

The Arc
High Street
Clowne
S43 4JY

To: Members of the Standards Sub-Committee

Contact: Amy Bryan
Telephone: 01246 242529
Email: amy.bryan@bolsover.gov.uk

Tuesday 31st January 2023

Dear all,

STANDARDS SUB-COMMITTEE

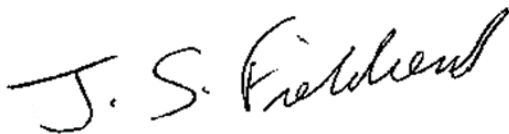
You are hereby summoned to attend a meeting of the Standards Sub-Committee of the Bolsover District Council to be held in the Committee Room 1, The Arc, Clowne on Thursday, 9th February, 2023 at 10:00 hours.

Please note that there will be a pre-meet for members of the Sub-Committee starting at 9.30am.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 3 onwards.

Yours faithfully



Solicitor to the Council & Monitoring Officer

Equalities Statement

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** enquiries@bolsover.gov.uk
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

**STANDARDS SUB-COMMITTEE
AGENDA**

***Thursday, 9th February, 2023 at 10:00 hours taking place in the Committee Room 1, The
Arc, Clowne***

Item No.		Page No.(s)
1.	Election of Chair	
2.	Declarations of Interest	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and, if appropriate, withdraw from the meeting at the relevant time.	
3.	Consideration of complaint received in relation to the Councillor Code of Conduct	4 - 28

LIST OF DOCUMENTS FOR CONSIDERATION OF COMPLAINT

APPENDIX 1

Hearing Procedure

APPENDIX 2

Initial complaint submitted by Cllr D.Watson on behalf of herself, Cllr R.Heffer, Cllr M.Coupe and Cllr C.Whitehead (redacted);

APPENDIX 3

Investigating Officer's report (redacted)

APPENDIX 4

Investigating Officer's evidence summary

APPENDIX 5

Email correspondence with Independent Person for Standards – IP's email address redacted

APPENDIX 6

Letter to Cllr Beckett dated 31st May 2022 confirming outcome of the investigation – Cllr Beckett's email address redacted

APPENDIX 7

Tibshelf Parish Council's Code of Conduct operating at the time the complaint was made

The procedure for hearings before a Hearing Panel of the Standards Committee.

1.1 Formal hearings will be conducted by a panel of three councillors drawn from membership of the Standards Committee on the basis of availability plus one of the Independent Persons.

1.2 A member of the Standards Committee, against whom a Code of Conduct complaint has been made or who has made a complaint shall not be selected as a member of a Hearing Panel.

1.3 Agendas for hearings panels shall be published and hearings panels 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 a hearing panel 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 a hearing panel.
- 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 In advance of a meeting of a Hearing Panel its members shall seek to agree who will chair the hearing. The Chair may issue directions about the conduct of the hearing. A member of a Hearing Panel shall not act as Chair unless they have received relevant training.

1.6 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 Panel (including the Independent Person), 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 Panel, 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 Panel, 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.

1.7 The Chair and Panel, including the Independent Person, may ask for advice at any stage from the Monitoring Officer.

1.8 Once the hearing has been concluded, the Hearing Panel, with the Independent Person, will retire to consider its decision. It may call on the Monitoring Officer to provide advice and guidance.

The Hearings Panel 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.

1.9 In deciding whether or not to uphold the complaint the Hearing Panel must apply, as the standard of proof, the balance of probability, with the burden of proof resting on the Investigating Officer. The Hearing panel may only make an adverse finding if satisfied, on this basis, that the member has breached the Code of Conduct.

1.10 The Hearing Panel will then return and announce its findings on whether there has been a breach of the Code, with reasons. If the Hearing Panel consider there has been a breach it will also announce what, if any, sanction it wishes to impose.

1.13 Following the hearing, the Monitoring Officer shall draft a record of the decision for approval by the Hearing Panel. 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 BDC, they may be able to complain to the Local Government Ombudsman or seek permission for judicial review.

PLEASE NOTE THIS DOCUMENT IS REDACTED AS IT REFERS TO MATTERS THAT ARE NOT RELEVANT TO THIS HEARING

From: Deborah Watson

Sent: 02 October 2020 18:08

To: Sarah Sternberg <Sarah.Sternberg@bolsover.gov.uk>; Victoria Dawson <Victoria.Dawson@bolsover.gov.uk>

Subject: Complaint re the Chair of Tibshelf Parish Council

Dear Sarah and Victoria,

Cllrs Ray Heffer, Cliff Whitehead, Mike Coupe, and myself would like to lodge a formal complaint regarding a serious breach of the Code of Conduct by the Chair of Tibshelf Parish Council, Mrs Allison Beckett.

[REDACTED], we believe that Cllr Beckett has breached the Code of conduct by acting dishonestly, with a lack of integrity, and a complete lack of respect for fellow Councillors, staff, and members of the public.

[REDACTED]

[REDACTED]

At the September meeting of TPC, during a discussion around the Tibshelf Neighbourhood Plan, Cllr Beckett sought to strengthen her own argument by fabricating a statement which she claimed to be from the Headteacher of Tibshelf Infant School, Mrs Zoe Andrews. This lie was heard by a member of the public, Mr James Knight, who also happens to be a governor at the Infant School. Having instantly recognised Cllr Beckett's comments as wholly untruthful, Mr Knight contacted the Headteacher immediately after the meeting. Mrs Andrews was understandably incensed and the following morning challenged Cllr Beckett herself. Cllr Beckett then proceeded to compound her lies by claiming that she had said this in the midst of a heated debate. This was neither the case, nor would it have been excusable even had it been true!

Mrs Andrews was so angry over this besmirching of her professional character, that she then telephoned myself to let me know that Cllr Beckett had admitted to the lie

and, furthermore, had promised to voice a retraction at the following Council meeting. Mrs Andrews said she had contacted me as she wanted to be sure that other Cllrs were aware so she could be reassured that the retraction would indeed be aired and duly minuted at the October meeting.

We are fearful that such inappropriate mendacious behaviour could lead TPC into disrepute, and that it is wholly improper for the Chair of a Parish Council to conduct themselves in such a manner, when rather they should in fact provide leadership in accordance with the Code of Conduct, treat all others with respect, and be truthful at all times.

Many thanks for your attention to this matter,

Best regards,

Deborah

Cllr D S Watson

PLEASE NOTE THIS DOCUMENT IS REDACTED AS IT REFERS TO MATTERS THAT ARE NOT RELEVANT TO THIS HEARING

MEMBER COMPLAINT MC 13/2020

COMPLAINT AGAINST ALISON BECKETT, TIBSHELF PARISH COUNCIL

INVESTIGATION REPORT

Background

The complaint was initially received in October 2020. Although affected by a series of delays my initial assessment of the complaint, as Deputy Monitoring Officer, was concluded in May 2021. I determined that a prima facie case was made out. However I considered that a full investigation could be avoided by a formal apology on the record from Cllr Beckett.

Cllr Beckett rejected that conclusion and no apology was made.

Eventually it became apparent that no progress could be made, and that further investigation would be required. During this time it became apparent to the Monitoring Officer and her team that relationships at Tibshelf Parish Council had deteriorated significantly.

Summary of Complaint & Scope of Investigation

The initial complaint raised a series of allegations:

- Dishonesty regarding a 3rd Party – September 2020
- Dishonesty regarding emails sent to Council members

In taking forward the investigation it was determined that the public interest would be served by focus on the most serious element of the complaint; the allegation that Cllr Beckett had dishonestly misrepresented the views of a 3rd party in a Parish Council meeting on 15 September 2020. Specifically, that Cllr Beckett had knowingly attributed untrue comments to Zoe Andrews, Headteacher of Tibshelf Infant School, in respect of the local plan proposals for housing development in Tibshelf.

At the assessment stage Cllr Beckett had refuted that this occurred yet offered no alternative account of what she said. She did indicate that she contacted Mrs

Andrews the following day to apologise that she had been “used as part of political point scoring”.

Summary of Witness Evidence

In the course of the investigation I spoke directly to the following:

- Cllr D Watson & Cllr R Heffer (2 of the 4 named complainants).
- 2 members of the public attending the meeting on 15 September 2020.
- Zoe Andrews, Headteacher of Tibshelf Infant School.
- 3 other Parish Councillors, selected at random, all of whom were in attendance at the meeting on 15 September 2020.

NB Some witnesses showed a reluctance to be named given the poor relationships at the Parish Council. Therefore accounts from all those in attendance at the Council meeting (other than Cllrs Beckett, Watson & Heffer) are anonymised.

Complainants:

In conversation Cllrs Watson and Heffer reiterated their accounts of the meeting and were clear that Cllr Beckett had attributed to Zoe Andrews comments that she opposed the proposed development in Tibshelf. No additional details were provided, although the conversations featured comments on other allegations which fall outside the scope of this investigation.

In summary, the details they reiterated were:

At the September meeting of TPC, during a discussion around the Tibshelf Neighbourhood Plan, Cllr Beckett sought to strengthen her own argument by making a statement which she claimed to be from the Headteacher of Tibshelf Infant School, Mrs Zoe Andrews. This lie was heard by a member of the public ... who knew Mrs Andrews and recognised Cllr Beckett's comments as untruthful. They contacted the Headteacher immediately after the meeting, who was reportedly angry. Cllr Beckett then spoke to Mrs Andrews the following day, acknowledging the comments were misleading and claiming that she had said this in the midst of a heated debate.

Mrs Andrews contacted one of the complainants to advise that Cllr Beckett had admitted to the above and, furthermore, had promised to voice a retraction at the following Council meeting. Mrs Andrews said she had contacted them as she wanted to be sure that other Cllrs were aware so she could be reassured that the retraction would indeed be aired and duly minuted at the October meeting.

Members of the Public:

The first witness corroborated the complainants' account that Cllr Beckett had stated that she had spoken prior to the meeting with Mrs Andrews, who had expressed opposition to the development of additional housing in the village.

Further, he advised that following the meeting he had informed Mrs Andrews of what had been said. He did this because he knew Mrs Andrews and believed the comments were inconsistent with her position. He also confirmed that he had no personal relationships with any of those present at the meeting.

The second witness provided a slightly different recollection of events. She believed the proposition that Mrs Andrews opposed the development had first been suggested by a councillor other than Cllr Beckett, although she could not recall who. It was her belief that Cllr Beckett had agreed with the other councillor, indicating that was consistent with a conversation which she had with Mrs Andrews. In addition this witness expressed concerns regarding the deterioration of relationships at the Parish Council. The witness confirmed that she is a friend of Cllr Beckett.

Zoe Andrews:

Mrs Andrews confirmed that a witness at the meeting had spoken to her and advised what comments had been attributed to her. Mrs Andrews was clear that she had not said what Cllr Beckett had alleged at the meeting. Indeed, she was at pains to emphasise that, given her role in the community and the sensitivity of the issue in question, she had always been careful not to offer a personal opinion on the development proposals.

Mrs Andrews had been upset that her comments had been misrepresented. Her recollection is that she subsequently emailed her concerns to Cllr Beckett, who spoke to her, apologised and agreed to clarify the comments at a future meeting.

Other Councillors:

The accounts were as follows:

- One councillor was adamant that Cllr Beckett had not done what was alleged. However when asked to provide their account of the meeting they couldn't recall what was said by anyone present.
- One councillor corroborated the complainants' account that Cllr Beckett had attributed to Mrs Andrews comments that were in opposition to the development. The councillor further discussed at length concerns about the deterioration of relationships at the Parish Council.
- The third councillor couldn't recall what was said at the meeting, although they commented that they "didn't know anyone" who wanted the development.

Subject Member's Evidence

Cllr Beckett was invited to submit her response to the summary of witness evidence. To date this has not been forthcoming.

Conclusion

Having considered the varying accounts of the complainants, witnesses and the subject member I have concluded that on the balance of probabilities there was a breach of the Tibshelf Parish Council Code of Conduct. There was clear evidence

from both Zoe Andrews and the independent witness who reported the comments to her. This evidence had a clarity and level of detail, despite the time which has elapsed since the events in question, which is compelling. This leads me to conclude that Mrs Andrews expressed no view on the local plan proposals to Cllr Beckett, and was careful not to do so. I find it implausible that Cllr Beckett misunderstood her position. Therefore, in accepting that Cllr Beckett subsequently misrepresented that position in the Parish Council meeting I find that she did so knowingly.

The requirement to act with honesty is especially important when dealing with third parties, i.e. those who are not members of or directly involved with the Parish Council. That the public may perceive that the views of an important community figure, in this case the Infant School headteacher, will be knowingly reported inaccurately by an elected member serves only to undermine confidence in local democracy.

Other Issues & Recommendations

During the course of this investigation – and for some time before – it has been apparent that relationships at Tibshelf Parish Council have deteriorated significantly. The impact of this is that it undermines the confidence not only of individual members not directly involved, but most importantly of the public.

While it appears the behaviour of Cllr Beckett is a significant factor in the dysfunction at Tibshelf Parish Council, there appears to be behaviour on the part of others on both sides of the dispute which also falls short of expected standards.

I make the following recommendations:

1. There are deep-rooted conflicts, with apparent “sides” emerging among some councillors. I recommend that, with the Monitoring Officer’s support, all members of the Parish Council engage in a form of mediation or clear-the-air talks, to be entered into with a view to find the best solution for improving public confidence.
2. Given the issues of poor conduct over a significant period of time, it is inexcusable that members could fail to attend training on Standards and the Code of Conduct. Accordingly, it is recommended that suitable training is made available to the members of the Parish Council, by way of a formal letter from the MO to the Council, which makes it clear that engagement is expected from all members, with a view to restoring confidence in the Council among the public.
3. It is incumbent on a Chairperson to manage meetings in a fair way that avoids conflict, takes personal enmity out of the situation and sustains public confidence. I recommend that Cllr Beckett undertakes any appropriate training, particularly in chairing skills, that may be available from an external provider procured by the Parish Council.

4. It appears that some conflicts arise from Parish matters being conducted in ways that are perceived to be inconsistent with the standing orders, guidance and convention that governs the business of a Parish Council. Subject to having the available resource, I would suggest that the MO offers to undertake a light touch review of procedures and governance arrangements for the Parish to ensure that they are fit for purpose. Additionally the Chair, the Clerk and the members, are encouraged to seek advice from the Monitoring Officer, DALC and their legal advisers to ensure that procedures are robust and compliant and where doubts arise about any process they seek clarification before proceeding.

Scope of Investigation

The initial complaint included 4 allegations. In the public interest this investigation is confined to the most serious allegation, that Cllr Beckett dishonestly misrepresented the views of a third party during a council meeting in September 2020.

Summary of Witness Evidence

In the course of the investigation I spoke directly to the following:

- Cllr D Watson & Cllr R Heffer (2 of the 4 named complainants).
- 2 members of the public attending the meeting on 15 September 2020.
- Zoe Andrews, Headteacher of Tibshelf Infant School.
- 3 other Parish Councillors, selected at random, all of whom were in attendance at the meeting on 15 September 2020.

NB Some witnesses showed a reluctance to be named given the poor relationships at the Parish Council. Therefore accounts from all those in attendance at the Council meeting (other than Cllrs Beckett, Watson & Heffer) are anonymised.

Complainants:

In conversation Cllrs Watson and Heffer reiterated their accounts of the meeting and were clear that Cllr Beckett had attributed to Zoe Andrews comments that she opposed the proposed development in Tibshelf. No additional details were provided, although the conversations featured comments on other allegations which fall outside the scope of this investigation.

In summary, the details they reiterated were:

At the September meeting of TPC, during a discussion around the Tibshelf Neighbourhood Plan, Cllr Beckett sought to strengthen her own argument by making a statement which she claimed to be from the Headteacher of Tibshelf Infant School, Mrs Zoe Andrews. This lie was heard by a member of the public ... who knew Mrs Andrews and recognised Cllr Beckett's comments as untruthful. They contacted the Headteacher immediately after the meeting, who was reportedly angry. Cllr Beckett then spoke to Mrs Andrews the following day, acknowledging the comments were misleading and claiming that she had said this in the midst of a heated debate.

Mrs Andrews contacted one of the complainants to advise that Cllr Beckett had admitted to the above and, furthermore, had promised to voice a retraction at the following Council meeting. Mrs Andrews said she had contacted them as she wanted to be sure that other Cllrs were aware so she could be reassured that the retraction would indeed be aired and duly minuted at the October meeting.

Members of the Public:

The first witness corroborated the complainants' account that Cllr Beckett had stated that she had spoken prior to the meeting with Mrs Andrews, and that she had expressed opposition to the development of additional housing in the village. In addition, he advised that following the meeting he had informed Mrs Andrews of what had been said. He did this because he knew Mrs Andrews and believed the comments were inconsistent with her position. He also confirmed that he had no personal relationships with any of those present at the meeting.

The second witness provided a slightly different recollection of events. She believed the proposition that Mrs Andrews opposed the development had first been suggested by a councillor other than Cllr Beckett, although she could not recall who. It was her belief that Cllr Beckett had agreed with the other councillor, indicating that was consistent with a conversation which she had with Mrs Andrews. In addition this witness expressed concerns regarding the deterioration of relationships at the Parish Council. The witness confirmed that she is a friend of Cllr Beckett.

Zoe Andrews:

Mrs Andrews confirmed that a witness at the meeting had spoken to her and advised what comments had been attributed to her. Mrs Andrews was clear that she had not said what Cllr Beckett had alleged at the meeting. Indeed, she was at pains to emphasise that, given her role in the community and the sensitivity of the issue in question, she had always been careful not to offer a personal opinion on the development proposals.

Mrs Andrews had been upset that her comments had been misrepresented. Her recollection is that she subsequently emailed her concerns to Cllr Beckett, who spoke to her, apologised and agreed to clarify the comments at a future meeting.

The minutes of the October meeting make no reference to the conversation at the previous meeting, nor any mention of an apology or clarification.

Other Councillors:

The accounts were as follows:

- One councillor was adamant that Cllr Beckett had not done what was alleged. However when asked to provide their account of the meeting they couldn't recall what was said by anyone present.
- One councillor corroborated the complainants' account that Cllr Beckett had attributed to Mrs Andrews comments that were in opposition to the development. The councillor further discussed at length concerns about the deterioration of relationships at the Parish Council.
- The third councillor couldn't recall what was said at the meeting, although they commented that they "didn't know anyone" who wanted the development.

Appendix 5

From: ian.kirk629
Sent: 29 May 2022 21:53
To: Jim Fieldsend <Jim.Fieldsend@bolsover.gov.uk>
Subject: RE: Complaint MC13/2020

Warning External

Evening Jim

I have refreshed my knowledge of the complaint and read Kevin's report which you attached.

There is nothing new which leads me to revise my assessment that there had been a breach or to change my view on the suggested resolution.

I agree with your suggestion that Parish Councillor Beckett should be allowed further time to make the apology. It might be prudent to advise her of a deadline to do so.

If she declines to make the apology or fails to engage further with the process then it is my view that you as Monitoring Officer will need to decide whether it is appropriate to proceed to a full Standards Committee Hearing.

Regards

Ian Kirk

Independent Person for Standards

----- Original Message -----

From: "Jim Fieldsend" <Jim.Fieldsend@bolsover.gov.uk>

To: "Ian Kirk"

Sent: Thursday, 26 May, 2022 At 09:38

Subject: RE: Complaint MC13/2020

Hi Ian,

Thank you for letting me know. I look forward to hearing from you.

Regards,

Jim Fieldsend

Assistant Director & Monitoring Officer

Bolsover District Council

The Arc, High Street, Clowne, Derbyshire S43 4JY

01246 242472

Mobile: 07966312930

From: Ian Kirk

Sent: 25 May 2022 17:01

To: Jim Fieldsend <Jim.Fieldsend@bolsover.gov.uk>

Subject: Re: Complaint MC13/2020

Warning External

Hi Jim

I'm currently away.

I'll make sure I respond to your email over the forthcoming weekend.

Ian

Sent from my iPhone

On 18 May 2022, at 12:58, Jim Fieldsend <Jim.Fieldsend@bolsover.gov.uk> wrote:

Hi Ian,

You will recall replying to Kevin just over a year ago on a complaint that a Tibshelf Parish councillor, Alison Beckett, had misled the Council. You agreed with Kevin that there had been a breach and following your response Kevin wrote to the councillor stating :

“it is our view that this breach of the Code of Conduct can be addressed without further investigation if, at the next available Parish Council meeting, you would be prepared to make on the record:

- a retraction of all dishonest statements; and
- an apology to:
 - Mrs Zoe Andrews for attributing untrue statements to her; and
 - Other members of the Parish Council for misleading them”

Councillor Beckett refused to apologise as requested in Kevin’s letter and therefore a formal investigation ensued. Kevin undertook an investigation and completed it following leaving Bolsover District Council. I have attached the completed investigation report. You will note that he is still of the view that there has been a breach.

My view is that despite the previous refusal to apologise, I would like to give her a further opportunity to do so. If she fails to do this I will have no option but to arrange a Standards Committee Hearing.

I would appreciate your view on whether you agree (1) that there has been a breach of the code and (2) with my proposal to seek an apology.

I look forward to hearing from you.

Regards,

Jim Fieldsend

Assistant Director & Monitoring Officer

Bolsover District Council

The Arc, High Street, Clowne, Derbyshire S43 4JY

01246 242472

Mobile: 07966312930

From: ian.kirk629

Sent: 17 May 2021 10:58

To: Kevin Shillitto <Kevin.Shillitto@bolsover.gov.uk>

Subject: Re: [OFFICIAL (SENSITIVE)] Complaint MC13/2020

Warning External

Kevin

I have read all the details you forwarded to me, including the Tibshelf Parish Council Code of Conduct.

As you say, it is one of the Nolan principles which has been breached.

I agree with your findings and the suggested resolution.

I should say that I know one of the members of the Parish Council through an old relationship with the councillor's sister. However, this councillor is not one of those who have made complaints and so I do not feel that my impartiality is compromised.

Regards

Ian Kirk

----- Original Message -----

From: "Kevin Shillitto" <Kevin.Shillitto@bolsover.gov.uk>

To: "'ian.kirk629'"

Sent: Friday, 14 May, 2021 At 14:01

Subject: [OFFICIAL (SENSITIVE)] Complaint MC13/2020

Dear Ian

I trust that you are well.

Attached are details of an outstanding complaint from late last year. For a number of reasons there have been delays, requiring that I gave Cllr Beckett, the subject of the complaint, an additional period to provide information for us to consider. She has failed to do so.

Accordingly I have drafted the attached response. As always I would be grateful for your consideration and comments.

Due to the delays I need to get an outcome notified to the parties quickly. I would therefore be extremely grateful if you could consider this as soon as possible.

Kind regards

Kevin Shillitto

Solicitor & Deputy Monitoring Officer

Bolsover & NE Derbyshire District Councils

The Arc, High Street, Clowne, Chesterfield S43 4JY

Tel: 01246 242507

Mob: 07527 473769

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Our Ref: JF OCT 13/2020
Please Ask For: Mr Jim Fieldsend
E-mail: jim.fieldsend@bolsover.gov.uk
Direct Line: 01246 242472
Date: 31st May 2022

The Arc
High Street
Clowne
Derbyshire
S43 4JY

PRIVATE AND CONFIDENTIAL

Councillor Allison Beckett

By email to [REDACTED]

Mrs J.Fieldsend
Solicitor to the Council
and Monitoring Officer

Dear Councillor Beckett,

Allegation of breach of Code of Conduct MC OCT – 13/2020

Tibshelf Parish Council

I write in respect of the complaint against you in your role as a Tibshelf Parish Councillor and further to me sending you a copy of the Investigating Officers report on 6th May 2022.

I attach a further copy of the report. You will recall that there were several allegations however the investigating officer has concentrated on just one of the complaints. I have set out below the details of the complaint and the investigation officer's findings.

Dishonesty regarding a 3rd Party – September 2020.

Allegation: At the September meeting of Tibshelf Parish Council, during a discussion around the Tibshelf Neighbourhood Plan, you introduced a statement which she claimed to have been made by the Headteacher of Tibshelf Infant School, Mrs Zoe Andrews. A member of the public observing this contacted the Headteacher immediately after the meeting. Mrs Andrews was angry and alleged that you had fabricated the statement.

Mrs Andrews telephoned the complainant to advise that you had admitted to the lie and, furthermore, had promised to voice a retraction at the following Council meeting. Mrs Andrews said she wanted to be sure that other councillors were aware so she could be reassured that the retraction would indeed be aired and duly minuted at the October 2020 meeting. To date no retraction or apology has been made at any meeting of Tibshelf Parish Council.

Details of the investigating officer's findings are contained in the attached report. In summary he has concluded that there is evidence of a breach of the Parish Council's Code of Conduct as there is evidence of dishonesty which is one of the Nolan principles of public life.

Proposed Action

There are two courses of action available to me. Either I can seek to resolve this by way of an agreed resolution. Alternatively I can refer the matter to a formal hearing before members of Bolsover District Council's Standard Committee who will consider whether there has been a breach and decide on appropriate sanctions. Sanctions include asking the Parish Council to censure or reprimand you, recommending that the Parish Council remove you from committees or sub-committees, recommending that you be excluded from the Parish Council premises other than to attend Council meetings.

Despite the seriousness of the breach of the Code of Conduct, the Independent Person and I consider that it can be addressed without a hearing provided you would be prepared to make on the record:

- a retraction of the dishonest statements; and □
an apology to:
 - Mrs Zoe Andrews for attributing untrue statements to her; and ○
Other members of the Parish Council for misleading them

If this form of resolution is rejected then regretfully a Standard's Committee hearing will need to be held.

I am prepared to allow you until 24th June 2022 to respond to this letter. If you have failed to respond by that date I will assume that you do not wish to retract your statement or make an apology

Finally please note that the complainants are aware of the investigation officer's findings.

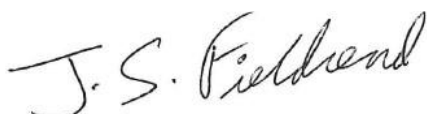
If you feel that I have failed to deal with this complaint properly, then the next step would be to make a complaint in writing to the Local Governance Ombudsman. The Ombudsman can be contacted as follows:

Local Government & Social Care Ombudsman Advice Team
P O Box 4771
Coventry
CV4 0EH

Phone: 0300 061 0614, Text 'call back': 0762 481 1595

Electronically on the website: www.lgo.org.uk/making-a-complaint

Yours sincerely



Jim Fieldsend
Solicitor to the Council and Monitoring Officer

TIBSHELF PARISH COUNCIL – Members’ Code of Conduct

Adopted 16th October 2012

Reviewed and adopted 19th May 2015

Tibshelf Parish Council Members' Code of Conduct

As a member or co-opted member of the Tibshelf Parish Council I have a statutory responsibility to have regard to the following principles when representing the community and working constructively with staff and partner organisations to secure better social, economic and environmental outcomes for all.

The Seven Statutory Principles

In accordance with the Localism Act provisions, when acting or appearing to act in my capacity as a councillor I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Parish Council.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

General Conduct

As a Member of the Parish Council, I will ensure my conduct is in accordance with the statutory principles of the code of conduct by:

- Dealing with people fairly, appropriately and impartially.
- Acting in accordance with the Council's ICT policies, ensuring that ICT resources are not used improperly and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Parish Council or the good governance of the Authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member or co-opted member of the Parish Council.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making the Parish Council's decision-making processes as open and transparent as possible. I will do this by allowing residents to access information they are entitled to by law, helping them to understand the reasoning behind the decisions taken and enabling them to be informed when holding me and other members to account.
- Restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with the Parish Council's legal obligations, alongside any requirements contained within its policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.

- Providing leadership through behaving in accordance with these principles when championing the interests of the community, with other organisations, as well as within this Authority.

I also agree to abide by the following rules:

Where you have a Disclosable Pecuniary Interest (under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012) in any business of the Authority you must disclose the interest to the meeting. In addition you must leave the room where the meeting is held while any discussion or voting takes place.

In addition the following Non Statutory Interests (other interests) will apply:

Non Statutory Interests (other interests).

You must, within 28 days of this Code being adopted by the Council; or within 28 days of your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your other interests, where they fall within the following descriptions, for inclusion in the register of interests.

You have an interest in any business of your authority where either it relates to or is likely to affect:

- (a) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority; or,
- (b) any body:
 - (1) exercising functions of a public nature;
 - (2) directed to charitable purposes; or
 - (3) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management;

You also have an interest in any business of your authority:

- (i) where a decision in relation to that business might reasonably be regarded as affecting your financial position or the financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- (ii) it relates to or is likely to affect any of the interests you have registered as an interest.

(A relevant person is a member of your family or any person with whom you have a close association; or any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; any person or body in whom such persons have a

beneficial interest in a class of securities exceeding the nominal value of £25,000; or any body of a type described in paragraphs (a) or (b)(1)(2)(3) above).

You must, within 28 days of becoming aware of any new interest or change to any interest notify the Monitoring Officer of the details of that new interest or change.

Disclosure of interests

Where you have an interest in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent, where it is not on your register of interests.

Where you have an interest but sensitive information (as defined below) relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have an other interest, but need not disclose the sensitive information to the meeting.

(Sensitive interests: Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld)

Non participation in case of significant other interest:

Where you have an interest in any business of your authority you also have a significant other interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:

- affects your financial position or the financial position of a person or body described in paragraphs (a) or (b)(1)(2)(3) (i) or (ii) above.

Where you have a significant other interest in any business of the Council you may not participate in any discussion of the matter at the meeting and you may not participate in any vote taken on the matter at the meeting. If the interest is not registered, you must disclose the interest to the meeting. In addition you must leave the room where the meeting is held while any discussion or voting takes place (subject to the following paragraph).

Where you have a significant other interest in any business of your authority, you may attend a meeting but 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 and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest that relates to the functions of your authority in respect of:

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting Council Tax or a precept under the Local Government Finance Act 1992.

Signed.....

Date.....