

Confidential

# Standards Investigation at Woolhampton Parish Council – NPC1/17

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A report for West Berkshire Council

Simon Bull, Assistant Borough Solicitor, Bracknell Forest Council

November 2017

**Investigation Report into a complaint under the Elected Members Code of Conduct  
brought by Councillor Mr Tony Renouf, Chair of Woolhampton Parish Council against  
Councillor Mr James Spackman, Member of the Woolhampton Parish Council**

## **1 The Instructions**

- 1.1 I was instructed by Mrs Sarah Clarke, the Monitoring Officer for West Berkshire Unitary Authority the principal authority for Woolhampton Parish Council, to investigate the complaint of an alleged breach of the Code of Conduct for Elected Members in respect of Councillor Mr James Spackman. Woolhampton Parish Council have adopted the West Berkshire Code of Conduct for Elected Member. I received the instructions in March 2017 and completed the work initially in November 2017. I revised the report on 12<sup>th</sup> December following comments from the complainant Councillor Mr Tony Renouf and the Clerk Mr Steve Brady who was shown a copy by the Complainant. As of the 12<sup>th</sup> December I have received no comments from Cllr Mr Spackman. However, in the interest of fairness I will consider a further revision if I receive any comments from Cllr Mr Spackman ,in due course.

## **2 The investigator**

- 2.1 The investigator and report author is an Assistant Borough Solicitor and Deputy Monitoring Officer for Bracknell Forest Council. They have worked in the local government legal service for over 30 years and been a monitoring officer for about 15 years. Holding their current post for 20 years.
- 2.2 Prior to being commissioned to investigate this complaint, the investigator had no prior dealings with anybody associated with the complaint, other than the Monitoring Officer. They live and work in an urban environment and as the papers in support of the complaint contained reference to several parish areas and AWE, although the Investigator did not speak to any individual, they did drive around the areas referred to in the papers to orientate them self and to contextualise the complaint.

## **3 Orientation and Contextualisation**

- 3.1 The principle areas and organisations referred to are: Aldermaston which is a developed village about 8 to 10 miles West of Reading with a settlement built around a small parade of village stores, a public house, church and war memorial. It is served by a station but it is some distance from the settlement towards the A4 Bath Road. Aldermaston AWE site appears to be in Aldermaston Berkshire on one side and Hampshire on the Tadley side.
- 3.2 Next was Wasing which appeared to be little more than a very small hamlet / settlement with no discernible heart or centre built around the Wasing Estate owned by the Mount Family. Brimpton further West towards Newbury, conjoined up the hill is a slightly more developed village with a public house, church, small school, shop and war memorial built along a main road with a village hall set back from the heart of the village towards Crookham Common.
- 3.3 Back down the hill from Brimpton via Wasing towards the Bath Road is Woolhampton which is much more developed than the other villages and hamlets in the cluster with a railway station at its heart. Woolhampton has more shops, a large public house, a speed camera a modern village hall and is the only one of the villages that encompasses both sides of the Bath Road. The settlement goes back towards Wasing and Brimpton on one side of the Bath Road and up towards Douai Abbey and Bucklebury on the other side. Demographic information recorded on the Wollhampton Parish Council's own website indicates that as of 2106 the population of Wollhampton Village is approximately 780 people , with 660 adults on the electoral register. The village has approximately 387 dwellings, 25 of which are listed. The Wollhampton

Parish Council is made up of 7 Elected Members 6 men and 1 women . The chair of the Wollhampton Parish Council is Cllr Mr Tony Renouf, who is the Complainant in this investigation. The Wollhampton Parish Council are served by a paid professional clerk .The village of Woolhampton is situated in West Berkshire between the more major settlements of Thatcham and Theale. The Principal Council for the Parish is West Berkshire Council an all purpose unitary authority. Representations have been made to the investigator about the size of the Council. It is acknowledged that the village of Woolhampton is quite small, although contextually not small compared to the villages that immediately surround it. Whilst the smallness of the village is acknowledged its size and demographics has little bearing on the essence of the complaints as they are ones of principle relating to the conduct of elected community representatives, that would apply equally to all Councils large or small.

- 3.4 Further West along the Bath Road about a mile is Midgham which has a public house on the Bath Road with a settlement/hamlet sitting back from the Bath Road towards Bucklebury, but little evidence of any other amenities other than a church.
- 3.5 In this report I spell out the Councillors' full names and thereafter refer to them as Councillor and their surname.
- 3.6 The following people were interviewed by the investigator as part of the Investigation:
- 1) Councillor Mr Tony Renouf (Chair of the Parish Council and complainant) interviewed at West Berkshire Council Offices
  - 2) Councillor Mr Jack Lovell interviewed at West Berkshire Offices
  - 3) Councillor Mr Elliott Wright interviewed at West Berkshire Offices
  - 4) Councillor Mrs Eve Burke interviewed by telephone
  - 5) The Clerk to Woolhampton Parish Council Mr Steve Brady was interviewed at West Berkshire Offices and we spoke about specific factors by telephone on a couple of occasions
  - 6) Mr M interviewed by telephone. (Mr M is a local parishioner who has shown an interest in Parish business and has attended parish meeting in the public gallery.)
  - 7) Councillor Mr Malcolm Large interviewed by telephone
  - 8) Councillor Mr Gerald Hale interviewed by telephone.
  - 9) Mr Martin Dunscombe West Berkshire Council Officer interviewed by telephone
  - 10) Councillor Mr James Spackman the subject member of the complaint interviewed at West Berkshire Offices in the presence of Mrs Moira Fraser

Amongst the individuals listed above are the 7 Councillors and the Clerk who make up the Woolhampton Parish Council in its entirety. . All of whom were interviewed as part of this investigation either by telephone or in person. I indicate above which method of interview was used.

#### **4. The Complaints**

- 4.1 The eight complaints investigated are set out here in chronological order. I set them out again individually at the stage that I deal with each of them in turn in this report. The dates accompanying the complaints demonstrate that matters complained of straddled a twenty month period between June 2015 to October 2016. As some of the complaints as set out in the pack are quite lengthy, I have summarized what I understand are the component parts of each complaint to assist the reader who may not have all the background details.

#### **4.2 Complaint One - June 2015**

- 4.3 In an e mail and verbal conversation between Councillor James Spackman and Councillor Elliot Wright, Councillor Spackman alleged that in conversation with Councillor Jack Lovell at Douai Fun Day Councillor Lovell made a slanderous comment about criminal activity the Angel Inn. Councillor Spackman then discussed this matter with the owner of the Angel Inn and asserted that it was made at the WPC meeting rather than at Douai Fun Day.

**Components of Complaint One:**

- Was a slanderous statement made? If so :
- Who made it?
- When and where?
- Was it a breach of the code

**4.4 Complaint Two - August 2015**

- 4.5 August 2015 WPC Special Meeting under Part 2 to consider the context in which the Angel Inn comments were made and a resolution (passed) to remove Councillor Spackman as AWE liaison representative.
- 4.6 Councillor Spackman said he would respond after the complaint he made today (the day of the meeting) to West Berkshire Council's Monitoring Officer was determined. At a meeting in April 2016 Councillor Spackman denied that he had said that he had made a complaint. He alleged that the minute was incorrect. He alleged that he had stated in February that he was considering reporting his concerns to the Monitoring Officer.

**Components of Complaint Two:**

- The essence of this complaint is: did Councillor Spackman say he had made a complaint or would make a complaint
- Implications of the statement either way

**4.7 Complaint Three - December-January 2015/2016**

- 4.8 At Woolhampton and Midgham Parish Council's meetings, the minutes raised issues about effluent that drained into the Woolhampton Treatment Plant– The Woolhampton Parish Council wrote to the Head of Planning at West Berkshire Council Gary Lugg copied to the neighbouring parish councils of Brimpton and Midgham. When the matter was discussed at Midgham Parish Council, Councillor Spackman claimed that the Chairman of Midgham Parish Council, Councillor Lombardo described the letter to the Head of Planning as silly. Councillor Lombardo denied the comment. When asked to explain Councillor Spackman did not respond.

**Components of Complaint Three:**

- Was Councillor Spackman accurately reflecting Midgham Parish Council's view as purported to have been expressed by Councillor Lombardo in relation to the enquiry about sewerage treatment in the Woolhampton area.

**4.9 Complaint Four - January 2016**

- 4.10 Lack of footpath on Woolhampton Hill to be funded out of Douai S106 money. WBC could not undertake viability study until 2017 due to resource shortage. West Berkshire Council said viability could not take place until funds would be released for the task which would not be until 2017. At November meeting item removed from being a standard item on Woolhampton Parish Council agenda until 2017. Councillor Spackman made misleading statements on his Face book page stating Woolhampton had abandoned the scheme. Councillor Spackman was not present at the meeting where it was taken off the agenda until 2017. Councillor Spackman was asked and refused to amend his comment implying he footpath was abandoned when it had just been shelved until WBC had the money.

**Components of Complaint Four:**

- Was the footpath abandoned as Councillor Spackman asserted or was it postponed pending S 106 money being available in 2017
- Should Councillor Spackman have corrected his comment about abandonment?

**4.11 Complaint Five - March 2016**

- 4.12 Councillor Spackman following the District Parish Conference at West Berkshire Council wrote to Martin Dunscombe about his name being removed from list of delegates so Councillor Renouf Chair of WPC could attend in his place. Councillor Spackman fabricated comments about being replaced and about what Councillor Renouf submitted in an e-mail.

**Components of Complaint Five:**

- Whether Councillor Spackman's name was removed from the list of delegates?
- Was it as a consequence of Councillor Renouf's intervention?
- Was Councillor Spackman's behavior surrounding this, in the round, a breach of the code?

**4.13 Complaint Six - June 2016**

- 4.14 Councillor Spackman contacted Martin Dunscombe stating serious concerns about Councillor Renouf's chairing of WPC and further stated Martin Dunscombe could rest assured the concerns Councillor Spackman had about Councillor Renouf would be discussed in greater length. Then on 15th June Councillor Spackman e-mailed Councillor Renouf and copied all of WPC including the Clerk alleging Councillor Renouf actively disrupted the WPC meeting in these ways from your position of Chair to prevent any other outstanding examples of your misconduct from being raised is symptomatic of ,and intimately connected to your failure over the course of many years to reach any sort of satisfactory resolution on behalf of residents relating to sewage problems in Station Road.
- 4.15 The above led to a vote of confidence at the WPC of Councillor Renouf and a vote of no confidence immediately after of Councillor Spackman and Councillor Spackman's removal from representing WPC on any forum or representing WPC at neighbouring Parish council meetings or representing the WPC as the lead on the Neighbourhood Plan for Woolhampton.
- 4.16 When given an opportunity to respond Councillor Spackman did not offer any evidence to the WPC in support of his claim against Councillor Renouf, when the votes of confidence were taken.

**Components of Complaint Six:**

- Was it appropriate for Councillor Spackman to raise an issue with Martin Dunscombe in the way he did?
- Was Councillor Spackman's allegation about Councillor Renouf's conduct an accurate statement?
- Was the sewerage statement an appropriate comment?
- Should Councillor Spackman have reasonably responded when asked to do so by the Woolhampton Parish Council meeting?

**4.17 Complaint Seven - October 2016**

- 4.18 Councillor Spackman in October e-mailed Councillor Renouf, the members and the Clerk to WPC asking to confirm the resignation of Councillor Mrs Eve Burke. Councillor Mrs Eve Burke had been co-opted in April 2016. He asked for confirmation of her resignation as a Councillor as there was no published information about her on the WPC website, which he thought was mandatory. The Clerk, Steve Brady explained at the previous meeting, which Councillor Spackman had attended ,why the web site was not up-to-date.It is asserted that putting the question in the way Councillor Spackman did was seen as a devious attack on the Clerk Steve Brady and caused upset to Councillor Mrs Eve Burke. Councillor Spackman alleged this absence on the web site was a breach of the Transparency Code.

#### **Components of Complaint Seven:**

- Appropriateness or otherwise of the e mail asking if Councillor Mrs Burke had resigned because her details were not uploaded onto the WPC web site ?
- Was it an indirect attack on Councillor Renouf or the Clerk?

#### **4.19 Complaint Eight - January 2016**

- 4.20 In September 2016 Councillor Spackman circulated to members of the WPC a communication purporting to be from Woolhampton Neighbourhood Watch Group alleging that Woolhampton was experiencing higher levels and more serious crime than neighbouring parishes.
- 4.21 Councillor Spackman was asked for the source of the information and he declined to give it. Councillor Spackman sought to hide behind Data Protection Act principles.
- 4.22 Angela Money confirmed the Woolhampton Neighbourhood watch Group does not exist. This is treating fellow Councillors without respect and an attempt to undermine the Chair Councillor Renouf.
- 4.23 The complaint notice concludes with a narrative statement that Councillor Renouf's complaint is supported by all the other members of the WPC. The collective view of the remainder of Woolhampton Parish Council is that Councillor Spackman is unfit to hold public office.

#### **Components of Complaint Eight:**

- Was Councillor Spackman acting appropriately in his representations of the Local neighbourhood watch Group crime statistic?
- Was it appropriate for Councillor Spackman to rely on data protection so as not to answer questions?
- Was it reasonable to state the continued existence or otherwise of the Woolhampton Neighbourhood Watch Group?

### **5 The investigation**

- 5.1 During interview with each of the Councillors I worked through the 8 complaints in the order above so the interviews were conducted in a structured and formalised manner. In respect of the interviews with Mr M and Mr Dunscombe I focussed just on the issues particular to their involvement with the Parish Councillors.
- 5.2 The interviews ranged from about 20 minutes to an hour and a half. The interview with Councillor Spackman was between 4 and 5 hours.

### **6 The General Impression**

- 6.1 My general impression was that the Councillors were all expressing the same view that working with Councillor Spackman was not satisfactory and they were at risk of the Woolhampton Parish Council as a whole imploding unless Councillor Spackman either resigns or radically changes his behaviour and conduct. I did not form the impression that they had colluded to get their accounts consistent. I believe on the balance of probabilities (actually I believe to a higher threshold) that what they told me was accurate balanced and cogent.

- 6.2 In interview Councillor Spackman was open. I had to keep the interview on task and go back over things to stop the answers either being conflated or confused, although he did not seek to dissemble. Within the interview Councillor Spackman made some admissions and concessions and realised from hind sight that he should have done some things differently or not at all, which is to his credit.
- 6.3 I do not think it will be helpful or necessary to recite the interviews in details I will set out the evidence available to me, my findings and the evidence in support and then move on to my recommendations.

## **7 The Evidence Available**

7.1 The evidence on which my report is based is largely through the oral accounts in interview of those interviewees set out above and a bundle of papers that I was supplied with by West Berkshire Council, they consisted of a pack of papers running to 127 pages which contained the complaint and supporting documents which was prepared for the Governance and Ethics-Assessment Sub Committee dated 7<sup>th</sup> March 2017. In addition I obtained a copy of the revised Constitution of Woolhampton Parish Council and confirmation from the Clerk to the Woolhampton Parish Council that they had adopted the Principal Councils Model Code.

### **7.2 Complaint One - June 2015**

7.3 In an email and verbal conversation between Councillor James Spackman and Councillor Elliot Wright, Councillor Spackman alleged that in conversation with Councillor Jack Lovell at Douai Fun Day Councillor Lovell made a slanderous comment about the Angel Inn. Councillor Spackman then discussed this matter with the owner of the Angel Inn and asserted that it was made at the WPC meeting rather than at Douai Fun Day.

### **7.4 My Findings on Complaint One**

- 7.5 In interview Councillor Spackman confirmed that Councillor Lovell did not say the Angel Inn was a den of iniquity. What I understand from the interviews I conducted occurred was: Councillor Spackman who lives in close proximity to the public house either went of his own volition or was invited in by the landlord and there was a discussion about various matters that concerned the publican of the Angel Inn. This related to the bus shelter, the sun shine reflecting off the roof of the bus shelter onto the bar of the Angel Inn. During this meeting Councillor Spackman conceded that he had made the unguarded comment that when the publican did not attend the parish council to consider issues relating to the public house Councillor Lovell said: "What substance was he on?". This was alleged to have been said at the WPC meeting.
- 7.6 This alleged comment by Councillor Lovell is not recorded in the minutes and I have no way of knowing whether it was said or not. I think if it was said, it was an unguarded comment but part of the rough and tumble of debate and would not warrant a complaint. I do however conclude that Councillor Spackman showed a lack of community leadership and poor judgement. At best he allowed himself as a member to enter into a situation with the landlord on the landlord's terms in his premises, that he could not manage (Councillor Spackman admitted that he felt out of his depth trapped between the landlord and his duty to the Parish Council) and at worst he made a comment that was crass and mischief making.



7.7 This comment “what was he on” was then subsequently translated into the “den of iniquity” statement by the landlord when he visited Councillor Wrights shop and to the parish council. I believe on this question the complaint is upheld, **I find Councillor Spackman breached the Code.** He brought the parish council into disrepute. He cast doubt on his own honesty and integrity and showed disrespect for his fellow Councillors. Councillor Spackman did however in interview acknowledge it was an error of judgement which did not reach the high standard expected of an elected community leader. I conclude based on the admission in interview that it was not said at the Douai Fun day. Therefore the conversation between Councillor Spackman and Councillor Wright where it was alleged by Councillor Spackman to have been said at the Douai Fun day is as a matter of fact an untrue statement by virtue of Councillor Spackman’s own admission and is therefore of itself a breach of the code of Conduct for members.

**I uphold this as a breach of the code.**

#### 7.8 **Complaint Two**

7.9 August 2015 WPC Special Meeting under Part 2 to consider the context in which the Angel Inn comments were made and a resolution (passed) to remove Councillor Spackman as AWE liaison representative. Councillor Spackman said he would respond after the complaint he made to West Berkshire Council’s Monitoring Officer was determined. At a meeting in April 2016 Councillor Spackman denied that he had said that he had made a complaint. He alleged that the minute was incorrect. He alleged that he said he was considering making a complaint to the Monitoring Officer.

#### 7.10 **My finding on Complaint Two**

7.11 I have to consider whether as stated in Interview Councillor Spackman said he “would contact the Monitoring Officer , it was an option open to him or that he “had” contacted the Monitoring Officer. “On the balance of probabilities, deduced from the interviews, the evidence points towards him having said the statement “that he would respond after the complaint he made to the West Berkshire Monitoring Officer against the chairman was determined.” I find that this was not a true statement as no referral had been made. **I uphold this complaint as a breach of the Code.** The implication of the misstatement is that it is both untrue and Councillor Spackman is relieved of the responsibility to answer any questions now rather than putting off his response to a future date, at the time unspecified. .Councillor Spackman cast doubt on his honesty and integrity and failed to show respect for his fellow councillors.

#### 7.12 **Complaint Three - December 2015 /January 2016**

7.13. At Woolhampton and Midgham Parish Council’s meetings, the minuets raised issues of Woolhampton Sewerage Treatment – The Woolhampton Parish Council wrote to the Head of Planning at West Berkshire Council Gary Lugg who contacted the neighbouring parish councils. When the matter was discussed at Midgham Parish Council Councillor Spackman alleged the Chairman of Midgham Parish Council, Councillor Lombardo referred to the letter from Woolhampton Parish Council to the Head of Planning instigated by The Woolhampton Parish Council raising concerns about the impact of sewage on future development in the area as silly. Councillor Lombardo denied the comment. When asked to explain Councillor Spackman did not respond.

#### 7.14 My Findings on Complaint Three

7.15 Councillor Lombardo denies using the word silly in response to Councillor Renouf. I did not see any point in asking Councillor Lombardo as I considered he would just reinforce what he said to Councillor Renouf. In interview I did not think that Councillor Spackman was misleading me. Whether the words “silly letter” were or were not used, I believe that Councillor Spackman’s recounting the response to the Woolhampton Parish Council was injudicious. However, **I am not able to find it was a breach of the code of Conduct for members.** I believe that Midgham Parish Council did not respond as Woolhampton Councillors and Councillor Spackman would have liked and dismissed the concern in a way that was negative.

7.16 To some extent if that were the case I can understand Councillor Spackman’s exasperation. I think there may have been some things that got lost in the translation back to the WPC. I cannot go further than that without conducting a very lengthy fact finding exercise that would be disproportionate. I will comment on this again below, when I make my recommendation for the way forward.

7.17 **I do not uphold a breach of the code**, but I do find that Councillor Spackman’s comments were injudicious and he should have conducted himself differently.

#### 7.18 Complaint Four - January 2016

7.19 Lack of footpath on Woolhampton Hill to be funded out of Douai S106 money. WBC could not undertake viability study until 2017 due to resource shortage. West Berkshire Council said viability could not take place until funds would be released for the task which would not be until 2017. At the November meeting the item was removed from being a standard item on Woolhampton Parish Council agenda until the 2017 viability survey undertaken in 2017. Councillor Spackman made misleading statements on his Face Book page stating Woolhampton had abandoned the scheme. Councillor Spackman was not present at the meeting where it was taken off the agenda until 2017. Councillor Spackman was asked and refused to amend his comment implying abandoned when just shelved until WBC had the money.

#### 7.20 My Findings on Complaint Four

7.21 In short the WPC concluded that due to a funding gap until 2017 the footpath was put on hold. Councillor Spackman favoured the term abandoned and I believe he conveyed to the public the emphasis on abandoned rather than put on hold. It is in my assessment a difference of emphasis rather than an untruthful statement. **I am not persuaded this is a breach of the Code**, but I think it is an example of Councillor Spackman not functioning as a collegiate member of the Parish Council and going off on a frolic of his own, with his own personal agenda, which has caused offence to the members of the parish council and understandably damaged his relationship and standing with them. I will refer to this again in the way forward section. **I do not uphold this as a breach of the code** but another example of Councillor Spackman not working cooperatively with his fellow Councillors

## 7.22 **Complaint Five - March 2016**

7.23 Councillor Spackman following the District Parish Conference at West Berkshire Council wrote to Martin Dunscombe about his name being removed from the list of delegates so Councillor Renouf Chair of WPC could attend in his place. Councillor Spackman fabricated comments about being replaced and about what Councillor Renouf submitted in an e-mail.

## 7.24 **My Findings on Complaint Five**

7.25 Having spoken to Councillor Renouf, David Dunscombe and Councillor Spackman about the arrangements for attending the District Parish Council Conference at WBC. I believe that Councillor Renouf did not say or do anything that indicated formally to the West Berkshire officers responsible for arranging the conference that indicated Councillor Renouf was attending in place of Councillor Spackman or that Councillor Spackman should be taken off the attendance list.

7.26 I believe that the booking arrangements may not have been made in the usual way and Councillor Spackman did not respond in a balanced and reasonable way to the booking arrangements. He accepted in interview that he may have spoken injudiciously about this matter. **I do not think it was a breach of the code** but I do think it was an inappropriate reaction by Councillor Spackman. Councillor Spackman said he had been told by Councillor Renouf following the 2015 election that he did not want Councillor Spackman to attend any public meetings including the District Conference and this made him suspicious and react as he did. Whether this is true or not is not of great importance as I find Councillor Spackman's response and actions around this were inappropriate rather than a breach of the Code. **I do not uphold this as a breach of the Code** but I do find that Councillor Spackman should have acted differently as an elected member and representative of the Parish Council.

## 7.27 **Complaint Six - June 2016**

7.28 Councillor Spackman contacted Martin Dunscombe stating serious concerns about Councillor Renouf's chairing of WPC and further stated Martin Dunscombe could rest assured the concerns Councillor Spackman had about Councillor Renouf would be discussed in greater length. Then on 15th June Councillor Spackman e-mailed Councillor Renouf and copied all of WPC alleging Councillor Renouf disrupted the WPC meeting misusing his role as chair to do so. To prevent Councillor Renouf's misconduct from being raised also indicated his inability over prolonged time to resolve the issue of the Woolhampton sewerage problems in Station Road. Due to Councillor Renouf's failings as chair of the WPC.

7.29 The above led to a vote of confidence at WPC of Councillor Renouf and a vote of no confidence immediately after of Councillor Spackman and Councillor Spackman's removal from representing WPC on any forum representing WPC at neighbouring Parish council meetings or representing the WPC as the lead on the Neighbourhood Plan for Woolhampton.

7.30 When given an opportunity to respond Councillor Spackman did not offer any evidence to the WPC in support of his claim against Councillor Renouf, when the votes of confidence were taken.

### 7.31 **My findings on Complaint Six**

- 7.32 Martin Dunscombe confirmed he did receive email correspondence from Councillor Spackman about Councillor Renouf's chairing of the WPC and stating you can rest assured this will be discussed at greater length. Martin Dunscombe thought this was an inappropriate channel and should have been taken up with the Parish Council rather than referred by Councillor Spackman straight to him.
- 7.33 This led to a vote of confidence in favour of Councillor Renouf and one of no confidence in Councillor Spackman at the subsequent Parish Council meeting. I accept that Councillor Spackman did not provide evidence to the Parish Council in support of his complaint against Councillor Renouf when asked to do so at the Parish Council meeting and it seems to be a misjudgement not to. Councillor Spackman did state that the time between knowing his behaviour was going to be considered by the Parish Council and the meeting itself, was too short to prepare a response and so he said nothing in his defence. I do not accept that assertion.
- 7.34 It is a fact that Councillor Spackman did not in the end actually make or pursue a complaint about Councillor Renouf. In interview Councillor Spackman conceded that the email about a complaint against Councillor Renouf was imprudent. Councillor Spackman does believe that Councillor Renouf has a vendetta against him. Councillor Spackman's answer to this complaint was broad detailed and convoluted. I do not think that Councillor Spackman acted very rationally and in terms of the code, I believe he acted outside of the realms of acceptable behaviour that should be expected of a Parish Councillor and his behavior in the round in respect of this complaint brought himself and the Parish Council into disrepute. **I do uphold this complaint as a breach of the code** Councillor Spackman. did not treat his fellow Councillor with respect and cast a shadow over his own integrity and honesty

### 7.35 **Complaint Seven - October 2016**

- 7.36 Councillor Spackman in October e-mailed Councillor Renouf, the members and the Clerk to WPC asking to confirm the resignation of Councillor Mrs Eve Burke. Councillor Mrs Eve Burke had been co-opted in April 2016. Councillor Spackman asked for confirmation of her resignation as a Councillor as there was no published information about her on the WPC website, which he thought was mandatory. The Clerk, Steve Brady explained why the web site was not up-to-date and it is asserted that putting the question in the way Councillor Spackman did was seen as a devious attack on the Clerk Steve Brady and caused upset to Councillor Mrs Eve Burke. Councillor Spackman alleged this absence on the web site was a breach of the Transparency Code.

### 7.37 **My Findings on Complaint Seven**

- 7.38 The Clerk had made it plain that due to competing pressures the website was not up to date. Councillor Spackman accepts that he should not have emailed Members of the Parish Council and did not see things from Councillor Mrs Burke's perspective and claims it was part of Councillor Spackman's general concerns about governance and transparency. I was encouraged by the statement that he had not seen things from Councillor Mrs Burke's perspective. I do conclude that Councillor Spackman's conduct in this area of the complaint was unacceptable.

7.39 I believe it was at best crass and at worse mischievous and Councillor Mrs Burke was caught up in Councillor Spackman's disagreements with Councillor Renouf. I have no hesitation in concluding that Councillor Spackman's behaviour fell far below that expected of a Parish Councillor and his conduct brought him and the Parish Council into disrepute. His conduct cast a shadow over his honesty and integrity and he showed disrespect for his fellow Councillors particularly Councillor Mrs Eve Burke. Whilst I have no power to require him to do so, I would strongly recommend that if Councillor Spackman is to remain on the Parish Council he needs to unreservedly apologise to Councillor Mrs Burke for the way that he used her as a collateral instrument in his running dispute with Councillor Renouf and his misguided view that the governance of the Parish Council was not what it should be. I will comment on this in my recommendations at the end. **This complaint is upheld as a breach of the Code of Conduct for Members.**

#### 7.40 **Complaint 8 - January 2016**

7.41 In September 2016 Councillor Spackman circulated to members of the WPC a communication purporting to be from Woolhampton Neighbourhood Watch Group alleging that Woolhampton was experiencing higher levels and more serious crime than neighbouring parishes.

7.42 Councillor Spackman was asked for the source of the information and he declined to give it. Councillor Spackman sought to hide behind Data Protection Act principles.

7.43 Angela Money confirmed the Woolhampton Neighbourhood watch Group does not exist. This is treating fellow Councillors without respect and an attempt to undermine the Chair Councillor Renouf.

7.44 The complaint notice concludes with a narrative statement that Councillor Renouf's complaint is supported by all the other members of the WPC. The collective view of the remainder of Woolhampton Parish Council is that Councillor Spackman is unfit to hold public office.

#### 7.45 **My Findings on Complaint Eight**

7.46 Councillor Spackman in interview said he had been speaking to people who had been involved in Neighbourhood Community Watch in the past and wanted to be in the future and that he was trying to coordinate those things in a way that I think in his mind there was an emerging Neighbourhood Watch Group. Where this is complex is because Councillor Spackman was not doing this with the knowledge and agreement of the Parish Council as a group.

7.47 I do not think having taken evidence from Councillor Spackman that his actions around this were a breach of the code. They were however an example of him not acting collegiately and actively with his fellow Parish Councillors. He was effectively going off and freelancing and that is no way for a parish Councillor to be behaving.

7.48 I was told that he tried to find out information from various people and was told that he could not be provided with information as that could only be provided to nominated coordinators and he was not a coordinator. He was and I believe as of the date of my interview with him to be still trying to become a coordinator to obtain access to the local neighbourhood watch data as he wishes to reignite and be a part of the Neighbourhood Watch Scheme. I do not accept the statement about the Data Protection Act, but I do not think I need to linger further on the point as I do not believe

anything turns on it, as I conclude that whilst I do not think it breached the code he did not behave in a way that one would expect a Parish Councillor to behave.

- 7.49 I asked myself is that in itself a breach of the Code and on balance I do not think it quite crossed the threshold, but it was a further example of not working collegiately with his fellow councillors and going off on a frolic. On the question of crime statistics that was a theme of this complaint, I accept that the Parish Council's view of the crime statistics are different to Councillor Spackman's, but I think whilst there is a difference of opinion his views on the statistics whether he be right or wrong are rightly held and I am reluctant to criticise him for interpreting them in the way he did. If there is criticism, it is that they are presented as contradicting the Parish Council and that is not a satisfactory state of affairs for a member of the Parish Council to be publicly contradicting the view of the Parish Council. **I do not uphold this as a breach of the code**, but I do find that Councillor Spackman did not behave as one would expect a councillor to behave.

## 8 Conclusion and Recommendations

- 8.1 Whilst I find Councillor Spackman has significantly breached the Code of Conduct for Members. His behaviour and conduct has fallen below that expected of a Parish Councillor in a number of areas. Where I do not find a breach, I do conclude that he could and should have behaved more constructively. We have to decide how to proceed given the circumstances that prevail and where the Parish Council and Councillor Spackman want to get to, to move forward favourably in the future.
- 8.2 The starting position and this is not a political statement, is to acknowledge that one of the first acts of the Coalition Government in 2010 was to remove all the sanctions and teeth from the Code of Conduct. We have to accept that there is no power to suspend or significantly sanction. It also has to be recognised from the interviews of all the Parish Councillors except for Councillor Spackman that the Parish Council is at risk of imploding. Members are supporting each other to carry on but if Councillor Spackman does not change his approach to his role as a councillor, they are likely to resign in significant numbers in the not too distant future.
- 8.3 It also has to be realised that were the members to resign and form an informal grouping the legal personality of the WPC would continue and they would not as a breakaway group be able to receive the precept. The WPC would continue with Councillor Spackman the remaining member. This was one option mooted as whilst the existing parish councillors are exasperated they are public minded and do wish to continue working for the good of the Woolhampton Community.
- 8.4 On the other side of the coin we have to acknowledge that Councillor Spackman is absolutely addicted to local politics, is dedicated in his own way and is not likely to resign or go away. He donates significant time and energy to local issues and attends most other parish council meetings as an observer largely travelling by foot. Whilst I did not check the accuracy in interview he has certainly gathered a lot of information and facts on crime and community statistics and takes an active interest in minute details relating to parish matters. Councillor Spackman has considerable talents that if he can change his approach would be an asset to any council if he plays by the rules rather than freelances.

## 9. Mediation

9.1 I believe that the only constructive way forward is a mediated settlement between Councillor Spackman and the WPC. Within that process I believe that Councillor Spackman has to be prepared to move some considerable way. I set out a non-exhaustive list of where I think he has to move his position and some factors I would invite him to accept:

- 1) The clerk is a qualified auditor with a background in local government and housing associations he is fully conversant in good governance and I believe that he is fully able to identify and act on any matters where governance needs to be addressed. I do not think that Councillor Spackman should be concerned about good governance and proper process of the WPC. I consider that the governance of the WPC is sound. This is a small precept authority with a light touch auditing and governance and nothing that I saw indicated other than it is run soundly. I also believe that the Clerk has attempted to provide Councillor Spackman with wise counsel and he would be advised to accept it. I think in the future if Councillor Spackman has a question about governance he should ask the Clerk or the Council in a measured way, but I repeat that I believe that the governance of the Woolhampton Parish Council is as it should be.
- 2) Councillor Spackman needs to accept that he should as a member of the WPC work collectively and collegiately with his fellow Councillors. If Councillor Spackman is ever to be readmitted as a functioning member of the WPC, who has the authority restored to him to be able to represent the views of the WPC at other public meetings and forums, then he will have to work more co-operatively and collegiately with his fellow councillors. If this position cannot be obtained and I believe it can ,but doubt it will happen overnight then Councillor Spackman will remain an elected Councillor at least until the next election but will be a mere cypher who has no meaningful functioning role or influence within the council. I deduced in interview that was not the state of affairs that Councillor Spackman wished to prevail. Whether this change can occur is determined by Councillor Spackman and the Parish Council. Largely though Councillor Spackman will be the author of his own future.

**Some collateral issues that arose within the investigation and assumed significance although may not be immediately apparent from the complaint or the bundle.**

- 3) Councillor Spackman may require some general guidance and training. I do not think this needs to be expensive external courses. I think that if he is willing to listen and take stock the concerns he has about governance and general parish conduct including , auditing of annual accounts, publicity, photography, the use of appropriate social media and transparency can be provided in short form by the Clerk who appears to be well versed in all these areas. I can't be any more specific as this may be a developing area depending on what issues Councillor Spackman wishes to raise in respect of the functioning of the Council going forward. I would hope that if a mediated settlement can be reached the number of issues he raises and requires training and guidance on may recede.
- 4) In respect of the deferred footpath Scheme I concluded that the potential transfer of ownership of slithers of land, or rights of access over land that may be required and provided by serving members of the WPC to make the road safe to

walk up what is called Woolhampton Hill are all above board and comply with good governance and are not motivated by any personal gain. I believe comments to the contrary are unwarranted and destructive to the WPC, those making them and the community in general.

## **10. Photography**

10.1 Members of the Parish Council and the public should not be photographed by a serving elected Member of the Parish Council getting up and pointing their camera at attendees and other members, without their consent, to do so without their consent in the way it is alleged that it occurred in this investigation at the instigation of Councillor Spackman is provocative. I have looked at the Parish website and sufficient contact details are available to satisfy the requirements for transparency and availability of elected members. The basis of the requirements concerning the details on the web site are so Councillors can be recognised and contacted by parishioners, so that parishioners can access the local democratic process. Having complied with the basic requirement, anything in excess of that in my opinion requires consent. I believe that non-consensual attempts to film members of the public, by Councillor Spackman, have led to a reduction in community interest in attending the work of the Woolhampton Parish Council meetings and that is not satisfactory as it reduces community engagement. I accept that there are separate statutory provisions relating to the filming of the conduct of the Parish Council business by the public, but that is not what we were concerned with in this investigation. It was the filming by a serving member for their own aims. That I believe requires consent. Particularly if it is not going to lead to conflict, complaints and disengagement.

## **11. Social Media and e-mails**

11.1 Social media, the use of Face Book and electronic data sharing. It appears that Councillor Spackman and the Woolhampton Parish Council may be in different places in their desire to use social media to engage with the community. This was an issue in the Neighbourhood Watch complaint. This may be an area if Councillor Spackman and the WPC reach a mediated settlement that Councillor Spackman could work on in a consensual manner with the WPC as a whole as this is an area that communities are expecting to see developed. As an aside, as a consequence of my investigation I would advise Councillor Spackman to be more circumspect about his e-mailing of Councillors and the community, relating to his work with the Parish Council. He would, be advised to reflect on both the tone and the breadth of circulation. In many cases he should sleep on a matter before firing off what are sometimes e mail salvos which only serve to alienate him and antagonize the recipient members of the Council and community. Whether he takes cognizance of this advice is of course his call. The Clerk informed me that the Council has adopted a Communication and Engagement Strategy. All Members of the Woolhampton Parish Council need to adhere to it.

## **12. Publication of this Report**

12.1 I believe that whilst it may be the desire of some members of the WPC to publish this report, I would recommend that if both parties are willing to embrace attempts at a mediated settlement then the publication of this report may be destructive to that process and I would advise against it. If a mediated settlement is not an option then I am silent on publication and will leave it to the Council and recipients to determine.

## **13. Concluding remarks**

13.1 I find breaches of the Members Code of Conduct by Councillor Spackman and uphold the majority of the complaints against him as set out above. In this report having



interviewed people and taken evidence, I make a distinction in those areas where I do not find a breach of the Code, but where I believe that as a complaint in common terms they are upheld. This is because Councillor Spackman should have acted and conducted himself differently as a parish councillor. There is in this case a shared territory where actions complained about are both a breach of the Code and unacceptable or just unacceptable but not a breach of the Code. I accept that another person looking at this case in respect of those complaints that I do not find a breach of the code, may come to another conclusion. However, on the evidence as it presented itself to me (largely in interviews) I did not think on balance that it crossed the threshold. In the annexe A immediately below I set out an executive summary of each of the eight complaints, with a statement of whether I find them to be a breach of the code and where I find a breach I indicate what is breached both in terms of the Code and the 7 Nolan Principles.

13.2 I repeat that I would strongly recommend that Councillor Spackman apologises to Councillor Mrs Burke and invite the parties to robustly embrace an attempt at a mediated settlement.

Simon Bull  
12<sup>th</sup> December 2017

Signed: Simon Bull

## Annexe A

### Executive Summary of the Eight Complaints

#### Complaint One

The Complaint concerned a slanderous comment about criminal activity at the Angel Inn .

**I uphold this complaint** . I find that Councillor Spackman brought himself and the WPC into disrepute by making an inaccurate statement, knowing it to be inaccurate . In terms of the 7 Nolan principles I find that he showed a lack of community leadership and casts doubt on his own honesty and integrity .

#### Complaints Two

Did Councillor Spackman say he” had or would” make a complaint to the Monitoring Officer ?

I find this was not a true statement as no referral had been made. **I uphold this complaint as a breach of the Code.** I find Councillor Spackman brought himself and the WPC into disrepute . I find in terms of Nolan he showed a lack of community leadership, cast doubt on his own honesty and integrity and showed disrespect for his fellow Councilors.

### Complaint Three

This relates to the claim by Councillor Spackman that Councillor Lombardo the Chair of Midgham Parish Council said the letter to The Head of Planning at West Berkshire was a silly letter. **I do not uphold this as a breach of the code** , but I do find that Councillor Spackman 's comments were injudicious ,showed a lack of judgement and he should have conducted himself differently.

### Complaint Four

This is the question of whether a footpath up Woolhampton Hill was abandoned or just put on hold until 2017 when S 106 money may be available to undertake the project.

**I do not uphold this to be a breach of the Code** . I believe it was a difference of emphasis rather than an untruthful statement. I believe that Councillor Spackman was again not working in a collegiate and co-operative way with his fellow Councillors.

### Complaint Five

The communication with Martin Dunscombe about the arrangements for attending the District Parish Conference .**I do not uphold this as a breach of the**

**code**, but I feel Councillor Spackman acted inappropriately and should have acted differently as a Member of the Woolhampton Parish Council.

### **Complaint Six**

Whether Councillor Spackman ” **had or would**” make a complaint to the Monitoring Officer about Councillor Renouf. **I uphold this complaint as a breach of the code.** I find that Councillor Spackman made an innacurate statement . He demonstrated a lack of community leadership in terms of the Nolan principles and brought himself and the WPC into disrepute . He also cast doubt on his own honesty and integrity and failed to show respect for his fellow Councillors.

### **Complaint Seven**

Complaint that Councillor Spackman emailed Councillor Renouf , the other WPC Members and their Clerk asking them to confirm the resignation of Cllr Mrs Eve Burke as there was no published information about her on the WPC web site.

**I uphold this as a breach of the code.** I have no hesitation in finding that Councillor Spackman’s behavior fell far below that expected of a Parish Councillor and he

brought himself and the Council into disrepute. In terms of the Nolan principles he demonstrated a lack of community leadership, cast doubt on his own integrity and honesty and failed to show respect for his fellow Councillors. He used Councillor Mrs Eve Burke as a collateral instrument in his dispute with Councillor Renouf and his misguided view that the governance of the WPC was not what it should be.

Whilst I have no power to require it, I strongly recommend that Councillor Spackman makes an unreserved apology to Councillor Mrs Burke .

## **Complaint Eight**

Whether the Woolhampton Neighbourhood Watch Group existed, and a dispute about whether there was a rise in the local crime statistics. **I do not uphold this as a breach of the code.** It is though another example of Councillor Spackman not acting collegiately and co-operatively with his fellow councilors or in a manner expected of a Councillor.

## **Summary of conclusions on the Eight Complaints**

I uphold four of the Complaints as a breach of the Code. I do not uphold four as a breach of the Code , but I do find that Councillor Spackman did not act appropriately in terms the four complaints, that I do not uphold , but on balance for the reasons set out in the report I do not believe they crossed the threshold to be classified as a breach of the Code. I accept that

someone else conducting the investigation may have come to a different conclusion on the four not upheld but I interviewed everyone in depth ,I carefully considered the papers and the oral evidence of those I spoke with. On balance I judged them not to be a breach of the Code, but classified them as justified complaints in terms of common parlance outside of the Code.

## **Recommendation Summary**

I strongly recommend that a mediated settlement should be attempted as the sanctions available under the Code are limited and Councillor Spackman is unlikely to stand down as he is, as I indicated in the main part of the report absolutely addicted to local issues and politics. Councillor Spackman is effectively already subject to the sanction available , imposed by the WPC as a whole. He has been told he does not speak for the Council. He has been removed as a representative of the Council when attending the meetings of outside bodies. Were he in a political party he would be defined as having the whip withdrawn. I concluded that WPC was not run along party political lines , but not withstanding that Councillor Spackman is in the same parlous state as a person who had the whip withdrawn. My more detailed findings and recommendations are set out in the main body of the report , so I will not rehearse them again here.

My final comment is that notwithstanding the above Councillor Spackman is not without ability and a commitment to local issues. However, whether he has a long term future as a councilor will, in large part be

determined by whether he is willing and able to change and that will entail embracing a mediated settlement and if it succeeds maintaining a change and not reverting to the behavior that led to these complaints and this investigation.