

Written Decision of West Berkshire Council's Advisory Panel

Date of the Advisory Panel:	13 December 2017
Reference Number:	NPC1/17
Member who this Decision relates to:	Councillor James Spackman
Person who made the original allegation:	Councillor Tony Renouf
Authority:	Woolhampton Parish Council
Chair of the Advisory Panel:	Mr James Rees
Other Members of the Advisory Panel:	Lindsey Appleton, Adrian Edwards, Marigold Jaques, Bruce Laurie, Mollie Lock, Alan Macro, Darren Peace and James Rees
Apologies:	Councillors Mollie Lock, Alan Macro and Tony Renouf
Declarations of Interest:	Councillors Alan Macro, Mollie Lock and Tony Renouf declared an other registrable interest in this matter, did not attend the meeting and therefore did not take part in the discussion or vote on the matter. Councillors Lock and Macro's interest was by virtue of the fact that they knew the subject member through their political group. Councillor Renouf's interest was by virtue of the fact that he was the complainant. Councillor Renouf was not sent any of the agendas sent to the Panel.
Monitoring Officer:	Sarah Clarke
Investigator:	Simon Bull
Clerk of the Advisory Panel:	Stephen Chard
Date Decision Issued:	19 December 2017

Summary of the Original Complaint

Councillor Renouf alleges that Councillor Spackman has been involved in a number of incidents where he has 'lied or misinformed people' and in so doing had brought the authority into disrepute and therefore breached the Parish Council's Code of Conduct.

Outcome of the Initial Assessment

The complaint which was received on the 9 February 2017 and was initially assessed on 7 March 2017 by the Deputy Monitoring Officer (Andy Day) of West Berkshire Council and an Independent Person (Mike Wall).

They concluded that in this case while not making any findings of fact, if the allegations were substantiated they may constitute a breach of the Code of Conduct and therefore the allegation should be referred for investigation.

The Panel were concerned that if the allegations were substantiated:

- They could suggest a pattern of behaviour which could be deemed to be a failure to treat the subject member's fellow Parish Councillors with respect. The Panel noted that the concerns might not be with the issues raised but the manner in which this was done.
- The incident relating to the Landlord of the Angel Inn could show a lack of leadership, honesty and accountability and might have compromised the integrity of the Parish Council and the Public House.
- The subject member stating that he had made a complaint to the Monitoring Officer when he had not could be construed as being dishonest and could be deemed to be a failure to treat the Chairman and the other Parish Councillors with respect.
- The incident pertaining to the name badge and the District Parish Conference could demonstrate a lack of honesty and might be viewed as bringing the subject member's authority into disrepute.
- In relation to the presentation of the Neighbourhood Watch crime statistics the presentation or the manner in which the presentation was made could be considered to show a lack of leadership given the possible impact on the community even if the information was accurate.

Investigation

Mr Simon Bull was appointed to undertake the investigation on behalf of the Monitoring Officer. He interviewed the following people as part of the investigation:

- 1) Councillor Tony Renouf (Chair of the Parish Council and complainant) interviewed at West Berkshire Council Offices
- 2) Councillor Jack Lovell interviewed at West Berkshire Offices
- 3) Councillor Elliott Wright interviewed at West Berkshire Offices
- 4) Councillor Eve Burke interviewed by telephone
- 5) The Clerk to Woolhampton Parish Council Mr Steve Brady was interviewed at West Berkshire Offices and they 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 meetings in the public gallery.)
- 7) Councillor Malcolm Large interviewed by telephone
- 8) Councillor Gerald Hale interviewed by telephone
- 9) Mr Martin Dunscombe West Berkshire Council Officer interviewed by telephone
- 10) Councillor 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.

The Investigator also considered the Parish's Code of Conduct, minutes of a number of meetings, letters and emails relevant to the complaint. He also considered the original complaint, the subject member's response to that complaint and the Initial Assessment Notice.

Mr Bull's final report was submitted to the Council on the 12 December 2017 after relevant parties had had the opportunity to comment on it.

Conclusion of the Independent Investigator

That Councillor James Spackman has significantly breached the Code of Conduct for Members and recommended upholding four of the eight complaints as breaches of the Code (complaints one, two, six and seven). Councillor Spackman's behaviour and conduct has fallen below that expected of a Parish Councillor in a number of areas. Where no breach was found, the Investigator still concluded that Councillor Spackman could and should have behaved more constructively.

Decision of the Advisory Panel

In respect of complaint NPC1/17 the Advisory Panel concurred with the findings of the Investigator as set out above, subject to the amendment of the recommendation to add complaint number five as a breach of the Code. The Advisory Panel agreed to refer a recommendation to the Special Governance and Ethics Committee who would make a final determination on this matter.

The Advisory Panel did not identify any areas of the Investigator's report that required further clarification.

The Advisory Panel recommended that the following people be invited to attend the Special Governance and Ethics Committee (date to be decided) where the matter will be determined:

1. Investigator – Mr Simon Bull
2. Complainant – Councillor Tony Renouf
3. Subject Member – Councillor James Spackman
4. Vice-Chairman of Woolhampton Parish Council – Councillor Elliot Wright
5. Parish Clerk – Mr Steve Brady

The Advisory Panel recommended that if the Special Governance and Ethics Committee concurred with the finding that a breach of the Code of Conduct has occurred the Panel would recommend that the following sanctions be applied:

1. A formal letter to the member from the Chairman of the Governance and Ethics Committee indicating the failure to comply with the Code.
5. A local resolution acceptable to the complainant and subject member and sanctioned by the Governance and Ethics Committee including a letter of apology to Councillor Burke and entering into mediation.

If mediation proves unsuccessful then the following sanction would be applied:

4. A formal press release sanctioned by the Chairman of the Governance and Ethics Committee summarising the breach.

Councillor James Spackman should also be required to make an unreserved formal apology to Councillor Eve Burke before any consideration was given to allowing him to participate on the Parish Council.

Right to Appeal

Under the revised Localism Act 2011 there is no appeals mechanism in place. Parties may challenge the decision by way of Judicial Review in the High Court. Parties are advised to seek independent legal advice prior to pursuing this option.