

Cheltenham Borough Council Standards Sub-Committee Minutes

Meeting date: 16 May 2023

Meeting time: 2.00 pm - 3.50 pm

In attendance:

Councillors:

Councillor Garth Barnes, Councillor Tim Harman and Councillor Izaak Tailford

Also in attendance:

Mr Martin Jauch (Independent Person), Mr Duncan Chittenden (Independent Person)

Officers: Claire Hughes (Monitoring Officer), Kate Seeley (Investigating Officer)

Complainant: Ms Hilarie Owen

Subject Member: Councillor Charles Taylor, Prestbury Parish Council

Witnesses: Councillors Dan Taylor and Sandra Attwood, Prestbury Parish Council

1 Election of Chair

Councillor Barnes was elected as Chair, proposed by Councillor Harman and seconded by Councillor Tailford.

2 Apologies

There were none.

3 Declarations of Interest

There were none.

4 Review of complaint under the Code of Conduct

After introductions, the Monitoring Office explained the procedure, as set out at Appendix 2.

Investigating Officer

The Investigating Officer gave a brief account of the incident as in the circulated report. She said this had been a difficult case to investigate, as it was based on emotions and the Complainant's personal response to the Subject; he has denied her allegations. In writing her report, she had considered how the subject's behaviour made the Complainant feel, but also acknowledged that the Complainant's reaction could have been disproportionate and over-sensitive. However, whatever was said was sufficient to make the Complainant feel distressed enough to leave the meeting and resign from the parish council, and the two witnesses have confirmed that the Subject's behaviour was inappropriate bordering on aggressive.

She said that parish councils, as a tier of local government and representing local communities, needed to treat people with respect at all times, listen to different views, and afford equal status to everyone. Shouting and arguing was counter-productive, and the meeting should have been postponed and reconvened.

From the testimony, she believed that the Subject lost his temper, that the resulting behaviour was unacceptable because of the distressing effect it had on the Complainant, whether or not it was intended, and in view of this, she considers that a breach of the Code of Conduct took place.

The Complainant considered this to be a fair summing-up of the case. In response to two questions from the Subject, the Investigating Officer confirmed that:

- the testimony of the other person present at the meeting was not included in her report because although she had spoken to her, that person is the subject of a separate complaint about her behaviour at the meeting and it was felt that her comments would not be unbiased;
- a 'sexist' comment made by the Complainant about the Subject in an email was not referred to as it was not part of this investigation.

The Subject suggested that the two witnesses for the Complainant could be personal friends of hers and therefore equally unbiased. The Complainant said she didn't meet either of them until she joined the Parish Council, and hadn't seen one of them since the meeting in question.

Members of the sub-committee did not have any comments on the Investigating Officer's report.

Complainant

The Complainant felt that the Investigating Officer's report was a good and fair representation of the incident. She said she was not a 'weak little female' who couldn't cope with a robust environment, having worked in two government

departments, and she was not afraid of challenges. However, what she experienced at the meeting was horrific, and the two witnesses were present today because the Subject had denied that it was. She added that he had done a lot of good work for the Parish Council, but on that day, his behaviour was aggressive and targeted.

Witnesses

The first witness confirmed that it had been a very difficult meeting, well summed-up by the report, and that as a senior hospital nurse who had attended many meetings with senior consultants, she had never witnessed one where people were as aggressive as they were at the meeting in question. She felt uncomfortable, and that she should have tried to stop the meeting, even though she was a new parish councillor.

The second witness, as a new councillor, was shocked at the toxicity of the meeting and questioned whether it was worth putting his time and energy into being on the parish council in light of it. He also regretted not saying anything at the meeting, but felt intimidated. He agreed that the Subject has done a lot of good work for the parish, but said this case was about being honest and working with integrity, and this particular situation was not acceptable.

In response to questions from members of the sub-committee, the Complainant confirmed that:

- she considered herself to have had a good working relationship with the Subject in the past, although he did not agree with her report on climate change and wanted her to slow down with what she was proposing;
- in view of the earlier emails, she was not expecting the meeting to be particularly warm and friendly, but was not prepared for it to be as aggressive as it was;
- her 'sexist' comment in an email referred to by the Subject was tongue-in-cheek.

When asked whether, in view of her experience in dealing with people with strong opinions, she might have given some thought in advance to how to deal with the meeting and reduce any tension, she said she had a virus at the time and wasn't able to raise her voice. Although she knew it wouldn't be easy, she didn't lose her temper, and wasn't anticipating the situation to escalate as it did.

The Subject had noted that the first witness said that people were aggressive at the meeting and asked if the Complainant was also aggressive. The witness felt that she was holding her own corner but wasn't aggressive.

Subject

As the only other witness was not present, the Subject made a statement, based on his written report circulated to members of the sub-committee. He confirmed that:

- as a constructive way to help move the Complainant's report on climate change forward and with no standing orders about working groups to refer to, he (as Vice-Chair) and the Chair of Prestbury Parish Council discussed the matter and agreed that the best way forward was to follow the committee model for the meeting, to include a Chair, minutes and terms of reference. He did not

- understand why the Chair had since backtracked on this, and has himself now resigned as Vice-Chair and from all committees;
- given earlier exchanges between the Complainant and another member of the group he was concerned about how the meeting would go, and felt his role was to ensure it ran smoothly;
 - the Complainant accepted the traditional structure of the group prior to the meeting, as long as Part 1 of her paper wasn't discussed; from the tone of her emails, it was clear that she saw herself as Chair;
 - she was unwell on the day of the meeting, but declined an offer to postpone it, saying she was not infectious; he sat at the other end of the table from her, moving to a different chair during the meeting because of back trouble;
 - the Complainant contested the Subject's right to chair the meeting; he spoke in a firm and positive way, but the Complainant tried to interrupt and shout him down. He asked her not to leave the meeting, but she did so, in fury but not in tears. She returned minutes later to collect her things, still not in tears;
 - he is sorry that the Complainant felt she was being bullied but cannot see why – he spoke in a controlled way from the other end of the table, intending to discuss the matter in a constructive way;
 - he believes the Complainant is motivated by the desire for revenge. He rejects the charge of bullying and of disrespecting a councillor. He also rejects accusations of sexism and chauvinism, saying the need he felt to mediate between the two female councillors would have been the same if they were men;
 - prior to the meeting he and the Complainant were friends, able to disagree on matters in a constructive way. He is sorry to have lost her as a friend;
 - he is genuinely sorry if the Complainant felt she was being bullied as this was not his intention, but if the sub-committee uphold her complaint, he will apologise;
 - he has had overwhelming support from other members of the Parish Council, and regrets that the hearing has had to take place at the expense of Cheltenham Borough Council.

The Investigating Officer had no questions for the Subject. The Complainant said her complaint was not about punishment but about the Subject recognising that he behaved in an unacceptable way. She refuted his statement, saying that she didn't suggest that she should chair the meeting, and that the Subject sat directly opposite her during the meeting. She believed he was still in denial and hadn't acknowledged that he could not behave as he did at the meeting.

In response to a question from the Complainant, the Subject said he had an email in which she suggested she should chair the meeting, though she later changed her mind.

There were no questions for the Subject from the sub-committee.

Summing up

Having heard the statements of the Complainant and Subject, the Investigating Officer reiterated her initial summary, saying the issue was the perception of people's reactions to certain behaviours - the Subject doesn't accept that his behaviour was unacceptable, yet the Complainant was distressed. Testimony of the

other attendee at the meeting was not taken into account as it would not be unbiased; the evidence of the other two people at the meeting was taken as that of witnesses, not as friends of the Complainant. Other parish councillors were not interviewed as they were not present at the meeting, and the previous record of the Subject at Prestbury Parish Council was also not admissible as the complaint concerned this meeting only.

The Complainant confirmed that she was slightly apprehensive when she went to the meeting, on account of earlier email communications, but said she did not want to chair the meeting – she wanted the working group to generate lots of ideas on how to take the climate work forward. She considered the behaviour of the Subject and other councillor to be unacceptable, having never experienced anything like it in many difficult situations. The Investigating Officer's report was fair and honest, and she was sorry that today's hearing was needed.

The Subject said he was not in denial – it had been a difficult meeting but recollections may vary. He said he can be definite and forthright, but hopes he is always honest. His work at Prestbury Parish Council is appreciated by his colleagues, who have given him a very high level of support.

The Chair said that the sub-committee and independent persons would now retired to consider the case and decide, on the balance of probabilities, whether the facts are proven and whether a breach of the Code of Conduct occurred.

On their return, the Chair read out the following:

Decision

We have listened to all the evidence and read the reports in front of us and considered everything in the round.

We acknowledge that all parties started out with the best of intentions and that both sides were keen to point out the good work that each does within the parish.

The lead up to the meeting was clearly challenging and all parties must take some responsibility for what ensued. For individuals in public office, you all should have foreseen the difficulties and perhaps postponed the meeting until emotions had settled.

However, it is clear that the subject's behaviour became unacceptable during that meeting. Whether that was intentional or not is not relevant but it is clear that it was upsetting to the Complainant.

Therefore whilst we do not find a breach of the code of conduct in relation to bullying we do find that the Subject failed to treat the Complainant with respect and therefore has breached the Code of Conduct.

The Complainant thanked the sub-committee for being objective, repeating that it had been a very heated meeting, particularly from the Subject. She endorsed their decision, but made no observations on sanctions. She said the case was not about

punishment but about learning, saying that the Subject was still in denial and that parts of his statement were not true.

The Subject also thanked the sub-committee, saying it was most important to him that he had been vindicated and was not considered by them to be a bully. Regarding sanctions, he said he had already resigned as Vice-Chair and from all committees of Prestbury Parish Council, but he would leave it to their discretion and comply with whatever they felt was appropriate.

The sub-committee retired to consider what sanctions to impose. On their return, the Chair said they would like the Subject to issue an apology to the Complainant.. In addition, they felt that as there is some background of problems, Prestbury Parish Council might benefit from a training programme to help them manage disagreements and work together effectively. This cannot be mandated, but the sub-committee recommended that this be taken into consideration.

The Chair ended the meeting, saying that this had been a difficult time for all involved; he hoped everyone had learnt from it and that interaction would improve with time.