

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