CONFIDENTIAL

PART II

The report on the following item is **not for publication** by virtue of exempt information of the description contained in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the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. Rule 8.10.4 of the Constitution also refers.

Standards Complaint- outcome of full investigation

Committee considering report:	Council
Date of Committee:	30 September 2026
Portfolio Member:	Portfolio Holder: Strategy and Governance, Commercialisation and Disabled Community Liaison
Date Service Director agreed report:	09 July 2026
Report Author:	Nicola Thomas

1 Purpose of the Report

For Council to consider the full investigation in relation to standards complaint NPC 12/25.

2 Recommendations

Council is asked to:

2.1 Consider if they agree with the findings of the Investigator in relation to the complaint.

2.2 Identify any disputed facts and seek to clarify these with the Investigator, Complainant or Subject Member.

2.3 If Members of the Committee agree that a breach of the Code of Conduct has occurred, consider and determine an appropriate sanction.

3 Monitoring Officer's Report

Background

3.1 A complaint dated 22 September 2025 was received from Mr Gavin Bailey (Complainant) (**Appendix A**) concerning an alleged breach of the Code of Conduct by the then Parish Councillor Bernard Clark (Subject Member). At the time, Councillor Bernard Clark was a Parish Councillor of the Cold Ash Parish Council.

3.2 The complaint was considered by Deputy Monitoring Officer and Independent Person at an initial assessment on 12 November in accordance with West Berkshire Council's Protocol for determining allegations under the Code of Conduct. Taking into account the information submitted by the Complainant and Subject Member (**Appendix B**) and the views of the Independent Person, the Deputy Monitoring Officer determined at this initial assessment that there may have been a breach of the code of conduct, but an informal resolution was proposed. This was declined by the Subject Member.

3.3 In accordance with the process, the Monitoring Officer determined the facts were considered unresolved and the complaint progressed to an independent investigation.

3.4 Mr Michael Graham was appointed to investigate the matter on behalf of West Berkshire Council on 13 February 2026. The Letter of Instruction is attached at **Appendix C.**

Procedure

3.5 In considering the Complaint, Mr Michael Graham sets out in his report (attached as **Appendix D**) that he considered the complaint, the Subject Member's response and the scope of the report is set out in paragraphs 1.5-1.7 and appended terms of reference.

3.6 Both the Complainant and the Subject Member were afforded the opportunity to engage in the process by way of interview over Zoom. The Complainant was interviewed on 27 April. The Subject Member was interviewed on 28 April. Both parties were provided with transcripts of the interviews and further questions were posed and requests for further documentary information.

3.7 On 11 May 2026, the Subject Member declined to answer most of the further questions.

3.8 The draft report was provided to both the Complainant and the Subject Member on 1 June. On 2 June, SMB LLP on behalf of the Subject Member wrote to Mr Michael Graham seeking to challenge the outcome of the report (detailed at **Appendix E**). The Solicitors were reminded of the process (**Appendix F**).

3.9 The Subject Member's response to the report is detailed within the report. Within this response, the Subject Member confirms:

Finally, because I have recently purchased a house in Marylebone, and my advisers say it is necessary to make that my primary residence, I am technically no longer resident in Cold Ash, and have had to resign from the Parish Council after eleven or so years of service.

3.10 It has been confirmed that the Parish Council clerk has received the Subject Member's written resignation.

3.11 The Committee should note the LGA guidance (**Appendix G**) that the standards complaint does not automatically fall away on the resignation of a Councillor if there is a public interest:

The councillor may have been a councillor at the time of the alleged misconduct but may have since ceased to be a councillor. The authority will need to consider whether it still has jurisdiction. If so, then the authority may not want to take any further action unless they believe the matter is so serious, and the councillor may return to the authority, that it would still be in the public interest to pursue the matter. If they do pursue the matter the range of potential sanctions is inevitably more limited and may extend only to publication of the report and a formal censure.

3.12 On 19 June 2026, the Deputy Monitoring Officer determined that it was in the public interest for the Personnel and Standards Committee, now Council to consider the complaint given the gravity of the allegations and Independent Investigation suggesting potential learning wider to Cold Ash Parish Council.

4. Outcome of the independent investigation

4.1 Mr Michael Graham concluded that on a balance of probabilities that the Subject Member breached two provisions of the Cold Ash Parish Council Code of Conduct [paragraphs 12.1-12.5]:

(a) *In relation to the 23 May 2023 Parish Council meeting Cllr Clark treated Mr Bailey disrespectfully by referring to him as "behaving like a Neighbour from Hell" and this was a breach of the Cold Ash Parish Council Code of Conduct paragraph 1.1 (I treat other councillors and members of the public with respect) and paragraph 5.1 (I do not bring my role or the local authority into disrepute).*

(b) *When Cllr Clark wrote to his fellow councillors on 3 July 2023 he showed disrespect to Mr Bailey by referring to him as, "pompous", "hectoring", "highhanded" and "psychopathic / almost psychopathic in his anger" and this was a breach of the Cold Ash Parish Council Code of Conduct paragraph 1.1 (I treat other councillors and members of the public with respect).*

(c) *It is not disputed that Cllr Clark was engaged as a councillor on both these occasions.*

(d) *Cllr Clark did not bully any person contrary to paragraph 2.1 of the Cold Ash Parish Council Code of Conduct*

5. Order of Business for Personnel and Standards Committee

5.1 The Members of Council must consider the information provided as part of the standards complaint that includes:

a) The original complaint (Appendix A)

b) The Subject Member's response (Appendix B)

c) Independent Assessment by Mr Michael Graham (Appendix D)

d) Responses from the Complainant and the Subject Member

5.2 There is an opportunity for the Complainant or their representative to raise any issue in the Independent Report that they have disputed in their written submission, and they may wish to introduce witnesses on these points.

5.3 The Subject Member may make a presentation and they may only raise issues in the report that they have disputed in their written submission.

5.4 It will be for Council to consider the evidence and representations and then make a final determination on the matter.

6. Outcome

6.1 Should Council determine there is no breach then there will be no further action and the matter will be closed.

6.2 Should Council determine that there is a breach of the Code of Conduct, then they must consider the sanctions available:

a) Formal letter from the Council

b) Remove from Committee via Group Leader

c) Formal censure via motion to Council

d) Press release

e) Local Resolution

7 Appendices

7.1 Appendix A – Original complaint

7.2 Appendix B – Subject Members response

7.3 Appendix C - Letter of instruction to Independent Person

7.4 Appendix D – Independent Investigation by Michael Graham

7.5 Appendix E – SMB LLP Letter

7.6 Appendix F – West Berkshire Council response

7.7 Appendix G – LGA Guidance