

Cheltenham Borough Council Standards Sub-Committee

Meeting date: 16 May 2023

Meeting time: 5.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillors: Garth Barnes, Tim Harman and Izaak Tailford

Independent Persons: Duncan Chittenden and Martin Jauch

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1 Election of Chair

2 Apologies

3 Declarations of Interest

4 Review of complaint under the Code of Conduct (Pages 3 - 40)

Complaint against Councillor Cathy Hunt

Cheltenham Borough Council

Standards Hearing Sub-Committee – 16 May 2023 – 5pm

Alleged Breach of the Code of Conduct –

Councillor Cathy Hunt, Prestbury Parish Council

Accountable officer:

Claire Hughes, Corporate Director and Monitoring Officer

Ward(s) affected:

Prestbury

1. Introduction

- 1.1. By letter dated 5 March 2023 the Monitoring Officer received a complaint regarding the conduct of Councillor Cathy Hunt of Prestbury Parish Council.
- 1.2. The complainant alleges that Councillor Hunt has breached the Code of Conduct by acting in a manner which she considers to be bullying and aggressive.
- 1.3. Following an initial review of the complaint by the Monitoring Officer it was deemed appropriate for a full investigation to be conducted. Kate Seeley of the Counter Fraud and Enforcement Unit was appointed to conduct the investigation.

2. Investigation

- 2.1. A full investigation into the allegations has now concluded. A copy of the final report is attached at Appendix 1.
- 2.2. After reviewing the report and consulting with the Independent Persons the Monitoring was satisfied that the matter should proceed to a hearing of the Standards Sub-Committee.

3. Process

- 3.1. Following the process set out in Appendix 2, the Sub-Committee are now asked to consider this case and determine whether, on the balance of probabilities a breach of the Code of Conduct has occurred.
- 3.2. If the Sub-committee determines that a breach has occurred they are then asked to consider

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what, if any, sanctions should be applied.

3.3. As the Sub-Committee is aware, the sanctions that may be imposed in respect of breaches of the Code of Conduct cannot include anything that would prevent a Councillor performing their duties as a Councillor and therefore do not extend to either suspension or disqualification from the role.

3.4. The current available sanctions are one or more of the following:-

- a) Issue a formal Censure or Reprimand to the Member
- b) Report its findings to the Parish Council for information
- c) Recommend the Council or Committees remove the Member from appointments to Committees or Sub-Committees of the Council
- d) Recommend that the Parish Council arrange training for the Member
- e) Recommend to the Parish Council that all outside appointments to which the member has been appointed or nominated by that Authority are removed
- f) Recommend that the Parish Council excludes, the Member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings

Report author:

Claire Hughes, Corporate Director and Monitoring Officer, claire.hughes@cheltenham.gov.uk

Appendices

1. Investigating Officers Report
2. Procedure for Hearings

Background information:

None

Investigating Officer

Report

Complaint against

Councillor Cathy Hunt

Councillor: Cathy Hunt

Council: Prestbury Parish Council

Monitoring Officer: Claire Hughes

Complainant: Ms Hilarie Owen

Investigation Officer: Kate Seeley

Allegation:

1. Failure to treat fellow Councillor with respect
2. Bullying

Appendices:

1. Complaint
2. Further information re complaint
3. Code of Conduct for Prestbury Parish Council
- 4.1 Councillor Hunt's response to complaint
- 4.2 Councillor Hunt's response to Report

Complaint

Former Councillor Hilarie Owen (HO) alleges that at a meeting of a climate change working group on 3rd March 2023 Councillors Charles Taylor (CT) and Cathy Hunt (CH) shouted and acted aggressively towards her. This resulted in her leaving the meeting very upset and immediately resigning from the Council.

HO explained that she had previously had an altercation with CH over her attitude towards a new Councillor – Dan Taylor (DT). DT is a Green Party member and is relatively young (29). When he attended the PPC as he was interested in joining, HO states that CH was very unwelcoming to DT and was 'aggressive in her questioning' of him. She asked him about the Green Party putting leaflets through her door. (Which HO and others did not feel was relevant with regard to DT becoming a PPC Councillor.) CH then went on to question what

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he could bring to the Council as he was too young and inexperienced. She wanted to abstain from voting but the Chair – Councillor Martyn Hansen (MH) said she could not.

At the next meeting of the PPC, MH had introduced a seating plan to ensure Councillors moved around and sat next to different Members. CH complained about this and said they were being treated like children. DT was sat next to CH and before the meeting commenced CH started being aggressive to DT about the Green Party leaflets. Her comments to DT became personal and she said something like ‘I’ve been involved with climate change since the 1970’s, I don’t need someone like you telling me what to do.’ At this point HO says she stepped in and said to CH ‘You’ve been negative since you arrived now just shut up’.

HO alleges that during the Working Group meeting on 3rd March CT proposed himself as Chair, and was seconded by CH. HO did not agree that a Chair was required, or that it should necessarily be CT. She states CT disagreed insisting, in a raised voice, that he had agreed with Martyn Hansen Chair of PPC that it should be run in the same manner as a formal sub-committee.

HO states she said this should be decided as a group and alleges CT and CH then said in aggressive tones that CT was the ‘senior person in the room’ and CH added that she used to be Deputy Chair of the Council.

Background

At a meeting of Prestbury Parish Council (PPC) Laura Tapping from Cheltenham Borough Council (CBC) had presented a paper on climate change and the Council’s aims in achieving Net Zero in the Borough. In response to this Hilarie Owen (HO) had prepared a report which had been discussed at PPC meeting on 20th February 2023. It was then agreed that a Working Group should be set-up to discuss how PPC could support CBC’s aims and develop a strategy to assist the residents of Prestbury to reduce their carbon footprint.

Five councillors volunteered to be a part of the Working Group – Cllr Hilarie Owen (HO), Cllr Charles Taylor (CT), Cllr Cathy Hunt (CH), Cllr Dan Taylor (DT) and Cllr Sandra Attwood (SA).

The first meeting of the Working Group was held on 3rd March 2023. The meeting started at 2pm on the 3rd March (SA did not arrive until 2:15 due to a prior commitment).

Prior to this meeting there had been email correspondence between CT and HO regarding the format and set-up of the working group. CT had proposed that it should be run like a

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sub-committee, and had suggested he should be the Chair for the first few meetings. One reason he gave for this proposal was to act as a peacemaker between HO and CH – as there had been the prior disagreement between the two Councillors. HO did not agree that a Chair was necessary for a Working Group, or that CT should be Chair and stated this in email correspondence. HO also made comments in relation to CH and that she would ask her to leave the meeting if her behaviour was obstructive.

HO Interview – 22/03/23

HO confirmed the details of her argument with DT. She said that CH and another Councillor at PPC were very unwelcoming and rude to new Members. They sat together and ‘muttered’ during meetings. As a result of this type of rude behaviour MH had introduced a seating plan to ensure that councillors sat next to different people each week and had also banned the use of mobile phones during meetings.

CH had been very negative towards DT at the first meeting he attended to become a Councillor - she had questioned him about being a Green Party member and then said he was too young and inexperienced to be a Councillor. When she sat next to him at the next meeting she again started questioning him aggressively about the leaflet from the Green Party that had been out through her door. HO intervened and told CH to shut up.

She admits she should not have told a fellow Councillor to shut-up and did speak to MH about this following the meeting. He also spoke to CH about her behaviour.

When the Net Zero Report came up at the General Meeting MH asked if there were any questions. CH said she had a list of questions but would bring them up another time.

On the 3rd March HO and DT arrived first and set-up for the meeting. HO states CH arrived and came in the room. When she saw them she turned and left. She then waited outside until CT arrived and came back in with him. Before the meeting started she was talking about Laura Tapping’s presentation and said it was a ‘load of crap’ or similar.

During the meeting CH supported CT, who was demanding that he should Chair the meetings and that they should be run like a Committee. CH referred to CT as ‘the most senior person in the room’ and that she had also previously been Deputy Chair of PPC.

CT shouted and was very aggressive towards HO and CH ‘backed him up’. HO found their behaviour intimidating, completely inappropriate and very upsetting.

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Counter Fraud and EnforcePage 9it Code of Conduct Report

HO states she left the meeting and went straight to her son's house, as she was so upset and distraught. She also messaged the Chair, MH, as soon as she had left the meeting as she was so shocked and upset by the way CT and CH had behaved.

CH interview 15/03/23

Councillor Hunt was going away for several weeks so an interview was conducted by telephone on 15/03/23.

In relation to her interactions with DT she said that she is a conservationist and gets annoyed with the Green Party conducting surveys and producing leaflets. When he attended the PPC she asked him whether he thought this was a good use of resources. At the next meeting she was a 'bit grumpy' and again spoke to Dan about the leaflets. HO then told her to shut up which was unacceptable. She did complain about this to MH. She has no issue with DT – they are both adults and have moved on. CH says she gets on well with everyone on the PPC.

CH denied that she had said Laura Tapping was ridiculous or similar – she said she was a bit flippant about the presentation and said some of the report was 'ridiculous' but was not rude about Laura herself.

At the meeting on 3rd March there was a disagreement over whether there should be a Chair and who that should be. MH had previously indicated to CT that he would like there to be a Chair and for it to be run like a committee. HO was talking over everybody and would not listen. HO did not want a Chair but in CH's experience it is very difficult to run a meeting without one and has always had a Chair on previous Working Groups. CH states she had to shout as HO and DT were ignoring her and she was trying to help. CH states HO kept calling her a climate change sceptic.

CH says HO shouted at CT that he was 'a typical bullying male that doesn't want a woman as a Chair'. (*HO denies this*) CH felt this was unfair. She said CT spent five minutes trying to persuade HO not to leave the meeting. He begged her to stay. CH was very surprised when HO left the meeting as it was her report. She collected her stuff and left and then returned five minutes later to collect something she'd forgotten. She said HO seemed 'deflated' but did not realise she was upset.

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She was not aware HO had resigned until the Monday and was very surprised at the complaint and was unhappy with some of the things HO said.

She said in hindsight they should have stopped the meeting and left and re-started once they had sorted out the terms of reference and perhaps had MH present.

DT interview 21/03/23

DT says that immediately after the meeting he wrote up an account of what had happened and passed it to MH, he referred to this account during our meeting.

DT confirmed that he campaigns for the Green Party. He states when he applied to be a Member of PPC CH questioned him about this. She asked him what he thought about 'junk mail' and pressed him on this saying it was a waste of time and resources. She implied he was too young to be a Councillor

At the first meeting he was sat next to CH and she said 'I got more of your junk mail'. The Green Party had put New Year cards through doors with useful contact numbers on. CH said anybody who need these must be 'morons'. She was quite argumentative and it felt like bullying. HO intervened and told CH to 'shut-up'. DT is aware MH spoke to HO and CH after this incident. CH has not apologised to him for her rude behaviour.

DT also stated that CH and another Councillor sit and talk amongst themselves during meetings. They are very unsupportive of new Councillors and do not like MH's plan to move people around in meetings.

At the meeting where Laura Tapping gave a presentation CH was googling during the meeting and wrote 'crap' next to Laura's name on the agenda.

For the Working Group meeting DT arrived fifteen minutes early and collected a flip chart for HO and helped her to set-up ready for the meeting. He said CH arrived first, saw that he and HO were already in the room, 'muttered' something and then walked out. She came back in a few minutes later with CT. Before the meeting started she was again rude about Laura Tapping and said 'she doesn't know what she's talking about'. He cannot recall when SA arrived but knows she was not there for the start of the meeting.

He understands that CH and CT are good friends. CT and CH discussed the aims and objectives of the Group. CT wanted a Chair elected and put himself forward. DT had

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assumed that HO would facilitate the meetings as she had written the plan and had pushed for PPC to take action. CT asked him and SA what they thought and DT said he did not think a Chair was necessary for such a small group.

CT was asserting that there needed to be a Chair and that it should be him as he could be a peacemaker between CH and HO.

He says CT became very irate and was verbally aggressive. He recalls him saying that as Vice Chair of the PPC he was the most senior person in the room. He does also recall him saying 'You're only here because of me' or similar but did not understand what he meant by that.

CH did not really intervene but did support that CT should be the Chair. CH repeatedly quoted some climate change sceptic and was saying she was a 'conservationist'. CT referenced the previous meeting where HO told CH to shut up as a reason for him to be the Chair. CT convinced SA that he should be Chair for the first few meetings. CH and CT both said this was 'how we did it before' and as SA was also new to PPC she was not sure on policy/precedent so accepted this.

CT commented that 'if it gets hotter by 1C then our crops would grow better' or similar. DT said that CT's aggression was directed at HO and was 'out of order'. He described his manner as very aggressive and very angry and the meeting as 'toxic'. He was stunned by the way CT acted and did not know what to do. He was concerned if he intervened CT would only become more incensed. CH was not as aggressive during the meeting as CT but was supporting him.

DT says that HO is very small in stature and was not very well that day, but he knows that her previous career means she is probably used to running meetings and dealing with senior management. When HO left the meeting DT wanted to go with her to check she was okay but also because he had never witnessed such hostility before. He questioned whether he wanted to continue on the PPC following that meeting.

Following HO's departure DT tried to get a discussion going and they did decide on some actions but DT felt it was a great shame HO left as her plan was great and she had so much to offer the PPC.

DT said MH is a very fair and balanced Chair and wants the PPC to be a positive place and improve the behaviours of the Councillors. He had been very in favour of HO's Net Zero

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plan. He had also been very supportive of DT joining because he wants new ideas and a fresh perspective. DT has been shocked by the bullying and rude behaviour of some of the Councillors – including CH and CT.

SA interview 03/04/23

SA said the report from HO was very good – it covered the issues from a high level to a low level and she had put a lot of effort into it.

SA did not arrive at the meeting until 2:15pm – she had previously advised that she would be a little late. She states she ‘walked into an atmosphere’. HO had contacted her prior to this meeting because she was ‘feeling bullied’ by CH and CT. SA was aware that HO and CH had a prior disagreement regarding the derogatory way CH spoke to DT and that MH had spoken to HO about this.

SA said CH was not accepting of new people on the Council and does not seem to want diversity and people with different views and backgrounds.

CT said he would only be Chair for the first few meetings and SA thought this was reasonable but HO disagreed. SA got the impression that HO wanted to ‘Chair’ the meeting as it was ‘her baby’ and she was very invested in the subject.

CH and CT ‘ganged up’ on HO and SA believes she felt cornered. CH raised her voice and was saying she was a conservationist. CT also shouted at HO. SA said CH was domineering and CT raised his voice to try and control the situation but CH ‘wound him up’. HO was trying to get her point across but was shouted down. CT did not stand up at any point but he did lean forward and his body language was very ‘assertive’ which HO may have found intimidating. HO accused CT of being a sceptic but HO was not aggressive and her points were valid however CT and CH did not listen to her. SA felt it was a real shame that HO left.

SA described it as ‘very uncomfortable’ and agreed with DT’s description of the meeting as ‘toxic’.

MH interview 29/03/23

MH was not present at the meeting but confirmed that HO had messaged him immediately afterwards and he was very concerned. He regrets that he was not present.

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He provided background in relation to the different individual's membership of PPC. He confirmed that CT and CH were friends.

Due to the disagreement between CH and HO he was concerned about the meeting. CT wanted to avoid conflict between them but also wanted to control the Working group. He wanted to run the Group like a committee, but MH did not instruct him that this was necessary. He was concerned by the negativity CT had displayed prior to the meeting and in his email correspondence with HO/MH. He had tried to make CT's approach 'softer'.

Findings

The Code of conduct states that when engaged in the business of Prestbury Parish Council members shall:-

- Treat others with respect
- Not bully any person
- Promote and support high standards of conduct when serving in your public post by leadership and example.

The Code of Conduct at PPC mirrors the Code adopted by Cheltenham Borough Council and this serves to highlight that the Members of a Parish Council are another tier of Local Government. Whilst they are volunteers their conduct should be professional, courteous and mindful of their role as a representative of their local parishioners in all their dealings as a Councillor. Treating fellow Councillors with respect and courtesy should therefore be automatic

Many parish/town Councils struggle to recruit new members (and have a disproportionate number of Councillors who are retired or in an older age bracket) so younger individuals willing to give up their spare time to become a Parish Councillor should be welcomed. Councillor Hunt does not seem to welcome new members and her treatment of Councillor Dan Taylor verges on bullying.

However, the complaint did not come from Councillor Dan Taylor, and whilst the way she treated him shows a pattern of behaviour it is not a matter for this investigation.

With regard to Hilarie Owen, Councillor Hunt supported Councillor Charles Taylor in the meeting and did not attempt to intervene when he was shouting at his colleague. She also raised her voice and used their seniority on the Parish Council to attempt to force others to

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agree to CT chairing the meeting. I therefore find that Councillor Hunt is in breach of the Code of Conduct by failing to treat fellow Councillors with respect and not promoting high standards of conduct.

Recommendations

That the matter should be referred to the Standards Committee for consideration of appropriate sanctions.

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Appendix 1

Complaint against Councillor Hunt

Dear Chair

It is with great regret that I am writing to raise a formal grievance about bullying and aggressive behaviour by Council Members.

The individuals concerned are [REDACTED] PPC Cathy Hunt who I have already had to raise her inappropriate behaviour towards others with you in the past.

However, matters came to a head at a meeting on 3rd March 2023 where, in front of witnesses, their behaviours were insulting, offensive and intimidating.

I produced a Net Zero strategy for Prestbury, that was I believe discussed at a Finance & General Purpose Meeting (I was not there) and again on the agenda for the General Meeting on 20th February. The Council agreed to set up a working group to move this forward and a number of Councillors volunteered to work together to develop and implement the local plan.

Our first meeting was held on 3rd March. While waiting for all members to arrive, Cathy Hunt repeated her previous behaviour of denigrating colleagues, by claiming that Laura Tapping was incompetent and that her work and presentation to Council was rubbish. Laura, was attending the Council to share information about Net Zero activity in Cheltenham, holds a Masters in Sustainability, Cathy Hunt does not.

My intent, as you will recall, was that we would work together collaboratively as a team of five in a working group structure, rather than set up a formal sub-committee at this juncture. This would enable us to achieve more and work as a team.

When the meeting started Charles Taylor proposed himself as Chair, seconded by Cathy. I said we did not need a Chair as a Working Group and that we, as the group, should decide how to proceed.

[REDACTED]
[REDACTED]
[REDACTED].

I again said that we should decide as a group, at which Charles Taylor and Cathy Hunt said in aggressive tones that Charles was the senior person in the room and Cathy added that she used to be Deputy Chair of the Council. This was a clear misuse of power. This denigrated and undermined the other Councillors and I felt, was intended to humiliate me.

I then said I did not believe Charles Taylor should be Chair as he didn't believe in net zero, or that we were in a climate emergency and was very sceptical about the science on climate change believing that most heating up of the planet was natural.

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

After this meeting I felt I had no choice but to resign from the Council: this is effectively constructive dismissal due to the significant and public breach of the mutual trust and confidence that should exist between Councillors.

I hope you will take the necessary steps to address this serious matter. I look forward to your response.

Yours sincerely

Hilarie Owen

Appendix 2

Further information re
complaint

5th March 2023

Martyn Hansen

Chair

Prestbury Parish Council

Parish Council Office

The Pavilion

New Barn Close

Prestbury

Cheltenham GL52 3LP

Dear Chair

It is with great regret that I am writing to raise a formal grievance about bullying and aggressive behaviour by Council Members.

The individuals concerned are Charles Taylor, the Deputy Chair and PPC Cathy Hunt who I have already had to raise her inappropriate behaviour towards others with you in the past.

However, matters came to a head at a meeting on 3rd March 2023 where, in front of witnesses, their behaviours were insulting, offensive and intimidating.

I produced a Net Zero strategy for Prestbury, that was I believe discussed at a Finance & General Purpose Meeting (I was not there) and again on the agenda for the General Meeting on 20th February. The Council agreed to set up a working group to move this forward and a number of Councillors volunteered to work together to develop and implement the local plan.

Our first meeting was held on 3rd March. While waiting for all members to arrive, Cathy Hunt repeated her previous behaviour of denigrating colleagues, by claiming that Laura Tapping was incompetent and that her work and presentation to Council was rubbish. Laura, was attending the Council to share information about Net Zero activity in Cheltenham, holds a Masters in Sustainability, Cathy Hunt does not.

My intent, as you will recall, was that we would work together collaboratively as a team of five in a working group structure, rather than set up a formal sub-committee at this juncture. This would enable us to achieve more and work as a team.

When the meeting started Charles Taylor proposed himself as Chair, seconded by Cathy. I said we did not need a Chair as a Working Group and that we, as the group, should decide how to proceed. Charles Taylor disagreed insisting, in a raised voice, that he had agreed with you that it should be a

formal sub-committee even though there is nothing in writing with the Parish Council that this is how Working Groups should operate.

I again said that we should decide as a group, at which Charles Taylor and Cathy Hunt said in aggressive tones that Charles was the senior person in the room and Cathy added that she used to be Deputy Chair of the Council. This was a clear misuse of power. This denigrated and undermined the other Councillors and I felt, was intended to humiliate me.

I then said I did not believe Charles Taylor should be Chair as he didn't believe in net zero, or that we were in a climate emergency and was very sceptical about the science on climate change believing that most heating up of the planet was natural. Charles Taylor then confirmed his belief saying we would never reach net zero as the UK wasn't geared up for it and that it might be a good thing to have a warmer climate for farmers.

Charles focused his attention on PPC Sandra Attwood working hard to convince her that he should be Chair until she said she would support him. I attempted to speak but was shouted down by Charles Taylor, disrespectfully shouting at me not to interrupt. He then made an extraordinary claim shouting straight at me "You are only here because of me" as if Councillors are beholden to him for being put forward and must therefore do his bidding rather than represent the community we serve.

In light of this, I confirmed my belief that Charles Taylor was not a suitable candidate to lead Prestbury Net Zero agenda and decided to leave the meeting.

Charles Taylor then evidenced threatening and bullying behaviours, screaming at me that if I left he would close down the Working Group and nothing would be done on net zero for Prestbury. I was deeply shocked and felt very threatened. He then asked me to vote for him as Chair. I refused as in my heart I knew he didn't believe in the project.

Charles Taylor by now was red in the face and clearly extremely angry, shouted violently, "Martyn was very disgusted with your behaviour with Cathy and wanted to report you." This referred to a previous incident when I had to call out Cathy Hunt for unacceptable bullying behaviour toward a new Councillor. We have already discussed this incident. Charles twisted the facts to make a defamatory statement about me, apparently with slanderous and malicious intent.

At that point I felt under unrelenting and unbearable emotional, and potential physical attack and left.

The conduct of Charles Taylor left me physically shaking, mentally distressed and in tears.

After this meeting I felt I had no choice but to resign from the Council: this is effectively constructive dismissal due to the significant and public breach of the mutual trust and confidence that should exist between Councillors.

I hope you will take the necessary steps to address this serious matter. I look forward to your response.

Yours sincerely

Hilarie Owen

Context Statement

Joined Prestbury Parish Council August 2022. It hadn't been straight forward as Cathy Hunt and her colleague had objected to voting for someone they didn't know and said the decision should have been taken without me in the room. I had completed my background on paperwork for this so perhaps they hadn't read this. As it happens other councillors supported me and so I was passed as a member. I was put on the Planning Committee and volunteered to oversee the Litter Pickers once a month. I do not belong to a political party but after Covid wanted to engage more with where I lived as it had been a safe place during the pandemic. My international work had finished so the time was right to do more locally.

On 12th November I went to a C5 meeting – whereby Parish Councillors from across Cheltenham met at the Civil Service Sports Club. As a new member I wanted to meet others and learn what they did. The topic was to do with climate, energy and the food crisis. Before going I asked Charles Taylor if he was going and he replied 'no' and when I asked why he said he had issues with the science on climate change.

I arrived at the meeting to find I was the only person from Prestbury PC and sat on a table whereby I was joined by Felicity Parnham Charlton Kings on one side and Laura Tapping CBC on the other. I asked Laura if she would come and talk to PPC and explain what Cheltenham were doing on climate.

It was surprising that the other Councils were active on climate change but not Prestbury. I decided to write a Paper for the Council with some ideas. As Charles had mentioned the science, I wrote the first half of the paper on the scientific evidence. In 2020 I had been invited by my US colleague to attend an online programme on the science of climate change run by NASA so used my notes and other information from the World Economic Forum of which I'm a member. The second half of the paper was on strategy and action plan with a basic costing.

I sent this to the Chair and Charles as Deputy Chair and Jane the Parish Clerk. Charles replied by email saying he wanted to go through it line by line. His tone was that of a teacher correcting my work and I told him so. I met up with him and the Chair and we went through the document. I changed one sentence he took offence to but defended the rest with support from the Chair. It was clear Charles was not happy with the whole idea, but we moved forward.

Meanwhile, another new member joined, Dan Taylor from the Green Party but was not welcomed by Cathy Hunt who confronted him with very aggressive questioning. We were all shocked at her questioning that included asking what could he bring as a 29 year old with no experience. (We need young people with fresh ideas and thinking). She asked if they could abstain from voting but was told by the Chair that all had to vote so reluctantly, she did.

At the next general meeting a month later the Chair had decided to move people around as people tend to sit at the same place each month and we don't get to know everyone. When Cathy saw this, she moaned that we were being treated like children. She was sat next to Dan Taylor and I was sat the other side of him.

Before the meeting began she was still moaning and a councillor sat the other side of me tried to get her to be reasonable. Cathy then started being aggressive to Dan again about the Green party leaflets. He didn't respond but began to physically lean towards me to get away from the attack. It became personal as she said to him " I've been involved with climate change since the 1070's, I don't need someone like you telling me what to do." It was at this point I stepped in and said: "You've been negative since you arrived now just shut up."

I probably shouldn't have said 'shut up' but I was trying to defend a young man who was being verbally attacked. After the meeting I informed the Chair. He agreed I shouldn't have said 'shut up' but added that he understood why. He arranged to meet Cathy to warn her (she had been warned a couple of times before) that her behaviour was not correct.

I know my comment to Cathy will be brought up and Charles used it to validate his being Chair of the working group (to keep the peace between Cathy and myself). However, I had made a friendly gesture towards her before the working group meeting which she ignored. Instead she started insulting Laura Tapping before the Working Party meeting began. I calmly stated that we were to discuss Prestbury not Cheltenham. Councillor Dan Taylor was at the whole of the Working Group meeting and Sandra Attwood arrived late but was also present.

I have worked with boards of directors around the world, charities, government departments and the British Council but never experienced such behaviour as I have from Charles and Cathy. I am also on the Patient Group for the new Wilson Health Centre in Prestbury where we are really making a difference for patients. They would all validate that I work as a team member, and that I behave with respect and courtesy. I have received support from the Chair with the net zero plan who is in a difficult situation but has been honest and fair throughout.

Appendix 3

Code of Conduct for Prestbury Parish Council

July 2021

CODE OF MEMBERS' CONDUCT

**Adopted by Council 21/054
at Full Council meeting on 12 July 2021**

1. Introduction

This code of conduct (The Code) is adopted in response to the requirement under S.27(2) Localism Act (2011) for the Authority to promote and maintain high standards of conduct by members of the Council.

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

II. Scope of the Code of Conduct

Government is currently considering how it should advise Authorities on the writing of their Codes of Conduct, especially in respect of the disclosure of information not personal to a member of the Authority, and on the sanctions that members might face having breached their Authority's Code. Nevertheless, this Code, which is based on Cheltenham Borough Council's Code, has been reviewed and applies to members whenever acting in their official capacity as a member of Prestbury Parish Council when

- (a) engaged in the business of Prestbury Parish Council including Ward business or representing the Council externally;
- (b) behaving so as to give a reasonable person the impression of acting as a representative of Prestbury Parish Council.

This Code of Conduct does not seek to regulate what members do in their purely private and personal lives.

The obligations set out in this Code are in addition to those which apply to all members by virtue of the procedural and other rules of the Authority and any protocols and policies that may be adopted from time to time by the Authority.

Failure to comply with the requirements within this Code of Conduct which relate to disclosable pecuniary interests and which are set out in sections V and VI and Appendix A, is a criminal offence.¹

III. General principles of members' conduct (The Nolan principles)

When carrying out their duties in exercising the functions of their Authority or otherwise acting as a councillor, members are required by S.28 (1) Localism Act (2011) to observe the general principles of conduct set out below. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

- *Selflessness*
- *Integrity*

¹ Section 34 Localism Act 2011

- *Objectivity*
- *Accountability*
- *Openness*
- *Honesty*
- *Leadership*

IV. Rules of Conduct

Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest, and resolve any conflict between the two, at once, and in favour of the public interest.

Members shall observe the following rules:-

General Requirements

- (1) **Do** treat others with respect.
- (2) **Do not** bully any person.
- (3) **Do not** do anything which may cause your Authority to breach any of the equality enactments.
- (4) **Do not** use your position improperly, to confer on or secure for yourself or any other person, an advantage or disadvantage, or seek to improperly influence a decision about any matter from which you are excluded from participating or voting as a result of the requirements of Part VI of this Code of Conduct.
- (5) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, your Authority.
- (6) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Authority.
- (7) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (8) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.
- (9) **Do** use your Parish Council email address for all correspondence relating to your role as a member of Council and do not use it for personal business of any sort.

When using the resources of the Authority, or authorising the use of those resources by others:

- (10) **Do** make sure that such resources are not used improperly for political purposes (including party political purposes).
- (11) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

(12) **Do not** use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.

(13) Do familiarise yourself and use, the full written resources of policies and procedures that are readily available on the Parish Council's website.

(14) **Do** ensure that decisions are made on merit, particularly when making public appointments, awarding contracts, or recommending individuals for rewards or benefits.

(15) **Do** be as open as possible about your own decisions and actions and those of your Authority and be prepared to give reasons for those decisions and actions.

V. Registration of Interests

Members shall observe the following rules when registering their interests.

(1) **Do**, within 28 days of the adoption of this Code by the Council or within 28 days of taking Office as a member (or co-opted member), whichever is sooner, notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other interest as defined in Appendix B.

(2) **Do**, within 28 days of re-election as a member or re-appointment as a co-opted member, notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other interest as defined in Appendix B which has not already been entered in the Authority's Register in accordance with (1) above.

(3) **Do**, within 28 days of the date of a disclosure referred to in Paragraph 9(1) of this Code, notify the Monitoring Officer of the interest (unless it is the subject of a pending notification).

(4) **Do** notify the Monitoring Officer of any changes to interests required within 28 days of the date of that change to be registered under Appendix B.

(5) **Do** approach the Monitoring Officer if you feel that your interest should be treated as sensitive because its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation.

VI. Declaration of Interests and Restrictions on Participation

Members should observe the following rules:

Disclosable Pecuniary Interests

Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:

(1) **Do** ensure that, if your interest is not entered in the Authority's Register, you disclose the interest to the meeting (unless the Authority's Monitoring Officer considers that it is a sensitive interest in which case you do not need to disclose the nature of the interest); and that you notify the Monitoring Officer of the interest within 28 days in accordance with Paragraph V(3) of this Code.

(2) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted).

Other Interests

Where a matter, in which

either you have an interest as specified in Appendix B (other interests),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent than it would affect the majority of other Council taxpayers, ratepayers or inhabitants of the Ward affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate, arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

(3) **Do** ensure that you disclose the interest to the meeting.

(4) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,

(a) it affects your financial position or the financial position of the member of your family or person with whom you have a close association described above, or

(b) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described above

and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out in Paragraph VI(4) above do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The member must, after making their submission, withdraw immediately from the meeting.

VII. Duties in respect of the investigation of complaints

Members shall observe the following:-

(1) **Do** co-operate, at all stages, with any investigation into your conduct which may be carried out in accordance with the arrangements for the investigation and determination of complaints which have been put in place by the Parish Council pursuant to the Act².

(2) **Do not** seek to intimidate, or attempt to intimidate, any person who is, or is likely to be, a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a Member has failed to comply with this Code of Conduct.

VIII. Dispensations

Where a Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an interest which would preclude the member's participation in the item of business as described in paragraph V1(disclosable pecuniary interests) of this Code, the member may make a written application for a dispensation to the Parish Clerk which will be determined in accordance with the adopted procedure of the Authority.

The Authority may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if the member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an interest which would preclude the member's participation in the item of business as described in paragraph VI (other interests) of this Code.

² Section 28(b) Localism Act 2011

IX. Definitions

The following are definitions which apply for the purposes of this Code of Conduct.

1. "The Act" is the Localism Act 2011.
2. "The Authority" is Prestbury Parish Council.
3. "Meeting" is a meeting of the Authority, or any committee, subcommittee, joint committee or joint subcommittee of the Authority.
4. "Standards Committee" is the Standards Committee of Cheltenham Borough Council.
5. "Member" is an elected or a co-opted member of the Authority.
6. "Co-opted member" is a person who is not a member of the Council but who is either a member of any committee or subcommittee of the Council, or a member of, and represents the Council on any joint committee or joint subcommittee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or subcommittee. This Council has determined that a subcommittee, only, may co-opt additional members who are not members of Council, but that they will not have an entitlement to vote on any matter.
7. "Monitoring Officer" is the Monitoring Officer to Cheltenham Borough Council.
8. "Pending notification" is an interest which has been notified to the Monitoring Officer, but which has not been entered in the Authority's register in consequence of that notification.
9. "Member of your family" means:
 - Partner (spouse/civil partner/someone you live with as if a spouse or civil partner);
 - A parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; or the partners of any of these persons;
 - A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; or the partners of any of these persons.
10. "Close associate" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage ("close association" shall be construed accordingly).
11. "well-being" means general sense of contentment and quality of life.
12. Excepted functions are functions of the Authority in respect of
 - (i) housing, where the member is a tenant of your Authority provided that those functions do not relate particularly to the member's tenancy or lease;
 - (ii) an allowance, payment or indemnity given to members;
 - (iii) any ceremonial honour given to members; and
 - (iv) setting Council tax or a precept under the Local Government Finance Act 1992.

Appendix A

Disclosable Pecuniary Interests

The interests set out below are “Disclosable Pecuniary Interests” in accordance with the Localism Act 2011 and members must notify the Monitoring Officer in accordance with Paragraphs 8(1)-(3) of this Code of Conduct of any interest which is an interest of **the Member or of any of the following:**

- the member’s spouse or civil partner;
- a person with whom the member is living as husband and wife; or
- a person with whom the member is living as if they were civil partners; and the member is aware that that other person has the interest.

Subject	Disclosable Pecuniary Interest
Employment, Office, Trade, Profession or Vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M’s knowledge) – (a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where
(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either –

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- (a) "the Act" means the Localism Act 2011;
- (b) "body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (c) "director" includes a member of the committee of management of an industrial and provident society;
- (d) "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income
- (e) "M" means a member of a relevant authority;
- (f) "member" includes a co-opted member;
- (g) "relevant authority" means the authority of which M is a member
- (h) "relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
- (i) "relevant person" means M or any other person referred to in section 30(3)(b) of the Act;
- (j) "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

Appendix B

Other Interests

The interests set out below are "other interests" which must be notified to the Monitoring Officer in accordance with Paragraphs 8(1), 8(2) and 8(4) of this Code of Conduct.

A member must notify the Monitoring Officer of any interest held by **the member** in any of the categories set out below:-

Subject	Other Interest
Management or Control	Any body of which the Member is in a position of general control or management and to which he/she is appointed or nominated by the Council.
Public/Charitable and Other External Bodies	Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or Trade Union) of which the Member of the Council is a member or in a position of general control or management.
Employer	Any person or body who employs, or has appointed, the Member.
Gifts and Hospitality	The name of any person, organisation, company or other body from whom the member has received, by virtue of their Office, gifts or hospitality worth an estimated value of £50 or more.

Appendix 4

4.1

Councillor Hunt response to complaint

Hughes, Claire

Subject:

FW: Right of Reply

Dear Ms Hughes

I was hoping I would have been offered a right of reply by now for what has been said by Ms Hilaire Owen about me. As I am going to Canada to visit my Daughter and grandchildren at the start of April and returning towards the end of the month I am becoming stressed that my reply will not be heard.

On arrival at the meeting Councilor Charles Taylor and myself found Ms Owen and Councilor Dan Taylor already in place but as we were still short of a member the meeting had not started and we were generally talking. I have been accused of saying Laura Tapping was ridiculous.

What I actually said while we were an informal group that I was surprised that Laura did not appear to have read the new peer reviewed papers that actually say that dual fuel is available heat Pumps are not economic. Putting them into Cheltenham Borough homes therefore did seem a bit ridiculous. I never said that Ms Tapping was ridiculous.

The meeting was going to be difficult as there were going to be divergent views and with this in mind the Chair of Prestbury PC should perhaps have put in place some ToRs ready, or have been present at the meeting to be the figure in charge. With this said I have been accused of denigrating Ms Owen by saying I had been vice-chair of the Parish. By this stage she was shouting and talking over everyone perhaps if she hadn't she would have heard the rest of the sentence. I was making the point that when I had been vice chair and a working party was set up the leader or chair of that group had been at least indicated by the Chair of PPC. I further added that because of zoom during covid this seems to have gone by the board. Under councilor Payne it was certainly the case the leader was in put in place.

As a strong conservationist my views are not always aligned with those of the green party but I strongly object to being called a sceptic and having my views turned into irrelevances by Ms Owen.

I had gone to the office on the following Monday to see if I could have Ms Owen taken to the monitoring officer but as she had resigned I could go no further

Please forward this to the relevant parties

Catherine Hunt

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Appendix 4

4.2

Councillor Hunt response to report

Hughes, Claire

Subject: FW: Code of Conduct enquiry

Good Morning

I seem to have missed something while visiting family as I thought I would see the draft report before it was forwarded but this seems to have changed I do wish to comment about the findings you have laid against me

Until Dan Taylor's application I have readily voted for all applicants to be councilors including HO, which was not unanimous. DT's application was supported but I did have reservations

I am accused of using a previous position on the council to exert pressure. I had tried to get across that although working groups did not have to have chairs we had always appointed one to facilitate proceedings. I ended up having to shout as HO and DT were totally ignoring any intervention. It was not done to coerce but I was trying help.

I arrived at the meeting and as all members were not present I said I had to inspect the tennis courts as they had just been professionally cleaned, both DT and HO nodded. I returned as CT was arriving and although we are friends we have never colluded.

HO continually referred to me as a climate change skeptic and would not listen every time I corrected her causing me to raise my voice over her shouting as I felt she was continually insulting me.

At no point was HO crying either when she left or returned a few minutes later.

After the meeting SA castigated to me, the behaviour of HO saying that was why she did not want HO as chair she was not forced to change her position.

I am disappointed in the report being final without allowing my comments

Catherine Hunt

The procedure for hearings before the Standards Hearing Sub-Committee.

1. Procedure

- 1.1 Formal hearings will be conducted by the Standards Hearings Sub-Committee.
- 1.2 A member of the Standards Committee, against whom a Code of Conduct complaint has been made, shall not be permitted to sit as a member of the Sub-Committee until consideration of the complaint has been concluded.
- 1.3 Agendas for Sub-Committees shall be published and the Sub-Committee shall be held in public unless:
 - This would involve disclosure of exempt information as defined by Schedule 12A, Local Government Act, 1972; and
 - In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 1.4 Before the Sub-Committee meets, the Monitoring Officer shall write to the member and to the complainant, asking each:
 - Whether they accept the finding in the report
 - Whether they dispute any factual part of the report, identifying any areas of dispute.
 - Whether they wish to call any witnesses at the hearing. (Only witnesses identified to the Investigating Officer by the complainant or by the member may be called as witnesses. In law, witnesses do not have to attend.)
 - Whether the complainant wishes to be present at the hearing. (The complainant shall be invited, but is not obliged, to attend the hearing. If the complainant is not present, the procedure below shall be adapted accordingly.)
 - Whether they wish to be accompanied at the hearing.
- 1.5 Subject to the discretion of the Chair, the hearing shall be conducted as follows:
 - a. The Investigating Officer will be invited to present their report and to call witnesses. The complainant, the member and the Sub-Committee (including the Independent Person(s)), in that order, may ask questions or seek clarification both of the Investigating Officer and any witnesses.
 - b. The complainant will be invited to comment on the report and its findings and to call witnesses. The Investigating Officer, the member and the Sub-Committee, in that order, may ask questions or seek clarification both of the complainant and any witnesses.

- c. The member will be invited to comment on the report and its findings and to call any witnesses. The Investigating Officer, the complainant and the Sub-Committee, in that order, may ask questions or seek clarification both of the member and any witnesses.
 - d. The Investigating Officer, the complainant and the member will be invited, in that order, to make brief concluding remarks.
 - 1.6 The Chair and Sub-Committee, including the Independent Person(s), may ask for advice at any stage from the Monitoring Officer.
 - 1.7 Once the hearing has been concluded, the Sub-Committee, with the Independent Person(s), will retire to consider its decision. It may call on the Monitoring Officer to provide advice and guidance. The Sub-Committee is required to do the following:
 - (i) to decide on the facts,
 - (ii) to decide on whether these facts constitute a breach of the Code of Conduct, and
 - (iii) to decide on the appropriate sanction.
 - 1.8 In deciding whether or not to uphold the complaint the Sub-Committee must apply, as the standard of proof, the balance of probability, with the burden of proof resting on the Investigating Officer. The Sub-Committee may only make an adverse finding if satisfied, on this basis, that the member has breached the Code of Conduct.
 - 1.9 The Sub-Committee will then return and announce its findings on whether there has been a breach of the Code, with reasons.
 - 1.10 Following announcement of the Sub-Committee's findings, the complainant and the member will be invited to make submissions, if necessary, regarding remedies or sanctions.
 - 1.11 The Sub-Committee will then consider what, if any, sanction it wishes to impose. It shall retire whilst it considers this. It will then announce its decision and give reasons.
 - 1.12 Following the hearing, the Monitoring Officer shall draft a record of the decision for approval by the Sub-Committee. Once the record of decision has been settled, a copy shall be sent to each of the parties.
- 2. Appealing a Decision about a Complaint**
- 2.1 There is no right of appeal against a decision on a Code of Conduct complaint. If the complainant or the member considers that the complaint has not been considered properly by the Council, they may be able to complain to the Local Government Ombudsman or seek permission for judicial review.
- 3. Sanctions available to the Sub-Committee**

- 3.1 The Sub-Committee has powers to take action in respect of individual councillors as necessary to promote and maintain high standards of conduct.
- 3.2 The Sub-Committee may do one, or a combination, of the following:
- a. Issue a formal Censure or Reprimand to the Member
 - b. Report its findings to Council (or to the Parish or Town Council) for information
 - c. Recommend the Member's Group Leader (or in the case of ungrouped members, recommend the Council or Committees) to remove the Member from appointments to Committees or Sub-Committees of the Council
 - d. Recommend the Leader of the Council to remove the Member from any appointment to the Cabinet, or from particular Portfolio responsibilities
 - e. Instruct the Monitoring Officer to (or recommend that the Parish or Town Council) arrange training for the Member
 - f. Recommend to the Council or its Cabinet, or to the Parish or Town Council that all outside appointments to which the member has been appointed or nominated by that Authority are removed
 - g. Exclude (or recommend that the Parish or Town Council exclude), the Member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings
 - h. If relevant, recommend that the Council removes the Member from the post of Leader of the Council.
 - i. Publish its findings in respect of the Member's conduct.

In cases where the Sub-Committee makes an adverse finding against a Member, its decision will be published on the Standards Committee pages of the Council's website. This includes decisions relating to members of Town or Parish councils.

(END)

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