

Summary of Governance and Ethics Committee Decision taken on 31 January 2018

NPC1/17

Declarations of Interest (Item 2)

The following Councillors declared a personal interest in this matter by virtue of the reasons set out below. As their interest was personal they were permitted to take part in the debate and vote on the matter.

1. Councillor Quentin Webb, in his role as a District Councillor, had come into contact on a number of occasions with Councillor Tony Renouf when he was acting as a parish councillor.
2. Councillors Jeff Beck and Quentin Webb knew Councillor Jack Lovell, who was named in various parts of the paperwork, as they had participated in a number of Conservative Party Election Campaigns with him. He was however not a close friend.
3. Councillors Keith Chopping, Jeff Beck and Quentin Webb had met Councillor James Spackman through his work with Beenham Wind Orchestra.
4. Councillor Billy Drummond knew Councillor James Spackman as a fellow member of the Liberal Democrat Group. He had however not met with him for several years.
5. Councillor James Cole had attended a single Conservative Party event at Councillor Jack Lovell's home but he did not have a close or ongoing relationship with him.

Councillor Geoff Mayes declared a personal interest in this matter by virtue of the fact that he had met both Councillor Tony Renouf (on WBC hearings) and Councillor James Spackman (a fellow Liberal Democrat Member) a few times over the years but he did not know either well at a personal or political level. As he was a parish councillor he was permitted to take part in the debate but not vote on the matter.

NPC1/17 (Item 3)

Written Decision of West Berkshire Council's Governance and Ethics Committee

If you have any queries regarding this/these decision(s), please contact:
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Summary of Governance and Ethics Committee Decision(s) taken on 31 January 2018 (continued)

Member who this Decision relates to:	Councillor James Spackman
Person who made the original allegation:	Councillor Tony Renouf
Organisation:	Woolhampton Parish Council
West Berkshire Council's Governance and Ethics Committee Reference:	NPC1/17
Chair of the Governance and Ethics Committee:	Councillor Keith Chopping
Other Members of the Governance and Ethics Committee:	Councillors Jeff Beck, Paul Bryant, James Cole, Geoff Mayes (Parish Council Representative), Anthony F Quentin Webb, Jason Collis, Billy Drummond and Jane Langford (Parish Council Representative)
Apologies:	Councillors Lee Dillon, Steve Ardag Walter and Barry Dickens (Parish Council Representative)
Declarations of Interest:	<p>The following Councillors declared a personal interest in this matter by virtue of the reasons set out below. As the interest was personal they were permitted to take part in the debate and vote on the matter.</p> <ol style="list-style-type: none"> 1. Councillor Quentin Webb, in his capacity as a District Councillor, had previously come into contact on a number of occasions with Councillor Tony Renouf when he was acting as parish councillor. 2. Councillors Jeff Beck and Quentin Webb knew Councillor Jack L... who was named in various parts of the paperwork, as they both participated in a number of Conservative Party Election Campaigns with him. He was however not a close friend. 3. Councillors Keith Chopping, Jeff Beck and Quentin Webb had previously worked with Councillor James Spackman through his work with Beenham...

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	<p>Orchestra.</p> <p>4. Councillor Billy Drummond knew Councillor James Spackman as a fellow member of the Liberal Democrat Group. He had however not met with him for several years.</p> <p>5. Councillor James Cole had attended a single Conservative Party event at Councillor Jack Lovell's home but he did not have a close or ongoing relationship with him.</p> <p>Councillor Geoff Mayes declared a personal interest in this matter by virtue of the fact that he had met both Councillor Tony Renouf (on WBC hearings) and Councillor James Spackman (a fellow Liberal Democrat Member) a few times over the years but he did not know either well at a personal or political level. As he was a parish councillor he was permitted to take part in the debate but not vote on the matter.</p>
Monitoring Officer:	Sarah Clarke
Investigator:	Simon Bull
Clerk of the Governance and Ethics Committee:	Moira Fraser and Stephen Chard
Date of the Governance and Ethics Committee:	31 January 2018
Date Decision Issued:	06 February 2018

Summary of the Original Allegation

A complaint was received from Councillor Tony Renouf on 09 February 2017 concerning an alleged breach of Woolhampton Parish Council's Code of Conduct by Councillor James Spackman. The complaint was considered by the Deputy Monitoring Officer (Andy Day) in consultation with the Independent Person (Mike Wall) on 07 March 2017 where it was decided to refer the allegation for further investigation.

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

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Outcome of the Initial Assessment

The Deputy Monitoring Officer in consultation with the Independent Person concluded that in this case, while not making any findings of fact, if the allegations were substantiated they might 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.

Relevant Sections of the Code of Conduct

General Obligations:

- failing to treat others with respect

Failure to Adhere to the Following Nolan Principles:

1. Integrity
2. Accountability
3. Honesty
4. Leadership

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

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- 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
- 11) Councillor Derek Lombardo, the Chair of Midgham Parish Council and the Clerk to Midgham Parish Council Mrs Angela Spoor at the home of Mrs Spoor. This interview took place post the Advisory Panel meeting.

The Investigator also considered the Parish's Code of Conduct, minutes of a number of meetings and 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.

Conclusion of the Independent Investigator

The Investigator concluded that Councillor James Spackman had 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). The Investigator was of the opinion that Councillor Spackman's behaviour and conduct had 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, 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 where the matter would 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

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Summary of Governance and Ethics Committee Decision(s) taken on 31 January 2018 (continued)

concurring with the finding that a breach of the Code of Conduct had 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 proved unsuccessful then the following sanction should be applied:

1. 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.

Summary of the Evidence Considered and Representations Made at the Meeting

Written Evidence Considered:

1. Members' Code of Conduct Woolhampton Parish Council
2. Complaint Form and Associated Correspondence
3. Subject Members Initial Response to the Complaint and Associated Correspondence
4. Initial Assessment Decision Notice
5. Investigator's Report and Addendum
6. Complainant's Comments on the Investigator's Report
7. Subject Member's Comments on the Investigator's Report
8. Written submission from the Clerk on the Investigator's Report
9. Advisory Panel's Decision Notice

Oral Evidence Presented at the Meeting:

1. Presentation from Simon Bull (Investigator)
2. Statement from Steve Brady (Clerk to Woolhampton Parish Council) read out by the Monitoring Officer
3. Presentation from Councillor Elliot Wright (witness)
4. Presentation from Councillor Tony Renouf (Complainant) which included reading an email from Councillor Eve Burke and a letter from Mr M.
5. Presentation from Councillor James Spackman (Subject Member)

Findings as to whether or not the Member failed to follow the Code of Conduct

After carefully considering both the written evidence submitted and the oral evidence given at the hearing, the Committee found that in respect of NPC1/17 Councillor James Spackman had breached Woolhampton Parish Council's Code of Conduct. The Committee considered that the evidence demonstrated a clear course of unacceptable conduct by Councillor Spackman over a prolonged period of time. The type of behaviour evidenced

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Summary of Governance and Ethics Committee Decision(s) taken on 31 January 2018 (continued)

before the Committee as referred to in the complaints fell far short of the standard of behaviour that was required of Cllr Spackman under the Woolhampton Parish Council's Code of Conduct.

Reasons for the Decision

Complaint One (June 2015)

The complaint concerned the allegation of a potentially slanderous comment and the manner in which the subject member communicated that to third parties.

The Committee concluded that there had been a breach of the Code of Conduct and that this was a serious issue. They agreed with the investigator that Councillor Spackman had brought himself and the Woolhampton Parish Council (WPC) into disrepute by making an inaccurate statement, knowing it to be so. They agreed that he had shown a lack of community leadership and that his actions cast doubt on his honesty and integrity. He had also shown disrespect for his fellow councilors. Councillor Spackman had also disclosed information given to him in confidence.

Complaint Two (August 2015)

This complaint centered on whether or not Councillor Spackman had falsely said that he had made a complaint to the Monitoring Office or whether he had said that he would do so.

In reaching a conclusion the Committee had regard to the minutes of the WPC meeting held in January 2016 which stated that 'Councillor Mr J Spackman advised the meeting that he had today made a complaint to the Monitoring Officer and that he would respond upon obtaining a ruling'. They also noted that the minutes of the April 2016 WPC meeting stated that 'Councillor Mr J Spackman stated that the minutes were incorrect'. Having considered all the information presented to them the Committee concluded that no complaint had been made by Councillor Spackman and that on the balance of probability he had stated that he had made a complaint.

The Committee concurred with the investigator that there had been a breach of the Code of Conduct as Councillor Spackman had not shown leadership or demonstrated honesty in relation to this matter.

Complaint Three (December-January 2015/2016)

This complaint related to the claim by Councillor Spackman that Councillor Lombardo, the Chair of Midgham Parish Council, had said that a letter to The Head of Planning at West Berkshire was a 'silly letter'.

The Committee concluded that Councillor Spackman had willfully misrepresented Councillor Lombardo's words and that they concurred with the investigator's comments that 'Councillor Lombardo did not say it was a silly letter but probably said this is silly really'. The Committee commented that Councillor Spackman's actions were reckless and irresponsible in the manner they were reported and were designed to cause the maximum amount of trouble between the two parishes. His actions were therefore disrespectful to his fellow parishioners and also to Councillor Lombardo. His comments showed a lack of leadership, accountability and honesty

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and lacked integrity.

The Committee disagreed with the investigator and concluded that there had been a breach of the Code of Conduct.

Complaint Four (January 2016)

This complaint focused on the question of whether a footpath up Woolhampton Hill was abandoned or just put on hold until 2017 when S106 money might be available to undertake the project. Councillor Spackman had reported the matter on social media despite the fact that he was not present at the meeting where the decision had been taken and had refused to correct the comments that he had made.

The Committee felt that this action was designed to throw doubt on the actions of WPC and that this failure to act collegiately was not the way a councillor should behave. They accepted the investigator's comments that he believed 'it was a difference of emphasis rather than an untruthful statement.'

The Committee therefore concluded that there had not been a breach of the Code of Conduct.

Complaint Five (March 2016)

The complaint related to attendance at a District Parish Conference and the subsequent communication with Martin Dunscombe about the arrangements for attending the District Parish Conference.

The Committee disagreed with the findings of the investigator and supported the conclusion of the Advisory Panel. They too believed that Councillor Spackman had been intentionally disruptive and that the manner in which the issue had been raised was disproportionate. The email correspondence with Martin Dunscombe demonstrated a lack of respect for his fellow parish councillors.

The Committee therefore concluded that there had been a breach of the Code of Conduct.

Complaint Six (June 2016)

Councillor Spackman had stated in an e-mail to West Berkshire Council that there were 'serious worries about the Chairperson of our parish' and that 'these and other concerns would be addressed in greater length'.

The Committee found that Councillor Spackman made repeated and serious allegations regarding the Chairman of Woolhampton Parish Council and that he made those allegations publicly, including not just the members of the Parish Council, but also officers from West Berkshire Council. The Committee noted that the allegations were so serious, that the Chairman proposed a vote of no confidence in himself and even during the meeting which considered that, Councillor Spackman offered no evidence in support of his allegations against the Chairman.

The Committee therefore concluded that they accepted the finding of the investigator that

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there had been a breach of the Code of Conduct as Councillor Spackman had been disrespectful to a fellow councillor, namely the Chairman, Councillor Renouf. Further, the Committee agreed with the investigator that the behaviour evidenced through the investigation and in the paperwork submitted with the complaint demonstrated a lack of both honesty and integrity in relation to this matter.

Complaint Seven (October 2016)

This complaint related to an email sent by Councillor Spackman to Councillor Renouf, and the other WPC Members and the Clerk asking them to confirm the resignation of Councillor Mrs Eve Burke as there was no published information about her on the WPC website.

The Committee noted that the subject of the email was 'carrot' and they felt that this email was a clear act of provocation and this was not the way that any issues with the Parish Council website should have been raised. They concurred with the investigator that a breach of the code had occurred. They agreed that Councillor Spackman's behavior fell far below that expected of a parish councillor and that Councillor Spackman had brought himself and WPC into disrepute. In terms of the Nolan principles Councillor Spackman had demonstrated a lack of community leadership, cast doubt on his own integrity and honesty and failed to show respect for his fellow councillors. He had 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.

The Committee therefore concluded there had been a breach of the Code of Conduct.

Complaint Eight (January 2017)

This complaint looked at whether the Woolhampton Neighbourhood Watch Group existed and it involved a dispute about whether there was a rise in the local crime statistics. The Committee agreed with the investigator that this was another example of Councillor Spackman not acting collegiately and co-operatively with his fellow councillors or in a manner expected of a councillor. They did not however feel that this was a breach of the Code.

The Committee therefore concluded that there had not been a breach of the Code of Conduct.

Sanctions Imposed and the Reasons for the Sanctions

The Committee decided that the following sanctions should be applied:

1. That a formal letter be sent to the Subject Member and to the Clerk of Woolhampton Parish Council by the Chairman of the Governance and Ethics Committee, indicating that the Subject Member has failed to comply with Woolhampton Parish Council's Code of Conduct. The letter to be sent within 15 clear working days of the meeting. The Parish Council to be asked to record the decision in the minutes of the next ordinary meeting of the Parish Council.
2. A formal notice, the wording of which to be agreed by the Monitoring Officer and Chairman of the Governance and Ethics Committee, be placed in a local newspaper and on both the Parish and District Council's websites setting out that Councillor Spackman has breached the Parish Council's Code of Conduct.

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3. Training on the Code of Conduct to be offered to the Parish Council as a whole at a time and place to be agreed by the parties. This imposes no obligation on any party to attend any training that is offered, and implies no fault or failure on the part of any other member of Woolhampton 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
