinion of the Investigating Officer, render it appropriate for the investigation to be referred to an Assessment Panel for re-consideration.

PROCEDURE FOR INVESTIGATIONS



**STANDARDS COMMITTEE
OUTLINE PROCEDURE FOR HEARINGS PANEL (UNCONTESTED)**

Preliminary Procedural Issues

1. Introductions.
2. Declarations of Interest (if any).
3. To consider any request for the exclusion of Press and Public.

Breach of the Code of Conduct

4. Monitoring Officer (or his/her representative) to present summary report, including the findings of fact made by the Investigating Officer, and refer to outcome of pre-hearing process.
5. Views of the Independent Person sought.
6. Members of the Panel to raise/clarify issues.
7. The Panel will retire, along with the Monitoring Officer, to determine whether there has been a breach of the Code of Conduct. The Panel's decision will be reported back to the meeting by the Head of Democratic Services.

Action to be taken

8. Monitoring Officer (or his/her representative) to outline possible sanctions.
9. Investigating officer to make submissions on appropriate sanction, if any.
10. Member or (his/her representative) to present statement of, or provide oral, mitigation, including on what sanction, if any, should be imposed.
11. Views of the Independent Person sought.
12. Members of the panel to raise/clarify issues.
13. The Panel will retire, along with the Monitoring Officer, to consider what sanction, if any, should be imposed. The Panel's decision will be reported back to the meeting by the Head of Democratic Services.

Close of Hearing

**STANDARDS COMMITTEE
OUTLINE PROCEDURE FOR HEARINGS PANEL (CONTESTED)**

Preliminary Procedural Issues

1. Introductions.
2. Declarations of Interest (if any).
3. To consider any request for the exclusion of Press and Public.

Findings of Fact

4. Monitoring Officer (or his/her representative) to present summary report and refer to outcome of pre-hearing process.
5. Investigating Officer to present report and call such witnesses as he/she considers necessary to substantiate his/her conclusion(s) within the report.
6. Member (or his/her representative) to raise/clarify issues with the Investigating Officer, including the questioning of the Investigating Officer's witnesses.
7. Members of the Panel to raise/clarify issues with the Investigating Officer, including the questioning of the Investigating Officer's witnesses.
8. Member (or his/her representative) to present their case and call such witnesses as he/she considers necessary.
9. Investigating Officer to raise/clarify issues with the Member (or his/her representative), including the questioning of the Member's witnesses.
10. Members of the Panel to raise/clarify issues with the Member (or his/her representative), including the questioning of the Member's witnesses.
11. Views of the Independent Person sought.
12. Members of the Panel to raise/clarify issues with the Independent Person.
13. The Panel will retire, along with the Monitoring Officer, to determine its findings of fact. The Panel's decision will be reported back to the meeting by the Head of Democratic Services.

Breach of the Code of Conduct

14. The Panel will need to consider whether or not, based on the facts it has found, the Member has breached the Code of Conduct.

15. Investigating Officer to address the Panel on whether the facts found constitute a breach of the Code of Conduct.
16. Member (or his/her representative) to address the Panel as to why the facts found do not constitute a breach of the Code of Conduct.
17. Views of the Independent Person sought.
18. Members of the Panel to raise/clarify issues.
19. The Panel will retire, along with the Monitoring Officer, to determine whether there has been a breach of the Code of Conduct. The Panel's decision will be reported back to the meeting by the Head of Democratic Services.

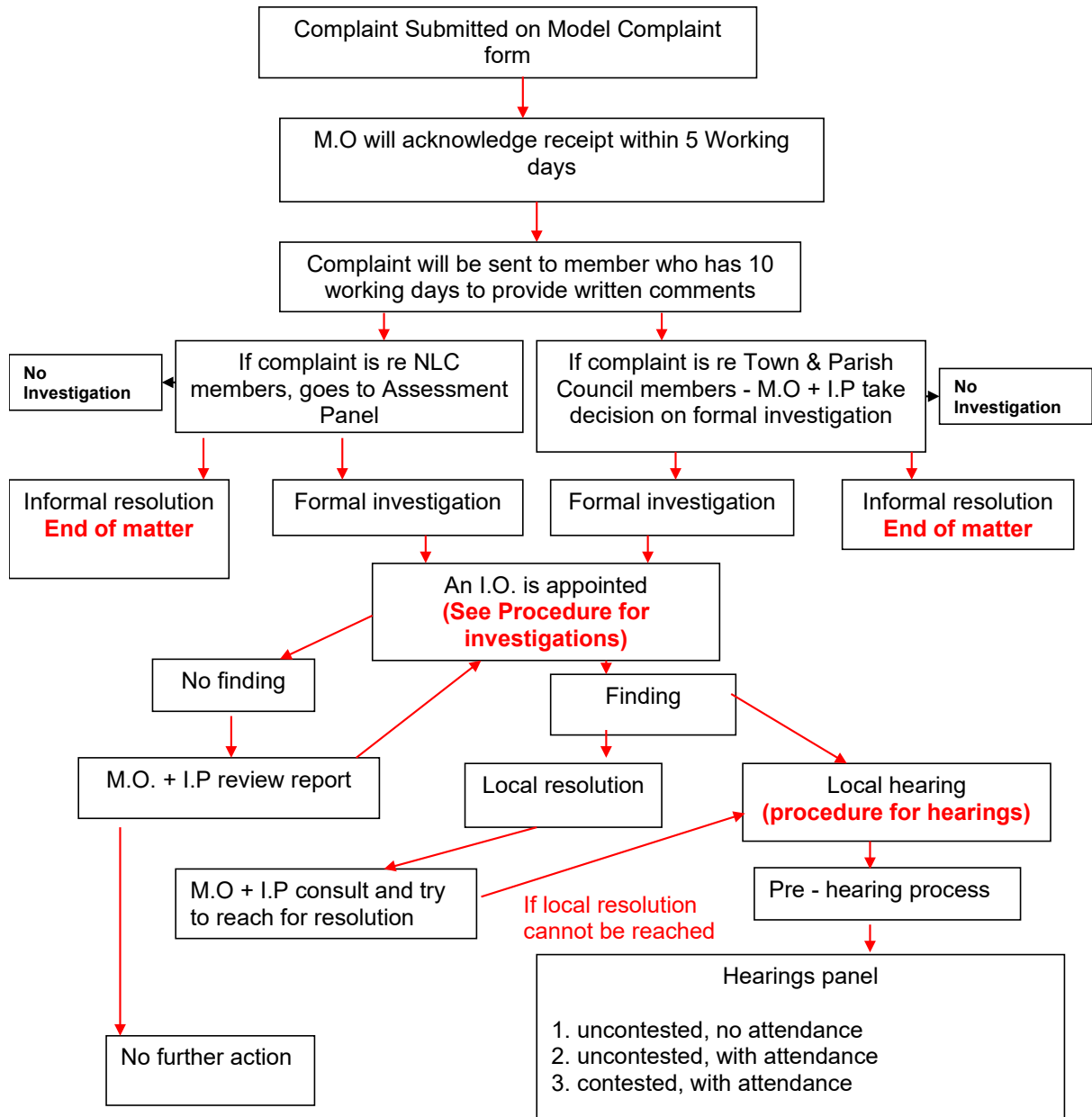
(If the Panel determine that there has been no breach of the Code of Conduct, the complaint will be dismissed. If, however, the Panel determine that there has been a breach of the Code of Conduct, the procedure at paragraph 20 will apply).

Action to be taken

20. The Panel will need to determine what sanction, if any, should be imposed as a result of the Member's breach of the Code of Conduct.
21. Monitoring Officer (or his/her representative) to outline possible sanctions.
22. Investigating officer to make submissions on appropriate sanction, if any.
23. Member (or his/her representative) to make submissions on whether any sanction should be imposed.
24. Views of the Independent Person sought.
25. Members of the panel to raise /clarify issues.
26. The Panel will retire, along with the Monitoring Officer, to consider what sanction, if any, should be imposed. The Panel's decision will be reported back to the meeting by the Head of Democratic Services.

Close of Hearing

OVERVIEW OF NLC PROCESS



PROTOCOL
BETWEEN
NORTH LINCOLNSHIRE AND NORTH EAST LINCOLNSHIRE COUNCIL
MONITORING OFFICERS
AND
HUMBERSIDE POLICE

Purpose - To agree a protocol for the reporting of potential criminal offences arising under Section 34 of the Localism Act 2011 concerning the registration and/or disclosure of Disclosable Pecuniary Interests (DPIs) (as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012).

1. In the event that a Monitoring Officer receives a complaint regarding a potential DPI offence they will make immediate contact with Humberside Police through the nominated single point of contact.
2. Similarly if Humberside Police receives a complaint they will inform the relevant Monitoring Officer (each authority will be responsible for providing up to date contact details of their appointed Monitoring Officer from time to time).
3. Humberside Police will register the complaint and conduct an initial assessment of the complaint but may approach the relevant Monitoring Officer for background information on the complaint.
4. If Humberside Police decide not to prosecute the matter they will normally pass the relevant evidence to the relevant Monitoring Officer so that consideration can be given to a Code of Conduct breach being pursued. In the event that the relevant Council decides to pursue a Code of Conduct breach they will inform Humberside Police of their decision.
5. Both the relevant Monitoring Officer and Humberside Police will endeavour to keep complainants regularly updated as to the progress of complaints.