

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

SPECIAL GOVERNANCE AND ETHICS COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 31 JANUARY 2018

Councillors Present: Jeff Beck (Vice-Chairman), Paul Bryant, Keith Chopping (Chairman), James Cole, Jason Collis (Substitute) (In place of Steve Ardagh-Walter), Billy Drummond (Substitute) (In place of Lee Dillon), Jane Langford (In place of Barry Dickens), Geoff Mayes, Anthony Pick and Quentin Webb

Also Present: Sarah Clarke (Service Director (Strategy and Governance)), Stephen Chard (Principal Policy Officer) and Moira Fraser (Democratic and Electoral Services Manager)

Apologies for inability to attend the meeting: Councillor Steve Ardagh-Walter, Barry Dickens and Councillor Lee Dillon

PART I

23 Declarations of Interest

Councillors Quentin Webb, Jeff Beck, Keith Chopping, Billy Drummond and James Cole declared an interest in Agenda Item 3, but reported that, as their interest was a personal and not an another registrable interest or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Geoff Mayes declared an interest in Agenda Item 3, but reported that, as his interest was a personal and not an other registrable interest or a disclosable pecuniary interest, he determined to remain to take part in the debate on the matter. While both Councillor Mayes and Councillor Jane Langford, as Parish Council representatives on the Committee, were able to participate fully in the meeting, they were not permitted to vote on the matter.

24 NPC1/17

(Councillor Quentin Webb declared a personal interest in Agenda Item 3, by virtue of the fact that in his role as a District Councillor, he had come into contact on a number of occasions with Councillor Tony Renouf when he was acting as a parish councillor. As his interest was a personal and not an another registrable interest or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillors Quentin Webb and Jeff Beck declared a personal interest in Agenda Item 3, by virtue of the fact that they 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. As their interest was a personal and not an another registrable interest or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

(Councillors Quentin Webb, Jeff Beck and Keith Chopping, declared a personal interest in Agenda Item 3, by virtue of the fact that they had met Councillor James Spackman through his work with Beenham Wind Orchestra. As their interest was a personal and not an another registrable interest or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

(Councillor Billy Drummond declared a personal interest in Agenda Item 3, by virtue of the fact that he knew Councillor James Spackman as he was a fellow member of the Liberal Democrat Group. He had however not met with him for several years. As his interest was a personal and not an another registrable interest or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor James Cole declared a personal interest in Agenda Item 3, by virtue of the fact that he had attended a single event at Councillor Jack Lovell's home but he did not have a close or ongoing relationship with him. As his interest was a personal and not an another registrable interest or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Geoff Mayes declared a personal interest in Agenda Item 3, by virtue of the fact that he had met both Councillor Tony Renouf (on WBC hearings) and Councillor James Spackman (who was a member of the Liberal Democrat Group) a few times over the years but he did not know either well at a personal or political level. As his interest was a personal and not an another registrable interest or a disclosable pecuniary interest, he determined to remain to take part in the debate on the matter.) While both Councillor Mayes and Councillor Jane Langford, as Parish Council representatives on the Committee, were able to participate fully in the meeting, they were not permitted to vote on the matter.

The Committee considered a report (Agenda Item 3) concerning an alleged breach of Woolhampton Parish Council's Code of Conduct by Councillor James Spackman. The complaint from the Chairman of Woolhampton Parish Council (WPC), Councillor Tony Renouf, was received by West Berkshire Council's Monitoring Officer on the 9 February 2017.

The Chairman, Councillor Keith Chopping, welcomed everyone to the meeting and outlined the procedure for the day. He apologised for the length of time it had taken to process this complaint. He also noted that although Woolhampton Parish Council adopted a new Code of Conduct in January 2017, due to the timing of the incidents referred to in the complaint the complaints had been assessed against the Code of Conduct in force at that time namely the Code adopted in July 2012.

In accordance with the Council's protocol and procedures the Committee would receive representations from the Independent Investigator (Simon Bull), witnesses invited to attend the meeting (the Clerk to WPC Steve Brady and WPC Councillor Elliot Wright), Complainant (Councillor Tony Renouf) and the Subject Member (Councillor James Spackman).

Independent Investigator - Mr Simon Bull in addressing the Committee raised the following points:

Complaint One – June 2015

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.

From his investigation, Mr Bull concluded that Councillor Lovell did not say the Angel Inn was a 'den of iniquity'. This had also been indicated by Councillor Spackman.

Mr Bull felt that a comment along the lines of 'what substance was he on' might have been made by Councillor Lovell at a WPC meeting, this comment was alleged to have been made as a result of the Landlord of the Angel Inn not attending a parish meeting to discuss issues relating to the public house. The comment was not recorded in the

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

minutes of the meeting and if it was said, Mr Bull felt it would have been said as a 'stage whisper' and as part of the 'rough and tumble' of debate and if so would not warrant a complaint, whilst accepting it would have been an unguarded comment. As such it was not a comment that was suitable to be repeated as had transpired.

It then followed that Councillor Spackman had entered the public house, either by his own volition or on being invited by the Landlord and, among discussing other points, Councillor Spackman repeated to the Landlord the alleged comments of Councillor Lovell. Mr Bull felt that Councillor Spackman had shown poor judgement by entering the public house and entering into this conversation, and finding himself in a situation he was not able to manage. This showed a lack of leadership and Councillor Spackman had not acted in a manner appropriate for a parish councillor when he went to the public house and held this discussion.

Mr Bull upheld this complaint as being in breach of the Code.

Complaint Two – August 2015

WPC Special Meeting under Part II 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.

From his investigation, Mr Bull found that Councillor Spackman had said that he had made a complaint but had not in fact done so. Councillor Spackman had therefore made an untrue statement. The matter could have been easily clarified by Councillor Spackman, instead Mr Bull found that Councillor Spackman had brought himself and WPC into disrepute. This was an example of poor community leadership and brought into question Councillor Spackman's honesty and integrity. The 'complaint' to the Monitoring Officer had made it difficult for WPC to move forward on this matter.

Mr Bull upheld this complaint as being in breach of the Code.

Complaint Three – December 2015/January 2016

At meetings of Woolhampton and Midgham Parish Councils, the minutes raised issues of Woolhampton Sewerage Treatment – 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.

From his investigation, Mr Bull found that the alleged comment, if it was said, was uttered as a 'throw away' line and was not an overly critical comment.

Mr Bull added the point, that had been volunteered by Councillor Lombardo and the Midgham Parish Clerk, that they did not recognise Councillor Spackman as a representative of WPC, rather an individual who was interested in local activities, as Councillor Spackman attended a number of meetings of neighbouring parishes including Midgham.

It did become the case that WPC revoked Councillor Spackman's ability to represent WPC at neighbouring parish meetings (see complaint six).

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

Mr Bull did not uphold this complaint as being in breach of the Code. However, he did feel that Councillor Spackman's comments were injudicious, he showed a lack of judgement and that he should have conducted himself differently.

Complaint Four – January 2016

Lack of footpath on Woolhampton Hill to be funded out of Douai S106 money. West Berkshire Council (WBC) could not undertake viability study until 2017 due to resource shortage. WBC said viability could not take place until funds would be released for the task which would not be until 2017. At the November 2016 meeting the item was removed from being a standard item on Woolhampton Parish Council agendas until the 2017 viability survey had been undertaken. 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.

This was an important issue for the Parish and therefore public debate on the matter required care. Mr Bull considered, from his lengthy local government experience, that the level of emphasis given to public statements was an important factor.

Councillor Spackman's use of the word 'abandoned' did not, in Mr Bull's view, constitute a breach of the code, but it was unfortunate that this was a matter that could not have been resolved without the need for this investigation. Mr Bull felt that Councillor Spackman's political aspirations influenced his choice of wording, but WPC was not run on party political lines. Mr Bull added that it was still the case that the footpath was not in place and so some could consider it to have been abandoned.

Mr Bull did not uphold this complaint as being in breach of the Code.

Complaint Five – March 2016

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.

Mr Bull did not consider that this complaint amounted to a breach of the Code, but did find that Councillor Spackman should have conducted himself differently as an elected member and representative of the Parish Council. In addition the reaction of Councillor Spackman was inappropriate to the issue.

Mr Bull did not uphold this complaint as being in breach of the Code. However, the Governance and Ethics Committee's Advisory Panel recommended this as being a breach of the Code.

Complaint Six – June 2016

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 actively disrupted the WPC meeting, misusing his role as chair to do so, to prevent Councillor Renouf's misconduct from being raised. Councillor Spackman also indicated that the inability over a prolonged time to resolve the issue of the Woolhampton sewerage problems in Station Road was due to Councillor Renouf's failings as chair of WPC.

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

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 WPC as the lead on the Neighbourhood Plan for Woolhampton.

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.

Mr Bull found that Councillor Spackman had made an inaccurate statement and had not made or pursued a complaint about Councillor Renouf. Councillor Spackman's actions had cast doubt on his own honesty and integrity, and failed to show respect for his fellow Parish Councillors. Mr Bull did not accept Councillor Spackman's reasons for saying nothing in his defence when his behaviour was going to be considered by WPC, i.e. that he did not have sufficient time to prepare.

Mr Bull upheld this complaint as being in breach of the Code.

Complaint Seven – October 2016

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 website 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 website was a breach of the Transparency Code.

Mr Bull considered that this was the worst of the breaches of the WPC Code of Conduct. Mr Bull's investigations had found that at the previous WPC meeting, the Clerk had explained that the website needed updating and this was overdue as a result of work pressures he was under at that time. Mr Bull believed that Councillor Spackman used this situation as a way of creating mischief and involved Councillor Burke for the purpose of aiding his continuing dispute with Councillor Renouf.

Councillor Burke was a local person who wanted to get involved within the local community and Mr Bull was firmly of the view that Councillor Spackman should be required to make an unreserved apology to Councillor Burke. Mr Bull questioned why Councillor Spackman had not already done so.

Further, Mr Bull felt that Councillor Spackman was 'playing games' over this matter. He felt that Councillor Spackman's assertion in response to this complaint that he had not received the appropriate levels of induction/training were not relevant and would not have changed his actions. Councillor Spackman had attended a significant number of meetings and was aware of expected behaviours of Councillors.

Mr Bull upheld this complaint as being in breach of the Code. He also felt that this complaint would make mediation difficult to achieve.

Complaint Eight – January 2017

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.

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

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.

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

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

Mr Bull did not find that the complaint amounted to a breach of the Code. He felt that Councillor Spackman was trying to recreate/resurrect a Neighbourhood Watch Group in the area, although he chose to do this without the knowledge and agreement of WPC. This was evidence of Councillor Spackman not acting collegiately or co-operatively with his fellow parish councillors, and Councillor Spackman did not act in the manner expected of a parish councillor.

Mr Bull did not uphold this complaint as being in breach of the Code.

Additional Points

Mr Bull referred to the matter of filming/taking photographs at public meetings. The recording of public meetings had become accepted practice at parish and district council meetings within certain parameters, i.e. from a fixed camera point and/or from a suitable distance. However, Mr Bull did not find it acceptable that Councillor Spackman had taken up close photographs of members of the public at parish meetings and had not followed the correct procedures.

In terms of Councillor Spackman's concerns in relation to inappropriate governance arrangements and failure to adhere to transparency requirements by WPC, Mr Bull categorically refuted this claim. Mr Bull had investigated this matter and found no evidence of poor practice in these areas. WPC had a website in place and used this to publish the necessary documents. The Parish had opted not to utilise social media, although this was something Councillor Spackman had wanted to make use of.

Mr Bull had found that WPC was well run by the Parish Clerk, Mr Steve Brady. Mr Brady had offered guidance to Councillor Spackman and had made offers of informal training, but these offers had either not been accepted or guidance had been ignored.

Mr Bull felt that the level of training, referred to by Councillor Spackman as lacking, was in fact a minimal requirement. Councillor Spackman needed to recognise the correct approach to take and to cease poor use of e-mails. Mr Bull felt the Councillor Spackman's conduct was not fitting for someone who wished to hold a public position or public office.

Conclusions and Recommendations

Mr Bull's recommendation was to seek to achieve a mediated settlement between Councillor Spackman and WPC.

Mr Bull gave his view that Councillor Spackman was addicted to local issues and in attending Parish Council meetings. While Councillor Spackman had ability and made good points, he took the wrong approach. To become a meaningful Member, Councillor Spackman needed to conduct himself in a manner acceptable to WPC and its residents. Councillor Spackman's behaviour in some cases had been mischievous.

From his interviews with Parish Councillors, Mr Bull had uncovered a genuine fear that the Parish Council would implode. Despite this level of concern being raised, Mr Bull still recommended mediation. This view was based on the facts that Councillor Spackman

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

still had some time to serve as a parish councillor and further sanctions were limited by the Localism Act.

Mr Bull added the view that there was a risk that WPC could implode if Councillor Spackman was not brought back into the fold in some way as issues were likely to continue. This could ultimately result in Councillor Spackman taking control of the Parish Council. However, Mr Bull acknowledged that the latter written response from Councillor Spackman to the complaints made mediation an even more difficult prospect. The content of this submission had the scope to lead to further complaints against Councillor Spackman.

Questions and Answers –the Committee

In response to points of accuracy from Councillor Anthony Pick, Mr Bull confirmed that he had held discussions with **Martin** Dunscombe, West Berkshire Council's Communications Manager, in relation to complaints five and six; and accepted that paragraph 8.1 of his report should commence with '**Where** 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.'

Councillor Pick then asked a specific question in relation to Complaint Four – he noted that Councillor Spackman had issued a Facebook comment stating abandonment of the footpath scheme when he had not been present at the meeting where the item was removed as a standing item from WPC agendas. Councillor Pick questioned the appropriateness of this action and its timing – i.e. was this before or after publication of the draft minutes. Mr Bull was not able to confirm the timing, but reiterated his view that the use of the term 'abandoned' did not constitute a breach.

Councillor Billy Drummond asked Mr Bull to expand upon the reasons why a mediated settlement would be hard to achieve. In response, Mr Bull advised that he had described the potential road back to Councillor Spackman and the actions he would have to take, but this had not been accepted. In addition, he reiterated that Councillor Spackman's written response to the complaints gave cause for much concern and made mediation an even more difficult prospect.

Councillor Quentin Webb, in noting the references to a Part II meeting and minutes, queried if there had been any breach of confidentiality at that time. Mr Bull did not believe this to have been the case. The only Part II information referred to was the minutes of the meeting held in August 2015.

Councillor James Cole referred to complaint three and the mention made that Councillor Spackman had a roaming brief in terms of attending neighbouring parish council meetings. He queried whether this roaming brief was self-imposed by Councillor Spackman. Mr Bull confirmed this was the case.

Councillor Paul Bryant queried whether parish councils were not required to use social media. Mr Bull believed this to be discretionary, however a parish website was a requirement to publish information including contact details and meeting agendas/minutes (essentially serving as an electronic notice board). A website was in place at WPC.

Questions and Answers – the complainant

Councillor Renouf, made reference to paragraph 9.1 (4) of Mr Bull's report which related to the potential transfer of ownership of slithers of land for the Woolhampton Hill footpath. This paragraph gave Mr Bull's view that this potential arrangement was above board, complied with good governance and was not motivated by personal gain. Mr Bull confirmed this was his view. Councillor Renouf's question was why Mr Bull felt it was necessary to make that point.

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

In response, Mr Bull explained that he had spoken with the Councillors concerned and established that the potential donation of land was merely for the footpath and constituted no gain to their properties, i.e. not for profit. Mr Bull restated the point made in the report that any comments to the contrary were unwarranted and destructive to WPC, those making them and the community in general. Mr Bull's discussion with Councillor Spackman on this matter covered concerns over Councillor Spackman's motivation for highlighting this.

Questions and Answers – the subject member

The subject member, Councillor Spackman, then asked questions of the Independent Investigator. Starting with complaint one, Councillor Spackman referred to Mr Bull's comments that he (Councillor Spackman) had put himself in a vulnerable position and had felt intimidated. Mr Bull reminded Councillor Spackman that he made this point during his interview.

Councillor Spackman explained that he felt he had a responsibility to report back to the landlord on matters highlighted that were of concern. Councillor Spackman asked whether he was not right to report on the outcome of the WPC meeting as part of representing a member of the public. Mr Bull responded that if this was Councillor Spackman's intention, and he felt this was questionable, then he had done so in the wrong way and should have used different language. There was no need to mention specific points, i.e. 'den of iniquity' and any feedback should only have covered more general points. Councillor Spackman could have represented the individual without making concerning comments.

Turning to complaint three and reference to having a roaming brief to attend other parish council meetings, Councillor Spackman commented that it was right for information on areas of responsibility to be published on the WPC website as part of adhering to the Transparency Code. He was given the responsibility of liaising with neighbouring parishes and based on this he asked if relevant correspondence should have been sent to him on this matter. At this point, the Monitoring Officer, Sarah Clarke, clarified that this complaint was in relation to Councillor Spackman's conduct and not the actions of others in forwarding or not correspondence. Mr Bull added the clarification that by the time this issue occurred, Councillor Spackman's responsibility with neighbouring parishes had been withdrawn by WPC.

Councillor Spackman next referred to complaint four and specifically drew attention to an extract from the minutes of a WPC meeting in December 2015: 'The Head of Highways and Transport explained that the majority of the S106 highways money, received for Woolhampton, had been spent and that from their knowledge of what was coming through the pipeline, it would not be sufficient to fund the footpath. Further, it was stated that there were no other WBC highways monies available to fund it. Given this, WBC could not justify incurring costs on a survey for an unfunded project.' Councillor Spackman asked Mr Bull if he felt that this statement made clear that the project had been abandoned. Mr Bull did not feel that this stated that the scheme had been abandoned entirely. However, he reminded Councillor Spackman that he had not found a breach in this instance, although did feel that Councillor Spackman had made unguarded comments.

Councillor Spackman noted the view given that he had not acted collegiately and queried what this statement covered. Mr Bull explained that this was a requirement to 'play by the rules' and conduct himself in a manner appropriate for a Parish Councillor. This would involve debating matters with fellow parish councillors and adding items for formal discussion onto WPC agendas. It was not appropriate to proceed with issues in the unguarded manner that had been describe, i.e. externally from WPC.

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

Councillor Spackman disputed the points made around photography. He stated that he had not taken photographs of members of the public in the way described. In response, Mr Bull referred to contrary information provided by a member of the public and former parish councillor, Mr M. Councillor Lovell had also questioned Councillor Spackman on his conduct relating to this matter. Mr Bull reiterated that the taking of photographs/recording of public meetings was acceptable but only from a set position/at a respectful distance.

Finally, Councillor Spackman asked if the Transparency Code 2015 was in force for a small parish. Mr Bull stated that it was and felt it was adhered to at WPC. He accepted this was relatively light touch, but agendas/minutes were published as were WPC's accounts. There was no evidence that transparency rules were ignored. The Parish Clerk had acknowledged that he was behind with the website at a point in time but this did not constitute a breach of the Transparency Code. Mr Bull felt that Councillor Spackman's questions around transparency/use of the website demonstrated a difficulty for Councillor Spackman in communicating with his fellow parish councillors.

WPC Clerk – as Mr Brady had given his apologies for the meeting, the Monitoring Officer read a written statement from him in full. Mr Brady raised the following points:

WPC Councillor - Councillor Elliot Wright in addressing the Committee raised the following points:

Complainant - Councillor Tony Renouf in addressing the Committee raised the following points:

He had been a Woolhampton Parish Councillor since 1997 and Chairman since 1999. He had served on the Standards Committee and was currently a member of the Advisory Panel. Having properly declared an interest, he did not take part in the Advisory Panel's consideration of the Investigator's report into this complaint which, although in his name, had been made with the unanimous support of the five remaining Members of the Parish Council.

Firstly, Councillor Renouf sought to respond specifically to the decisions made by the Advisory Panel not to find that there was a breach of the Code of Conduct in Complaints 3, 4 and 8.

As stated in the report, Woolhampton Parish Council was a small precept authority with light touch governance. However, it was not without serious issues. Currently, the two most important and long running were:

- Sewage flooding into a handful of gardens which was caused by the acknowledged incapacity of the Woolhampton Treatment Plant. This directly related to Complaint 3.

Following publication, there was now awareness (page 106) that the Midgham Chairman, Councillor Lombardo, was alleged to have said that the letter from Woolhampton requesting co-operation should be ignored. This, Councillor Spackman related, was because it might amount to predetermination and because it was an insult to Midgham Parish Councillors who were fully capable of reaching competent decisions. Councillor Spackman claimed that Councillor Lombardo wanted WPC's request to be ignored as it would create a personal conflict of interest for him which would harm his private business as a planning agent working in the area. Clearly this could not have been said as Councillor Lombardo was an architect and not a planner.

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

In his response to the Advisory Panel's decision, Councillor Spackman repeated the allegation that Councillor Lombardo rejected the request whereas the Minutes of the Midgham Parish Council (page 63, para 9) make it abundantly clear that it would act on Woolhampton's request.

Councillor Renouf also referred to email correspondence with Councillor Lombardo on page 59 of the agenda pack. Councillor Lombardo's reply made no reference to any issues. There were no outstanding issues that still needed to be addressed. There never were any issues other than those invented by Councillor Spackman.

- The second issue, relating to Complaint 4, was the lack of a footpath up Woolhampton Hill which was a dangerous fast route to the Primary School. Highways had determined that the original footpath proposal, put forward as part of the s106 settlement on the Douai School redevelopment, was not possible because of the width of the road. In his original statement (pages 107/108) Councillor Spackman correctly identifies the councillors (Councillors Hale and Lovell) whose land would be involved in an alternative proposal the Parish Council had made to Highways.

Whilst Councillor Hales' contribution, should he agree to the proposal, would be to lose a yard off his front garden, Councillor Lovell had offered to build and maintain a permitted footpath across his land to run parallel to Woolhampton Hill – a generous offer that had not been acknowledged by Councillor Spackman.

The complaint about the Facebook page (page 68), was not anonymous and Councillor Renouf stated that he did not order Councillor Spackman to delete the Facebook page – he did not have that power. Councillor Spackman was asked to correct the page by all the Members present at the meeting simply because it was wrong and needed to be corrected to avoid unwarranted complaints from members of the public.

In his final submission Councillor Spackman claimed to have been at the meeting in which the decision to remove the footpath as a standard agenda item was made and was therefore able to quote me as saying that the matter had been abandoned. The meeting took place on 17 November 2015 when Councillor Spackman was recorded as giving his apologies for the meeting.

Councillor Renouf accepted that either or both of these two complaints might appear to be trivial but when considered in context they related to very serious concerns faced by villagers and he felt that Councillor Spackman's actions could not be dismissed as being merely an injudicious remark or a non-collegiate frolic. Councillor Renouf felt that Councillor Spackman deliberately set out to bring WPC into disrepute and in doing so crossed the threshold between behaving unacceptably, as suggested by the Investigator, and breaching the Code of Conduct. Councillor Renouf asked the Committee to consider finding that to be the case for both complaints.

Councillor Renouf continued by giving the view that Councillor Spackman had 'driven a coach and horses' through the Nolan Principles. Complaint 8, involving an attempt to manipulate WPC by deception, was yet another example. The investigator was reluctant to criticise Councillor Spackman for his interpretation of the crime statistics but seemingly failed to recognise that neither the statistics, nor his interpretation of them, were the subject of the complaint, it was his attempt to deceive WPC. The statistics were submitted after WPC had been informed by the West Berkshire Coordinator that the Woolhampton Neighbourhood Watch Group did not exist and therefore played no part in the decision to make the complaint.

Councillor Renouf believed the investigation into Complaint 8 was flawed insofar as the Investigator did not consider the substance of the complaint and asked the Committee to consider the conclusion that Councillor Spackman was only guilty of 'bad behaviour' as

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

totally inadequate. Again, Councillor Renouf asked the Committee to find that he was in breach of the code.

Councillor Renouf then commented on parts of Councillor Spackman's original response to the complaint on pages 103 to 113 which contained a lot of half truths, untruths, alternative facts and innuendo.

On page 103 Councillor Spackman maintained that he was regularly subjected to improper comments stemming from the perceived nature of his relationship with Councillor Grover who was a respected member of the Council. This was an allegation that Councillor Renouf was not previously aware of but he confirmed, having spoken to the Clerk, that he was sure that no improper comments had been made in the meetings and Councillor Spackman's co-option was made following a unanimous vote.

Councillor Renouf was unsure whether Councillor Spackman's claim to have known Councillor Renouf's opinion of him was related to the improper comments he referred to, but Councillor Renouf clarified that his opinion of Councillor Spackman had been formed as a result of his behaviour over the past nearly three years and did not pre-date his co-option.

On pages 103/104 Councillor Spackman claimed that Mr M intervened during the meeting to physically threaten him. As requested by Mr M, Councillor Renouf drew the Committee's attention to the inaccuracies in Councillor Spackman's response by reading the following from a letter he had received from Mr M for this purpose:

'Mr Spackman has incorrectly stated several facts and has made some severe allegations which are totally incorrect and can be proved so. These libellous allegations are a slur on my character and I am disappointed to say the least that someone holding a public office has made them.

I wish to state the following inaccuracies he has written:

- 1. Mr Spackman states I "intervened the meeting to physically threaten" him – I most certainly did not. Whilst still seated I merely asked him to confirm that he had asked the members of the public present if they objected to being included in the photograph he had taken. When he failed to respond I had to repeat the question several times, but even then he failed to answer my question. No physical threat was ever made to Mr Spackman and this can be confirmed by the councillors present at the meeting.*
- 2. Mr Spackman did not show me his photographs – he said he would delete any photographs in which I might have appeared but I failed to check that he did this.*
- 3. Mr Spackman states I am "an ex-soldier and tree surgeon" – I may be the director of an arboricultural company but I have never been a soldier or completed any military service. No doubt the Ministry of Defence will confirm this. However, I take exception to his use of this military role in his presentation of my character to the reader of his document. What picture is he trying to present? I'm an "ex-soldier and tree surgeon" so that makes me aggressive?*
- 4. Mr Spackman states that Councillor Lovell (for whom I regularly carry out arboricultural work) and myself conferred privately prior to the start of the meeting – we most certainly did have a private meeting and on a private matter relating to the security of his property. Earlier that day I had seen someone acting suspiciously near his land and as this was the second occasion I had seen the same person, I reported it to the police. As I had not been able to contact Councillor Lovell at the time, I took the opportunity to update him just before the meeting. My phone conversation with Thames Valley Police will no doubt be easy to confirm this – there is no crime number because at that stage no crime had actually been committed.*

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

5. *Mr Spackman states Councillor Lovell made several gestures to me prior to my "outburst" – there were no gestures made by Councillor Lovell.*

I find all of the language used by Mr Spackman in his response highly offensive and a slur on my character. As these comments are in the public domain, I am immeasurably concerned as to the damage caused to my reputation, and in particular to that of my company. I have spent the last fifteen years building up my company to the successful position it is in now, with 95% of the business coming from my loyal, repeat customers, and am horrified to think that Mr Spackman will cast a big shadow over my company and myself.

I would expect to receive an unreserved, published written apology from Mr Spackman, and expect to see his removal from his position as councillor as immediate. As a councillor he is supposed to represent the parishioners of Woolhampton in a dignified, honourable, trustworthy manner befitting that position. He clearly is not.'

Councillor Renouf then continued his statement. He stated that page 105 contained the following three particularly outrageous statements which should be withdrawn or substantiated:

1. Councillor Wright was supposed to have said that Councillor Spackman's reputation was being harmed by his association with the social misfits that had been dumped on the village and that he, Councillor Wright, would do all he could to have Councillor Spackman removed from the Parish Council because by proposing the co-option he was being made to look bad.
2. Councillor Spackman claimed Councillor Wright also told him that he should avoid getting on the wrong side of Councillor Lovell who would use his wealth and influence to defend himself against any reputational damage which might lead to his loss of directorships from FTSE listed companies.
3. Councillor Spackman says that I told him that, as a member of the Advisory Panel, I had a personal relationship with Standards Board members and would ensure his misconduct would be dealt with strongly.

On page 107, paragraph 3, Councillor Spackman alleged that Councillor Wright failed to declare an interest in respect of the Village Post Office. This was clearly not a Parish Council proposal and Councillor Wright's interest was the same as every other villager. The commitment in the Parish Plan, which had been adopted but not written by WPC, to keep the Post Office open was clearly aspirational and unenforceable.

On page 112, paragraph 3, Councillor Spackman wrote of the transfer of ownership of a portion of land owned by Network Rail and located between Councillor Lovell's land and Councillor Renouf's property. The land in question was remote from land owned by both parties and was adjacent to the Village Hall land.

Councillor Renouf then returned to Councillor Spackman's response to the decision of the Advisory Panel (from page 159 of the agenda pack).

Complaint 1 - In the Part II meeting it was established to the satisfaction of the Clerk, Mr Brady, that defamatory comment had not been made at a Parish Council meeting. That Councillor Spackman wished to involve the unfortunate death of an individual in this matter spoke volumes about his character.

Councillor Renouf felt it was unclear as to the identity of the member of the public Councillor Spackman claimed to have been representing but assuming it was the landlord in his dispute with the Parish Council about the siting of the bus shelter then it was entirely unrelated to the complaint. The complaint was simply that Councillor Spackman had wrongly told the landlord that Councillor Lovell had slandered him at a public meeting.

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

Complaint 2 - There were very few reasons for Councils to be able to hold Part II meetings but it was deemed appropriate in this case as it was almost certain that there would be discussion of the alleged defamatory remarks and who had said what, when and to whom. To make such remarks in a public meeting could have exposed WPC to legal action.

The Clerk, as required, displayed a special notice, which was attached to the agenda on the website, in relation to the Part II meeting quoting the 28-day rule. Because of its urgency, Councillor Renouf had given permission for the Council to meet in private. The agenda clearly stated the reason for the meeting and the two items to be discussed, and the decision to hold the meeting was agreed and properly recorded in the minutes of the August meeting.

Councillor Renouf stated that it was important to note that the proposal to remove Councillor Spackman as the Council's representative on the AWE Liaison Committee was based on the collective view that his interactions with the pub landlord had shown that his judgement could not be trusted. His politics were considered by the majority to be inconsequential.

The complaint was related only to Councillor Spackman's claim made in a meeting that he had made a complaint to the Monitoring Officer which was not true.

Moving on to Complaint 5 – this complaint was based almost entirely on the email exchange between Councillor Spackman and West Berkshire Council officer Martin Dunscombe, and Councillor Renouf felt that this illustrated Councillor Spackman's inventiveness.

As far as Councillor Renouf was aware, no dignitary had indicated being impressed by efforts to boost his own status. The question he submitted in writing to Councillor Argyle covered possible grass cutting next to the public highway as part of devolution and the insurance implications which might arise. Councillor Spackman's responsibility for highways had been relinquished in the Part II meeting and had become Councillor Renouf's responsibility.

Complaint 6 – Councillor Renouf felt that the allegations of misconduct made against him by Councillor Spackman left him with no alternative but to ask for a vote of confidence. Councillor Spackman was given ample opportunity to make his case in this matter but declined to do so leaving the members no alternative but to dismiss accusations against me. The subsequent vote of no confidence in Councillor Spackman resulted in his being denied the opportunity to lead on a possible Neighbourhood Plan and removal of his right to represent the Parish Council in any forum.

Complaint 7 - Councillor Spackman's email which asked Councillor Renouf to confirm that Councillor Mrs Burke had resigned was, in Councillor Renouf's view, designed to undermine the Clerk who was responsible for the website. In the September 2016 meeting, held just two weeks before Councillor Spackman's email, the Clerk reported that he needed further training to allow him to update the new website and confirmed that it was not up to date. Councillor Spackman was at the meeting and was therefore fully aware of the situation yet cynically chose to involve Councillor Mrs Burke, a relatively new member, to criticise the work of the Clerk.

Councillor Renouf then referred to Councillor Spackman's final response which stated *'Mr Bull's finding that Councillor Burke felt upset at being questioned was entirely reasonable and highlights both her lack of training and the lack of governance in Woolhampton Parish Council'*.

After reading this comment Councillor Mrs Burke sent Councillor Renouf the following email:

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

'It is classic that he (Councillor Spackman) has failed to acknowledge my feelings, when reading his email (sent to all) about my supposed resignation. I categorically did not get upset when questioned by Mr Bull and I did not see this stated in the report. For JS to use his response to 'highlight my lack of training' is further proof of his disrespect.

My Parish Council training does not reflect the values I have as a councillor and how I expect to be treated by fellow councillors. It also does not give others the right to disregard my feelings. It is clear to me that JS views me as a weaker member of the Parish Council and therefore one that he can dismiss or use to his advantage to attack the Parish Council.

In the strongest and simplest language I can use: I do not wish to receive an apology from JS, as it clearly would be nothing except a tick box exercise.'

In terms of mediation, Councillor Renouf felt that the success of a mediation process, recommended by the Advisory Panel, presupposes that there was a resolvable dispute. However, Councillor Renouf stated that there could be no negotiable middle ground between what was true and what was untrue.

Councillor Renouf asked the Committee, in arriving at its final conclusions, to bear in mind that the complaints being considered today only covered the period up to last January 2017 and nothing beyond that date.

Since May 2015, some members had been subjected to unsubstantiated claims of dishonesty and as Chairman, I have also been accused of corruption. At a public meeting I was called a liar.

Councillor Renouf felt that Councillor Spackman was seemingly obsessed by governance and local politics and confused process with purpose. It was his inability to distinguish between fact and fantasy that had resulted in this investigation. It rendered him unsuited to hold public office and Councillor Renouf believed that Councillor Spackman's continued membership of WPC posed an existential threat to it.

Councillor Renouf felt that the solution lay in Councillor Spackman's resignation and not mediation.

Questions and Answers - the Committee:

Councillor Paul Bryant queried Councillor Renouf's relationship with Midgham Parish Council and its Councillors. Councillor Renouf explained that he knew the Chairman and spoke with him occasionally. In summary, they were on good terms.

Councillor Bryant asked what responsibilities were held by Councillor Spackman prior to the vote of no confidence in him taken by WPC. Councillor Renouf explained that Councillor Spackman's only particularly assigned WPC role was to the AWE Liaison Committee but this responsibility had been rescinded by the time the vote of no confidence was taken. There were no other areas of responsibility and not all parish councillors had areas of particular responsibility. Councillor Renouf acknowledged that Councillor Spackman attended other parish meetings, but Councillor Renouf made clear this was not as a representative of WPC.

Councillor Anthony Pick referred to a comment made in Councillor Spackman's statement that he agreed to withdraw from the AWE Liaison Committee at the WPC AGM but only after he had been subjected to '5 grown men shouting and attempting to intimidate' him. Councillor Pick questioned the accuracy of this statement. Councillor Renouf denied this. It was true that a discussion was held which involved the 5 men on WPC, but there was no shouting or intimidating behaviour.

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

Councillor Quentin Webb questioned whether guidance documents were made available to new parish councillors. Councillor Renouf was not aware of any particular guidance documents.

Councillor Webb followed this up by querying whether WPC encouraged attendance at training courses for parish councillors. Councillor Renouf explained that attendance at free training courses was encouraged. If training incurred a cost then this cost would need to be justified. To date, justification had not been found to incur a cost for a training course. Councillor Renouf added that Councillor Spackman had only asked about training courses on two occasions.

Councillor Webb next queried the relationship between the Village Hall/its Trustees with WPC. Councillor Renouf confirmed that WPC owned the building and that he was the Chairman of the Village Hall Trustees.

Councillor Billy Drummond referred to the submission of the Parish Clerk in which he stated he would be prepared to help in finding a way forward for WPC and its Councillors. Therefore would mediation be pursued? Councillor Renouf accepted that mediation would be the correct approach in most cases, but he reiterated that he did not feel it was possible to achieve a mediated settlement in this case as there could be no negotiable middle ground between what was true and what was untrue.

Questions and Answers - the subject member:

Councillor Spackman referred to the point made by Councillor Renouf's that his opinion of Councillor Spackman, that he was not fit to hold public office, had been formed over a period of time, but he asked Councillor Renouf to confirm when precisely this was. Councillor Spackman suggested that Councillor Renouf had misgivings when he was co-opted, following Councillor Renouf stating that WPC was desperate for new members. In response, Councillor Renouf confirmed that he began to have concerns immediately after the issue with the alleged slander in the public house. This was in the period from June to August 2015.

Councillor Spackman challenged Councillor Renouf on this by asking why therefore, in April 2015 (prior to the local elections), he stated Councillor Spackman was not fit to hold public office and suggested he should move to another village. He asked Councillor Renouf if he disputed that. Councillor Renouf responded by stating this was nonsense and that he had not made this statement.

Councillor Spackman then referred to the AWE Liaison Committee. He stated, at that time, that he would stand down from the role on three grounds, i.e. on the understanding that accurate, timely and relevant information would be provided. He asked Councillor Renouf to confirm this was the case. Councillor Renouf advised that he could not positively recall whether these three grounds were stated or not. Sarah Clarke drew attention to the relevant minutes in the agenda pack, there was no reference to these three grounds in these minutes. Councillor Renouf clarified that this discussion took place at the Part II meeting.

(The meeting was adjourned for a lunch break at 12.35pm and reconvened at 1.05pm).

Subject Member - Councillor James Spackman in addressing the Committee raised the following points:

Clarification of issues raised during the presentations

Councillor Jeff Beck asked Councillor Spackman if he felt that mediation was a way forward. In response, Councillor Spackman gave his view that his induction/training

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

requirements needed to be met. Training was a requirement for all the Parish Councillors, including the Chairman, but there was no clear training plan in place.

Councillor Anthony Pick queried whether Councillor Spackman had received a copy of the Good Councillors Guide. Councillor Spackman advised that he received a copy at a District Parish Conference at a cost of £3. He recommended this guide to his fellow parish councillors who asked to borrow it. Councillor Spackman agreed to once he had read it himself. Councillor Spackman added that he regularly made use of the Guide.

In response to Councillor Keith Chopping's question, Councillor Renouf confirmed that Councillor Burke did not wish to receive an apology from Councillor Spackman. She stated this point in an e-mail to Councillor Renouf. Councillor Spackman explained that this matter related to a lack of governance at WPC. He advised of a comment made by the Vice-Chairman (Councillor Wright) stating that no one in WPC cared about governance. Councillor Wright stated that he had not made this comment.

Councillor Spackman was then permitted to address the Committee with any final comments. Councillor Spackman gave thanks for the opportunity to address the Committee on these matters. He felt the Committee had a clear choice to make.

(The meeting was adjourned at 2.15pm to enable the Committee to determine whether or not a breach of the WPC Code of Conduct had occurred. The meeting reconvened at 3.25pm).

Councillor Keith Chopping read out the Committee's decision:

'In respect of **Complaint One (June 2015)** there has been a breach of the Code.

In respect of **Complaint Two (August 2015)** there has been a breach of the Code.

In respect of **Complaint Three (December-January 2015/2016)** there has been a breach of the Code.

In respect of **Complaint Four (January 2016)** there has not been a breach of the Code.

In respect of **Complaint Five (March 2016)** there has been a breach of the Code.

In respect of **Complaint Six (June 2016)** there has been a breach of the Code.

In respect of **Complaint Seven (October 2016)** there has been a breach of the Code.

In respect of **Complaint Eight (January 2017)** there has not been a breach of the Code.'

Councillor Chopping then asked Councillor Spackman if he wished to make any representations by way of mitigation or relating to any sanctions that he felt would be appropriate.

Councillor Spackman stated that he felt he was an excluded member of WPC from the outset. He had not felt involved collegiately. Councillor Spackman added that he required induction/training. He felt that the chronology outlined in the complaints demonstrated a breakdown in communication. Councillor Spackman was willing to accept some responsibility for this, but not full responsibility.

In terms of sanctions, Councillor Spackman did not feel that any sanctions would change the way that WPC operated. He had requested mediation in the past within WPC but this had not been progressed. Councillor Spackman felt that stronger internal disciplinary procedures should have been in place in order to resolve issues within WPC.

Councillor Spackman went on to say that he was willing to apologise if he had acted wrongly, but he wanted proof that this was the case before doing so. He felt that this understanding would come from training.

GOVERNANCE AND ETHICS COMMITTEE - 31 JANUARY 2018 - MINUTES

Councillor Webb asked Councillor Spackman what he felt should be covered as part of training. Councillor Spackman felt this should provide authoritative direction, guidance and procedures to be followed, and should outline the appropriate way for a parish council to function.

(The meeting was adjourned at 3.32pm to enable the Committee to determine which sanctions should be applied. The meeting reconvened at 4.05pm).

The Monitoring Officer read out the sanctions agreed by the Committee:

‘After careful consideration of all the information, both written and oral, provided to the Committee it has been determined that in this case 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 is 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.
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 – it was noted that under the revised Localism Act 2011 there was no appeals mechanism in place. Parties could challenge the decision by way of Judicial Review in the High Court. Parties were advised to seek independent legal advice prior to pursuing this option.

Councillor Keith Chopping thanked all present for their attendance and involvement, and closed the meeting at 4.07pm.

(The meeting commenced at 10.30 am and closed at 4.07 pm)

CHAIRMAN

Date of Signature