

Final Report

SBE Complaint No: 2008/01

CONFIDENTIAL

1. Introduction

- 1.1 This report has been commissioned by North Lincolnshire Council's Monitoring Officer following a referral to him from the Standards Board for England ('SBE') under section 60(2) of the Local Government Act 2000, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended by the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004.
- 1.2 The SBE referred the matter to the Monitoring Officer on 5 June, 2008. On 7 July, 2008 an Assessment Sub-Committee of the Council's Standards Committee considered the complaint and in accordance with Section 57(A) (2) of the Local Government Act, 2000, as amended, decided to refer the allegation for investigation.
- 1.3 The investigation was conducted pursuant to the provisions of the above Regulations. The investigator had to determine which paragraphs of the Code were relevant during the course of the investigation. However, the sub-committee had regards to paragraphs 3(1) (treating others with respect), 3(2) (b) (bullying and intimidation) and 5 (disrepute).
- 1.4 This is the final report and will be sent to North Lincolnshire Council's Standards Committee for consideration.
- 1.5 In preparing this report I have been assisted by my colleague, Lesley Barley, who has taken shorthand notes of the interviews undertaken.

2. Nature of the Allegation

- 2.1 On 5 June 2008 Mrs Pauline Coyle submitted a complaint to the Standards Board for England (SBE) concerning the alleged conduct of Councillors Sarah Harriman, Norman Smith, Glen Siddall-Butchers and David Oliver, members of Bonby Parish Council.
- 2.2 The complaint was referred in its entirety to the Monitoring Officer for local investigation under the new regulations referred to in paragraph 1.1. The nature of the allegation so referred is as follows:

A leaflet had been distributed to persons present at Bonby's annual parish meeting held on 15 May, 2008. The leaflet bore the names of the four members set out in paragraph 2.1. In the complainant's view, although she was not named in the leaflet, as the proprietor of the only shop in the village, she could be easily identified as being the target of a number of references which she regarded as bringing her character, integrity and honesty into question and ridicule. She also considered this as an attempt to intimidate and bully (her) into not having a democratic voice. Mrs Coyle

had always sought only to question and enquire into legitimate parish council business at parish council meetings. The comments she had made had, so far as she was concerned, always been treated as constructive, some of her suggestions had been taken on board and so for parish councillors to now attempt to stifle and show her in a bad light was hurtful and intimidating. As a result Mrs Coyle feared attending parish council meetings in the future because with a small business to run any further 'bad publicity' could potentially harm her. She also felt humiliated and her confidence had been severely shaken. The attack on her was malicious, totally unwarranted and she felt that for a democratic, representative body to distribute the leaflet throughout the village could bring the parish council into disrepute and make them a laughing stock. Mrs Coyle had written to the parish council expressing her disappointment.

3. Code of Conduct

- 3.1 Bonby Parish Council had adopted the Model Code of Conduct for Members.
- 3.2 The Assessment Sub-Committee asked the Investigator to determine which paragraphs of the code were relevant during the investigation. However the sub-committee had regard to the following paragraphs:

Paragraph 3(1)

A member must treat others with respect.

Paragraph 3(2) (b)

A member must not bully any person.

Paragraph 5

A member must not conduct himself/herself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

4. Methodology and Interviews Undertaken

- 4.1 All interviews were undertaken at Pittwood House in my presence. My colleague, Lesley Barley who took shorthand notes, accompanied me at each interview. Such notes were subsequently produced into a written record of the interview, which was subsequently sent to each interviewee to check and sign as a true and accurate record of their interview with us. Each interviewee was afforded the opportunity to be accompanied at the interview.
- 4.2 In relation to the interviews with Mr Glen Siddall-Butchers and Mr Norman Smith, Mr Andrew Pascoe, a local solicitor accompanied the two councillors. Sarah Monaghan, a council solicitor also sat in on the interview with Mr Siddall-Butchers and Mr Norman Smith.
- 4.3 I confined my offer of interview to those persons identified as being material to the investigation. Hearsay evidence has not been relied upon.

4.4 Accordingly I offered interviews to the following people:

- (a) Mrs Pauline Coyle, the complainant, on 5 November, 2008.
Signed interview record received on 2 December, 2008.
- (b) Parish Councillor Mrs Sarah Harriman on 14 January, 2009.
Signed interview record received on 23 April, 2009.
- (c) Parish Councillor Mr Glen Siddall-Butchers on 10 February 2009.
Signed interview record received on 14 April, 2009.
- (d) Parish Councillor Mr Norman Smith on 10 February, 2009.
Signed interview record received on 1 April, 2009.
- (e) Parish Councillor Mr David Oliver on 12 February, 2009.
Signed interview record received on 16 March, 2009.

4.5 In addition to undertaking the aforementioned interviews I have also considered the following documents: (Copies attached)

- Correspondence attached to Mrs Coyle's complaint form including a letter to the SBE, a copy of a leaflet distributed to Bonby's annual parish meeting on 15 May entitled "the Parish Councillors would like to respond to 'the alternative view' and point out a few facts that might interest the village", a letter to the parish council and a letter of support for Mrs Coyle from a resident of the village. - **See Appendix A**
- A document entitled 'What Bonby Parish Council does for you!? the Alternative View'. - **See Appendix B**
- A copy of a newspaper article about Mrs Coyle's plans for a 'Drop in for Coffee at the Post Office'. - **See Appendix C**
- A copy of a Planning Application Enquiry in relation to Mrs Coyle's application for planning permission for the additional use of the front part of the post office as a coffee house. - **See Appendix D**
- A statement entitled 'Reply to Complaint' submitted by Mr Glen Siddall-Butchers prior to his interview. - **See Appendix E**
- A bundle of e-mails, letters and other correspondence produced to me at Mr Glen Siddall-Butchers interview. - **See Appendix F**
- A statement submitted by Mr Norman Smith prior to his interview. - **See Appendix G**

5. The Evidence

Summarised below are what I consider to be the salient points arising from each interview.

(a) Mrs Pauline Coyle - Interviewed on 5 November, 2008

- 5.1 Mrs Coyle explained the nature of the complaint. She stated that she had attended the annual parish meeting on 15 May, 2008 as a member of the public. The meeting room was full when she arrived. She was handed a leaflet entitled "a response to the alternative view" and read through it. On reading the leaflet her first thought was "that's me" (referring to the bullet points on page 2 of the document). She also said "I did not want to look up and thought everyone was looking at me. What have I done"? She found the document humiliating, especially the comment about when she had stood for election and received 29 votes out of 400 - this "made me look a fool".
- 5.2 Mrs Coyle explained how each of the five bullet points set out on page 2 of the response to the alternative view related to her and therefore how easily she could be identified.
- 5.3 The first bullet point referred to a person moving into the village and immediately submitting a planning application which could potentially deprive the village of its shop. She stated that as her shop was the only one in Bonby this clearly referred to her. The planning application was to enable the shop to be used for mixed purposes i.e. as a post office and coffee house. There was never any intention to close the shop. She had submitted a copy of the planning application and a copy of an article published in the Scunthorpe Telegraph about the dual use of the shop. (Copies appended to this report). The planning application had been considered by the parish council who had raised no objections.
- 5.4 The second bullet point referred to a person standing for the parish council during an election and polling 29 out of 400 votes. Mrs Coyle explained that she had once stood for election and had indeed received 29 votes out of the 400 cast. This was therefore a clear reference to her.
- 5.5 The third bullet point was in reference to a person objecting to the creation of a car park in the playing field which would mean that traffic would continue to block roads in the village with the potential for emergency services vehicles not being able to access emergencies. Mrs Coyle stated that she had objected to the proposal but had pointed out that this objection related only to half of the car park. Again this was a clear reference to her.
- 5.6 The fourth bullet point referred to a person publicly saying that the parish council should be replaced by an unelected village council. Mrs Coyle indicated that she had in the past suggested that residents groups or committees should discuss issues within the parish. This was her personal opinion and, in fact, had been seen as a good idea by one parish councillor who is now the chairman of the council.
- 5.7 The fifth and final bullet point referred to a person choosing to make accusations about the council, which are plain wrong, who does not even have the courage to put their name to the document. This was a reference to a document previously circulated within the parish entitled "What Bonby Parish Council does for you - the alternative view". Mrs Coyle stated that she had contributed to two of the elements of the

document but was not responsible for its publication and therefore why should she put her name to it. Once again the contents of this bullet point clearly referred to her.

- 5.8 Mrs Coyle stated that the contents of the five bullet points referred to above were clearly aimed at and constituted a personal attack on her. In her view they were a clear breach of the Code of Conduct in that they showed a complete lack of respect for her, the comments were extremely humiliating and were an attempt to bully and intimidate her into not having a say within the community. Mrs Coyle also indicated that she believed that the four councillors had attacked her in this way because they did not like to be criticised, because she had contributed to two elements of the "alternative view" document and that when she had attended parish council meetings she had sometimes been critical of some of the things the council had or were planning to do. As a council tax payer she was surely entitled to disagree with the parish council. As a result of this she felt that the four councillors had brought their office as councillors into disrepute.

(b) Councillor Mrs Sarah Harriman - Interviewed on 14 January, 2009

- 5.9 Mrs Harriman explained that the parish council had delivered throughout the village a leaflet entitled "What Bonby Parish Council Does for You". The aim of the document was to inform the village about what the parish council did with the hope of encouraging more people to become involved in the work of the council, perhaps to become parish councillors and certainly to come along to meetings. She also explained that at the time the council was three members short of its normal compliment. The council subsequently became aware that another leaflet had been delivered throughout the village entitled "What Bonby Parish Council does for you - the alternative view" and that allegedly Mrs Coyle had been involved.
- 5.10 Mrs Harriman confirmed that the four parish councillors, who at that time constituted the parish council, had discussed the "alternative view" document and because of its contents - which in parts was critical of the parish council - had decided to prepare a response. The reason for such a response was that the council needed support from the village to do things, that the parish council had dwindled in size to only four members and that there was a need to publish the facts. She also confirmed that the parish council believed that Mrs Coyle had produced the document. However, she also stated that there was no evidence to support this, especially as the document was unsigned, other than the fact that Mrs Coyle had allegedly had an involvement in delivering it throughout the village.
- 5.11 Mrs Harriman also stated that the response document had been prepared collectively by the four parish councillors because people within the village needed to know the facts. She was happy to sign the document and indicated that it had got to the point where it was felt that we should respond in some way. The document had been made available at the annual parish meeting on 15 May, 2008 but had not been circulated within the village. In response to questions about whether Mrs Coyle could be identified from the contents of the five bullet points on page 2 of the response to the alternative view she stated "it would suggest that, yes. The idea was to put the facts right". Mrs Harriman also explained that consideration had been given to the likely response from Mrs Coyle. She stated that "we knew she would respond."

- 5.12 Mrs Harriman confirmed that the four parish councillors had decided to include the comments in the bullet points knowing that they referred to Mrs Coyle and could have an impact on her. In response to questions she stated "we didn't think she would be that upset by it, she doesn't come across as a holding her heart on her sleeve type of person." Mrs Coyle did complain at the parish meeting and was told "if you are unhappy please write to the Standards Board." Mrs Harriman also stated that "Mrs Coyle is not the type of person who you would describe as easily shocked, upset or humiliated at all. She was still active in the community, despite what had happened."
- 5.13 Mrs Harriman confirmed that she could not really remember if any consideration had been given by the four councillors about the code of conduct and the possible consequences of the contents as regards the code in relation to Mrs Coyle. She also stated that in producing the response document they had perhaps gone too far, particularly in relation to the comments on page 2 of the document i.e. the five bullet points. She stated "Yes we all probably thought we had gone too far. We had got to the end of our tether. She criticised time and time again and parish councillors cannot say anything even when we are not in a meeting."

(c) Councillor Mr Glen Siddall-Butchers - Interviewed on 10 February, 2009

- 5.14 Mr Siddall-Butchers explained that he had prepared a detailed statement in reply to the complaint. (A copy of the statement is appended to this report). The numbers used in the note corresponded to the numbers in the document "What Bonby Parish Council does for you - the alternative view". He also stated that the response to the alternative view had been drawn up by the four parish councillors but not in an official meeting of the parish council.
- 5.15 Mr Siddall-Butchers confirmed that he didn't see Mrs Coyle or others delivering the alternative view document throughout the village. However, in response to questions he stated that the four parish councillors believed that Mrs Coyle had been involved in producing the document though it was unsigned and there was no evidence to substantiate this. Mr Siddall-Butchers did state that "Mrs Coyle has never denied it, she delivered it."
- 5.16 Mrs Siddall-Butchers confirmed that the response to the alternative view had been prepared collectively by the four parish councillors. He stated "all four of us prepared and agreed the content of the document produced." In relation to whether or not Mrs Coyle could be identified from the contents of the five bullet points at the end of the response to the alternative view, Mr Siddall-Butchers referred to paragraph (e) of his statement. It reads -

"It was also felt that mention needed to be made that those responsible for the document (the alternative view) were neither being honest or representative and had an agenda and motives of their own. It was not the intention of the council to spell out the name of the author or authors of "the alternative view" merely to provide a picture of the prejudices they held to balance the picture. The fact that the five bullet points, at the end of the document, would lead some people to identify Mrs Coyle personally was perhaps inevitable but the points made were true and accurate and the choice between identifying some of the motives for her behaviour outweighed, in our minds, the potential effect upon her."

- 5.17 Mr Siddall-Butchers indicated that the four parish councillors had put the facts the best they could. In his view the points in the alternative view document were clearly wrong and it was necessary to respond. He also stated "we only try to encourage participation by the village. I feel very strongly that Mrs Coyle and others try to destroy the parish council. They bend over backwards to criticise the council. I have no interest in Mrs Coyle only in the parish council and what we want to do." In response to a question about if any consideration had been given to the code of conduct and any possible consequences in relation to the five bullet points Mr Siddall-Butchers stated that he had already outlined his motives.
- 5.18 In a brief discussion about the code of conduct and the role of the Assessment Sub-Committee, Mr Sidall-Butchers had asked who the code of conduct applied to. He was reminded that it applied to him and other parish councillors as members of a public authority. All councillors had to work within the code of conduct. The code did not, however, relate to members of the public.
- 5.19 Mr Siddall-Butchers also stated that he did not believe that Mrs Coyle would have felt humiliated and upset by the comments in the response document. The four parish councillors had not deliberately set out to upset Mrs Coyle, but had published what was considered to be a reasonable response to the document. He did not believe that they had breached the code of conduct or that Mrs Coyle had been bullied or intimidated. He also stated that Mrs Coyle routinely used her shop premises as a billboard for her opinions which usually targeted the parish council. The parish councillors were trying to encourage the community to become involved but were constantly being attacked by Mrs Coyle. Mr Siddall-Butchers also pointed out "it was important to understand the nature of the person regarding the complaint." In his detailed statement Mr Siddall-Butchers had asked that the investigating officer take into account the character and antecedents of the complainant and agree that the actions of the four parish councillors were in all the circumstances reasonable and met the justice of the situation (paragraph (g) of the statement).

(d) Councillor Mr Norman Smith - Interviewed on 10 February, 2009

- 5.20 Mr Smith explained that he had prepared a statement in reply to the complaint. (A copy of the statement is appended to this report). Mr Smith confirmed that he was aware that the alternative view document had been circulated around "our quarter of the village, although it had not been delivered to his house." He stated that the information contained in that document was incorrect and should be put right. The four parish councillors had, therefore, decided to respond following discussions about its contents.
- 5.21 Mr Smith also confirmed that the four parish councillors believed that Mrs Coyle had an involvement in producing the alternative view document. However the only evidence to substantiate this was the fact that she had allegedly delivered it. In addition the views expressed in the alternative view had been expressed by Mrs Coyle in parish council meetings.
- 5.22 In response to a question about the response to the alternative view being aimed at shutting Mrs Coyle up, Mr Smith stated "no, not to shut her up but for her to be made

more responsible for what she said and how she went against the parish council. We felt we had to reply to it, it was slagging us off." Mr Smith confirmed that he was happy to put his name to the response document. Mr Smith also confirmed that the parish clerk did not give any advice and was not involved and that the response had been produced quickly with little consideration to the likely impact on Mrs Coyle. However, he did not believe that it would upset or humiliate her. In relation to the five bullet points on page 2 of the response document and the ability to identify Mrs Coyle, Mr Smith stated "no, she identified herself, she delivered it."

(e) Councillor Mr David Oliver - Interviewed on 12 February, 2009

5.23 Mr Oliver explained that the parish council was "being run down" by constant criticism at meetings. The parish council was going to fold up, we had lost the chairman and another member and we therefore decided to prepare and distribute within the village a leaflet entitled "What the parish council does for you", to get the village involved and the parish council back up to strength. In response to a question Mr Oliver stated that "there was no surprise to the alternative view document - we were expecting a reaction from Mrs Coyle." Mr Oliver also stated that Mrs Coyle had been involved in producing the alternative view document. He also confirmed however that there was no proof that Mrs Coyle had produced it.

5.24 Turning to the response to the alternative view document, Mr Oliver confirmed that a collective decision had been taken by the four parish councillors to respond. He could not recall if the parish clerk had been involved but he had, nevertheless, agreed to it. The response had been made available at the annual parish meeting and had been circulated throughout the village.

5.25 In response to a question, Mr Oliver agreed that Mrs Coyle could clearly be identified from the comments contained in the five bullet points on page 2 of the response document. He also stated that there was no intention to "shut Mrs Coyle up, but to highlight her attitude and to let people in the village know what we were up against." There was a good response to the leaflet and people now come to meetings and take an interest.

5.26 Mr Oliver also confirmed that he was happy to put his name to the response document because "we were wound up about the whole thing. The parish council itself would have wound up." He also accepted that people can be critical and voice those criticisms without fear of being treated with disrespect. He stated that he had no problem with criticism but that it had been going on for months. In response to a question about the possible consequences of breaching the code of conduct, he could not recall clearly if the parish clerk had given any advice but stated that the response was "our last option."

5.27 Responding to a question about Mrs Coyle being identified by the contents of the five bullet points on page 2 of the response document and about whether the parish council had treated her with disrespect and an attempt at bullying and intimidation, Mr Oliver stated that "in hindsight I think we went too far, but in the circumstances at the time we were in my opinion pushed into it." I was vice-chairman at the time and if there is any disciplinary action it should be directed at me. There were only four parish councillors at the time and we all agreed to the response document.

6. Findings in relation to this matter

- 5.28 I have considered carefully the accounts given by Mrs Coyle and Parish Councillors Sarah Harriman, Norman Smith, Glen Siddall-Butchers and David Oliver of the events leading up to Mrs Coyle's complaint. All parties expressed their views clearly and each appeared to be honest in their respective recollections. All parties co-operated fully in relation to the matter.
- 5.29 I am clear that the parish council published the original leaflet entitled "What Bonby Parish Council Does for You" in an effort to explain to the parish the work carried out by the council with the intention of encouraging more people in the parish to become involved in its work and perhaps to become parish councillors. The intentions, I believe were entirely honourable.
- 5.30 I am also clear that a leaflet was published entitled "What Bonby Parish Council does for you!?! the alternative view" which was an unsigned document. Whilst Mrs Coyle in her interview stated that she had contributed to two of the elements of the document, no substantial evidence was provided which suggests that she published it, other than that she allegedly, had a part in delivering it.
- 5.31 In response to that document the four parish councillors then published a further document "a response to the alternative view with a few facts that might interest the village." That document was discussed and willingly signed by the four councillors who all agreed its contents. Those councillors believed that Mrs Coyle was instrumental in producing and publishing the "alternative view" document to the extent that in the five bullet points on page 2 of the document they made a number of statements/comments from which Mrs Coyle could clearly be identified. Each of the four councillors acknowledged that Mrs Coyle could be identified and that it was more than likely that she would respond in some way. In fact they expected a response. However, there was no substantial evidence that Mrs Coyle had produced the document.
- 5.32 The response document was circulated at the annual parish meeting on 15 May, 2009. Mrs Coyle felt humiliated about an attack on her which was totally unwarranted. This prompted Mrs Coyle to make her complaint.
- 5.33 It is clear from the evidence given by all the parties that there are very strong and differing views within Bonby about the work of the parish council and how it is perceived by other non-members of the council. The four parish councillors believed that they were doing a good job on behalf of the parish. They all recognised that as parish councillors they would receive some criticism and adverse comments as part of the normal cut and thrust of political life. However they all believed that the extent of the criticism and comments received had gone beyond the normal or reasonable. They had no intention of attempting to "shut Mrs Coyle up" merely to respond to what they felt were her unreasonable comments and criticisms. It was their belief that, in the end, they were pushed too far and they therefore decided to respond by producing the "response" document which was clearly aimed at Mrs Coyle.

5.34 However I am satisfied that, even though the four parish councillors believed that they had been criticised unfairly and unreasonably, they were extremely unwise to publish comments contained in the five bullet points on page 2 of the "response" document. It is clear that residents of Bonby would easily be able to identify Mrs Coyle, given the nature of the comments. As such this represented a personal attack, on a member of the parish who believed that her activities within the parish and her comments and constructive criticisms were in the best interests of Bonby.

7. Conclusion

5.35 On the basis of my findings I have concluded that Parish Councillors Sarah Harriman, Norman Smith, Glen Siddall-Butchers and David Oliver -

- (i) Breached Paragraph 3(1) of the Code of Conduct by failing to treat Mrs Coyle with respect.
- (ii) Breached Paragraph 5 of the Code of Conduct by conducting themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- (iii) Did not breach Paragraph 3(2)(b) of the Code of Conduct in relation to bullying and intimidation.

8. Recommendation

5.36 The Standards Committee are asked to consider the above information.

Mel Holmes
Investigating Officer
Legal and Democratic Services