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

EXTRAORDINARY COUNCIL

MINUTES OF THE MEETING HELD ON

WEDNESDAY 30 SEPTEMBER 2026

Councillors Present: Adrian Abbs, Dominic Boeck, Carolyne Culver, Clive Hooker, Paul Kander, Jane Langford, Ross Mackinnon, David Marsh, Richard Somner, Joanne Stewart, Clive Taylor, and Howard Woollaston

Also Present: Sarah Clarke (Executive Director for Resources and Monitoring Officer), Nicola Thomas (Service Lead for Legal and Democratic Services and Legal Advisor), Martyn Sargeant (Service Director for Strategy and Governance), and Stephen Chard (Democratic Services Manager)

Apologies for inability to attend the meeting: Councillors Antony Amirtharaj, Phil Barnett, Jeff Brooks, Nick Carter, Patrick Clark, Heather Codling, Martin Colston, Jeremy Cottam, Iain Cottingham, Laura Coyle, Billy Drummond, Nigel Foot, Denise Gaines, Stuart Gourley, Owen Jeffery, Janine Lewis, Alan Macro, Geoff Mayes, Tom McCann, Erik Pattenden, Justin Pemberton, Vic Poole, Christopher Read, Matt Shakespeare, Stephanie Steevenson, Louise Sturgess, Martha Vickers, Tony Vickers, Paul Dick, Biyi Oloko, and Dennis Benneyworth

PART I

1. Election of Chairman

As the Chairman and Vice-Chairman had issued their apologies for the meeting due to a declaration of interest, the meeting determined to elect a Chairman for the meeting.

MOTION: Proposed by Councillor Ross Mackinnon and seconded by Councillor Dominic Boeck:

"That Councillor Clive Hooker be elected as Chairman for this meeting."

The Motion was put to the meeting and duly **RESOLVED**.

As the Personnel and Standards Committee could not deal with this complaint due to the nature of Members' interests, resulting in it being inquorate, Council resolved to adopt the procedure outlined in the Constitution for dealing with standards complaints.

MOTION: Proposed by Councillor Clive Hooker and seconded by Councillor Ross Mackinnon:

"That the meeting adopts the complaints procedure outlined in Part 13, Appendix A, paragraphs 10.2 through until paragraph 12 of the Constitution."

The Motion was put to the meeting and duly **RESOLVED**.

2. Declarations of Interest

All Members of the Liberal Democrat Group declared a non-registerable interest in Agenda Item 4 as one of the parties to the Standards Complaint was a doner to their political party and whom a number knew in a personal capacity. Therefore, in order to avoid the perception of bias, they determined to not participate in the meeting in any way.

Councillor Joanne Stewart declared a personal interest in Agenda Item 4 as one of the parties referenced in the report is known to her in a personal capacity. However, as this was a personal interest not prejudicial, she determined to remain in the meeting and participate in the discussion and deliberation.

Councillor Richard Somner declared an interest in Agenda Item 4 as he had communicated with the Subject Member in 2004 regarding a neighbourhood development plan. However, as this was not prejudicial, he determined to remain in the meeting and participate in the discussion and deliberation.

Councillor Adrian Abbs declared an interest in Agenda Item 4 as he was previously a member of the Liberal Democrats. However, as he had no recollection of meeting or talking to the Subject Member, he did not believe it to be prejudicial and so determined to remain in the meeting and participate in the discussion and deliberation.

The Chairman declared an interest in Agenda Item 4 as he believed he might have historically communicated with the Subject Member. However, as he had no recollection of any discussions, he did not believe it to be prejudicial and so determined to remain in the meeting and participate in the discussion and deliberation.

3. Exclusion of Press and Public

Council heard representations from the Legal Advisor, Subject Member, and Complainant on whether to exclude the press and public from the discussion of Agenda Item 4. Although there was a strong presumption that the meeting should be held in public, Members had to balance this against the rights of third-party individuals referenced in the report who did not have an opportunity to consider the report or make representations.

MOTION: Proposed by Councillor Clive Hooker and seconded by Councillor Ross Mackinnon:

"That members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Section 10, Part 10 of the Constitution also refers."

The Motion was not resolved when it was put to the vote.

After consideration of the relevant legislation, Council agreed to not exclude the press and public from the remainder of the meeting. However, the appendixes to the report would remain restricted in order to preserve the rights of the referenced third-party individuals.

4. Standards Complaint - Outcome of Full Investigation

Council considered a report (Agenda Item 4) concerning a complaint regarding an alleged breach of the Cold Ash Parish Council Code of Conduct. The complaint was submitted by a member of the public, Mr Gavin Bailey (Complainant), on 22 September 2025 against the then Councillor Bernard Clark (Subject Member).

Members were required to determine whether a breach of the Code had occurred after considering the Independent Investigator's report and hearing from both the Complainant and Subject Member. Should the Committee determine that there had been a breach, they would need to determine an appropriate sanction.

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Presentation from the Independent Investigator

The Independent Investigator, Michael Graham, presented his report. The key points highlighted were:

- The events mentioned in the report occurred several years ago and the heart of the matter revolved around the rights of the Complainant to not be subject to abuse or bullying and those of the Subject Member to be able to speak freely on matters of public importance.
- Reference to rights enshrined by Article 10 of the European Convention of Human Rights (ECHR) were raised by the Subject Member.
- The sequence of events were as follows: 1) The Complainant emailed the Cold Ash Parish Council Clerk to express concerns about how the Council dealt with sensitive planning matters, about the rudeness of Members, the accuracy of minutes, and the appearance of bias and conflicts of interest. 2) The Parish response was personalised as the Subject Member got involved with the complaint. 3) The Complainant issued a Freedom of Information (FoI) request two years after this incident and discovered the messages that were presented in the agenda pack. 4) The Complainant submitted a Code of Conduct complaint against the Subject Member to the Monitoring Officer of West Berkshire Council.
- The Subject Member could have reflected on the comments he made several years previously and apologised to the Complainant. However, he did not do so and cited his Article 10 rights under the ECHR.
- The totality of his comments made at the Council meeting were not know but were likely sufficiently embarrassing as they were not recorded in the minutes.
- The Subject Member also made derogatory comments against the Complainant in response to the Code of Conduct complaint.
- Overall, the report concluded that some, but not all, of the comments made by the Subject Member amounted to a breach of the Code of Conduct under paragraphs 1.1 (treating councillors and members of the public with respect) and 5.1 (about not bringing the authority into disrepute).
- Case law for Article 10 of the ECHR indicated that politicians should have a thick skin when it came to receiving comments about potential wrongdoing or their competence. However, Article 10 rights were qualified and did not afford protection to individuals who abused politicians or members of the public.
- For this reason, a balanced judgment needed to be made about the benefits of free speech against the rights of individuals not to be abused and to ensure that the system maintained public trust – if a member of the public could not bring a reasonable complaint to the Council without abuse, then local democracy would be undermined.
- Overall, the report gave the Subject Member the benefit of the doubt in cases where there could be a reasonable basis for making their comments. However, there were a number of instances where there was no reasonable basis for the comments.

Questions to the Independent Investigator

Members asked several questions of the Investigator and received the following responses:

- That the remit of the investigation focused on the comments made by the Subject Member so did not look at the broader culture in the Parish Council or the District.
- That some comments were considered to be protected if they could be factually proven, and others were treated as gratuitous if they were unprovable value judgments.
- All the outcomes presented in the report were the opinion of the Independent Investigator. Only Council could determine conclusively if a breach had occurred.
- That, on balance the Subject Member was not considered to have bullied the Complainant as there was not a sufficient course of conduct. Instead, the comments were considered to fall more into disrespect.

The Complainant did not ask any questions of the Independent Investigator.

The Subject Member did not ask any questions of the Independent Investigator.

The Independent Investigator did not make any concluding remarks.

Submission from the Complainant

The Complainant, Gavin Bailey, made a verbal presentation. The key points highlighted were:

- That the Council should uphold the findings of the Independent Investigator in full as the Subject Member breached paragraph 1.1 on both occasions identified, and paragraph 5.1 during the open meeting of Cold Ash Parish Council on 23 May 2023.
- That the findings in the report rested on words that were not in dispute. As there was no identifiable basis for those comments, they amounted to a gratuitous personal attack.
- That the Subject Member had demonstrated malice when labelling the Complainant as a dangerous and nasty man.
- That the Subject Member’s comments were not careless as, in response to a message from a fellow Councillor who indicated that he should be careful with his words, he indicated that he knew they were subject to FoI requests.
- The background of the planning issue was noted, and that a Planning Inspectorate decision confirmed there had been encroachment on the byway.
- That Council should consider applying sanctions as the Subject Member’s failure to heed warnings about his comments, his declining of an informal resolution and the issuing of an apology, and his comments on the draft report aggravated rather than mitigated the accusations.
- Even through the Subject Member had resigned from the Parish Council, the Complainant stated that the complaint should still be determined as it was in the public interest.

- That Council should issue a public censure against the Subject Member and issue a press release. As the comments had been made in public, the accountability for those comments should also be visible to the public.
- The original request to the Parish Council was modest as he wanted them to acknowledge any conflicts of interest and correct the accuracy of the minutes. As this complaint lasted over three years, the Complainant believed that it felt like they were resisting these changes.
- That Cold Ash Parish Council should receive the findings of this meeting in a full council meeting, issue apologies to the residents of byways 5 and 25, and take training on minute taking, dealing with conflicts of interest, and dealing with residents. This should be done within three months, and confirmation of completion should be sent to the Monitoring Officer.
- That this process had been going on for nearly four years, but nothing had changed on the ground despite the Complainant going through all the proper channels.
- Overall, he requested that Council uphold the findings and make them public.

Questions to the Complainant

Members asked a question of the Complainant and received the following response:

- The Complainant did not ask for this meeting as if the Subject Member had issued an apology, the complaint would not be before the Council.

Submission from the Subject Member

The Subject Member requested permission to present two recorded videos to Council in order to support his case.

After taking advice from the Legal Advisor and Monitoring Officer, Council agreed that the introduction of new witness statements at this point, without notice or the ability to ask them questions or substantiate any new evidence that they provided, would be inappropriate.

MOTION: Proposed by Councillor Ross Mackinnon and seconded by Councillor Dominic Boeck:

“That Council does not permit the introduction of new recorded evidence from the Subject Member.”

The Motion was put to the meeting and duly **RESOLVED**.

The Subject Member, Bernard Clark, made a verbal presentation. The key points highlighted were:

- That he was a renowned television producer who had started the ‘Neighbours from Hell’ show for Channel 4.
- During his time as a Councillor, which he had been for 11 years, he received a call from a local resident indicating that the Complainant had damaged their property. The reason why he referred to the Complainant as a ‘Neighbour from Hell’ was because of this alleged damage. In addition, he indicated that this type of action was the kind of thing that he would present on his ‘Neighbours from Hell’ television show.

- That the agenda pack was over 600 pages long but did not include details about the destruction of the resident's property and that the Independent Investigator had not interviewed the family effected by the alleged damage.
- That the email to the five other Councillors was private and not intended to be public.
- That the Complainant's actions had distressed the Parish Clerk and made her cry. Therefore, the reason for the Subject Member's statements was that he felt sympathetic to the Clerk, and wanted to support her, as well as to the family who experienced the alleged property damage.
- That the Committee would need to make a determination about the Subject Member's Article 10 rights under the ECHR, as he believed they were covered by this protection.
- That, as there was no possibility to fine or suspend him (as he was no longer a Councillor), he advised the Council to be cautious when looking into sanctions. In addition, he highlighted that the Members of the Council that he had engaged closely with or was friendly with had declared an interest and not participated.

Questions to the Subject Member

Members asked several questions of the Subject Member and received the following responses:

- That the comments had been made a number of years ago and so the Subject Member could not recall what exactly was said during the Council meeting or in his emails. However, he knew the feeling he had when he said them.
- That all of the comments he made were justified due to the alleged destruction of property and his sympathy to the effected family and the Parish Clerk.
- That he did not overstep on any of his comments.
- That he was not aware of any Cold Ash Parish Council Code of Conduct and did not believe that he had signed anything like this. However, he did indicate a knowledge of the Nolan Principles.
- That he did not mind if his comments caused distress to someone that he considered to be a villain.

The Monitoring Officer confirmed to Council that the property damage referenced by the Subject Member was not an accepted fact.

At this point, the Independent Investigator presented some points of clarity to Members. This included noting that the Subject Member claimed his comments were in response to an incident in November 2023, but the comments were made the previous March. In addition, when the Subject Member wrote his email to his fellow Councillors, it was not private as he copied in both of the West Berkshire Council Ward Members. Another point emphasised was that Members were elected to serve their whole community and should not be taking sides in private matters and also should not be identifying villains.

The Independent Investigator also confirmed that the Subject Member was elected to the Parish Council in May 2015 and the applicable Code of Conduct was adopted in 2021. Council noted that the Subject Member was also present at the meeting where it was approved.

The Subject Member summed up his case, emphasising that he was still deeply affected by the allegedly damaged property of the local family and also what happened to the

Parish Clerk. However, he did stress that he did not want to interfere with the rights of the Complainant to make his complaint. The Complainant was given the right of reply and refuted the allegation that he had employed anyone to dig up the resident's property.

Before Council moved into deliberations, the Monitoring Officer discussed Article 10 of the ECHR and clarified that Members would need to determine if the comments made by the Subject Member amounted to legitimate expressions of public interest or crossed the line and amounted to undermining the Complainant's rights to protection against abuse. In addition, although a Member may not be aware of a Code of Conduct, that did not mean that it did not apply.

(The meeting was adjourned at 7.38pm in order to consider if a breach of the Code of Conduct had occurred)

Deliberation (1)

Members considered all the evidence, both written and oral.

With reference to both of the incidents raised by the Independent Investigator where he believed the Subject Member breached the Code of Conduct, Members voiced concerns about the Subject Member indicating that he had no knowledge of the Parish Council Code of Conduct. Despite his unawareness of the Code, the Monitoring Officer considered that it still applied.

Guidance was provided by the Monitoring Officer on Article Ten of the ECHR, as the Subject Member was of the view that this gave him the right to freedom of expression of his views concerning the Complainant. However, Council noted that Article Ten was a qualified right and not an absolute right, and that enhanced levels of protection should be afforded to members of the public.

Overall, Council found that Mr Clark had overstepped the mark of the qualified right of Article Ten.

RESOLVED: "That Bernard Clark:

1) Breached paragraphs 1.1 ("I treat other councillors and members of the public with respect") and 5.1 ("I do not bring my role or the local authority into disrepute") of the Council's Code of Conduct when he referred to the Complainant as "behaving like a Neighbour from Hell" at the Council meeting on 23 May 2023, and
2) Breached paragraph 1.1 ("I treat other councillors and members of the public with respect") of the Code of Conduct when he wrote to his fellow Councillors on 3 July 2023, when he referred to the Complainant as "pompous", "hectoring", "highhanded" and "psychopathic / almost psychopathic in his anger"."

(The meeting reconvened at 8.01pm in order to convey their decisions)

Decision (1)

Before the decision was announced, the Subject Member left the meeting.

The Chairman announced that Council had agreed that the Subject Member, Mr Bernard Clark, had breach the Cold Ash Parish Council Code of Conduct during the Council meeting on 23 May 2023 (paragraphs 1.1 and 5.1) and in his email on 3 July 2023 (paragraph 1.1).

The Monitoring Officer advised Council that the Subject Member was no longer a parish councillor so the potential sanctions that could be issued were more limited. In addition, the probability of a local resolution being acceptable was also questioned as the Subject Member had not issued an apology when previously asked.

(The meeting was adjourned at 8.09pm in order for Members to consider the most appropriate sanction to apply)

Deliberation (2)

Having determined that the Subject Member did breach the Code of Conduct, Members considered the available sanctions.

After carefully considering all the information, both written and oral, Members determined that the appropriate sanctions would be a public announcement of the breach through a press release and direct communication via a letter from the Chairman.

RESOLVED: "That Council:

1. Send a formal letter to the Subject Member from the Chairman of this Council meeting indicating the failure to comply with the Cold Ash Parish Council Code of Conduct.
2. Issue a formal press release, sanctioned by the Council, summarising the breach."

The Motion was put to the meeting and duly **RESOLVED**.

(The meeting reconvened at 8.29pm in order to convey their decisions)

Decision (2)

The Chairman announce that Council had agreed to the above referred to sanctions against the Subject Member.

The full written decision notice would be circulated separately to all parties to the meeting.

(The meeting commenced at 6.00pm and closed at 8.30pm)

CHAIRMAN …….

Date of Signature …….