

Public Document Pack

Date of meeting Tuesday, 30th April, 2024
Time 7.00 pm
Venue Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL
Contact Geoff Durham - 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Audit and Standards Hearing Panel

AGENDA

PART 1 – OPEN AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

To receive declarations of interest from Members on items contained within the agenda.

3 HEARING -CLLR A DRAKAKIS-SMITH

(Pages 3 - 88)

4 DISCLOSURE OF EXEMPT INFORMATION

If, for any reason, discussions need to be made under closed session:

To resolve that the public be excluded from the meeting during consideration of the following item(s), because it is likely that there will be disclosure of exempt information as defined in paragraphs contained within Part 1 of Schedule 12A of the Local Government Act 1972.

Members: Councillors Burnett-Faulkner, Holland and Stubbs

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- Where the total membership of a committee is 12 Members or less, the quorum will be 3 members....Where the total membership is more than 12 Members, the quorum will be one quarter of the total membership.

SUBSTITUTE MEMBER SCHEME (Section B5 – Rule 2 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Contacting the Council:

Switchboard 01782 717717 . Text 07800 140048

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Substitute Members:

If you are unable to attend this meeting and wish to appoint a Substitute to attend on your place you need to identify a Substitute member from the list above who is able to attend on your behalf

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

MONITORING OFFICER'S REPORT TO

AUDIT AND STANDARDS HEARING PANEL

30 April 2024

Report Title: Member Code of Conduct Complaint – Cllr Drakakis-Smith of Betley, Balterley and Wrinehill Parish Council

Submitted by: Monitoring Officer

Portfolios: N/A

Ward(s) affected: N/A

Purpose of the Report

To determine whether or not the panel accept the findings of the investigation report regarding the complaints received against the subject member and what sanction (if any) it determines should be imposed upon the Subject Member.

Recommendation

That the Panel determine whether:-

1. The Subject Member was subject to the Code at the time of the behaviour complained of;
2. If so, whether the panel concur with the findings in the investigation report which has been submitted that the behaviour complained amounts to a breach of the Code;
3. If so, what in the view of the panel should be an appropriate sanction of the subject member;
4. Recommendations should be made to Betley, Balterley and Wrinehill Parish Council regarding any sanctions that may be deemed to be appropriate.

Reasons

If a complaint is ultimately upheld, after formal investigation, remedies range from recommending training, through to public censure/reprimand. The Panel will need to take a view on the seriousness of the complaint, whether the panel concur with the findings of the investigation, the likely proportionate outcome and what resolution would be most appropriate in all the circumstances.

1. **Background**

1.1 Several complaints have been made by members of Betley, Balterley and Wrinehill Parish Council, namely: Parish Councillors' Amanda Berrisford, Neil Bullock and Sebastian Daly; Gwyn Griffiths (retired Parish Council Clerk) and Steven Ball (member of the public) that Councillor Angela Drakakis-Smith has breached the Parish Council's Code of Conduct.

2. **Issues**

2.1 Panel members have been supplied with the full Members Code of Conduct

Investigation Report by Emma Patterson dated 15.02.24 including appendices and all supporting documents as referenced by Emma Patterson in her report which they will have read and considered as part of their deliberations in this matter.

2.2 Section 2 of the includes a “Summary of Investigation Outcome” which states;

- *Having carried out my investigation, and taking in to account all of the Complainants’ comments on my draft report as well as ADS’ comments I make the final finding that there is evidence that Cllr Drakakis-Smith infringed the Code by failing to show respect for others, by bullying and harassing GG and bringing the Parish Council into disrepute. (2.1);*
- *I have set out a detailed explanation below. This is my final report. (2.2)*

2.3 Section 10 of the Members Code of Conduct Investigation Report includes the “Findings” of the report as follows;

- *For the reasons set out above, I have found overwhelming evidence that Cllr Drakakis-Smith by her statements and actions did infringe Paragraph 1.2, 2.1-2.3 and 5.1 of the Code. (10.1)*
- *Cllr Drakakis-Smith made it clear to me that she equally feels she could have raised the same or similar allegations of lack of respect or offensive behaviour or bullying and harassment towards her on the part of the Complainants. I asked ADS why she has never raised a complaint. She advised me that she spoke to DD (ex-Monitoring Officer of NBC) soon after she joined the Parish Council. ADS said that they discussed the problems at the Parish Council between them and it was recognised by both ADS and DD that if ADS had raised a complaint this could be counter-productive and therefore she never did. (10.2)*
- *However, the fact remains that ADS was at liberty to raise a complaint at that time or prior to the complaints being made against her (had she wished) but decided not to do so. (10.3)*

2.4 Appendix 1 to the Investigation Report includes Significant Comments Received from Complainants (1.1 – 1.5.3; pp.40-49).

2.5 Appendix 2 to the Investigation Report includes “Rebuttal” from Cllr. Angela Drakakis-Smith on Draft Investigation Report (pp.49 – 80).

3. **Proposed Solution**

That the Panel determine whether:-

- 3.1 The Subject Member was subject to the Code at the time of the behaviour complained of;
- 3.2 If so, whether the panel concur with the findings in the investigation report which has been submitted that the behaviour complained amounts to a breach of the Code;

3.3 If so, what in the view of the panel should be an appropriate sanction of the subject member (see list below);

- Censure or reprimand the Member;
- Publish its findings in respect of the Member's conduct;
- Report its findings to the Council *[or to the Parish Council]* for information;
- Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities (if applicable);
- Instruct the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the Member;
- Remove *[or recommend to the Parish Council that the Member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
- Withdraw *[or recommend to the Parish Council that it withdraws]* facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- Exclude *[or recommend that the Parish Council exclude]* the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

[The Committee/PC has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances].

3.4 Recommendations should be made to Betley, Balterley and Wrinehill Parish Council regarding any sanctions that may be deemed to be appropriate;

4. **Reasons for Proposed Solution**

4.1 The proposed solution presents the Panel with the full range of options available to them for the Panel to choose from in the event that it upholds the findings of the investigation report dependant on the Panel's view of the severity of the matters complained of.

5. **Options Considered**

5.1 All the available options are set out in this report.

6. **Legal and Statutory Implications**

6.1 This report and the Code and Process to which it relates are brought further to and in compliance with the statutory requirements for councils to adopt a Member Code of Conduct, and for this Council to have in place a process for dealing with complaints about breaches of the Code.

6.2 Statutory duties in respect of equality are discussed below.

7. **Equality Impact Assessment**

7.1 No formal Equality Impact Assessment is required in this matter.

8. **Financial and Resource Implications**

8.1 There is no specific resource allocation to support the Member Code of Conduct complaints function. Costs are usually met from existing service budget and the process is resource intensive.

8.2 Remedies advised in terms of training or policy development will have financial implications that will need to be met by the Parish Council concerned.

9. **Major Risks**

9.1 There are significant risks to the council's reputation in terms of compliance with its legal duties and community leadership if any inappropriate behaviours within its sphere of influence are not robustly addressed.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 Not Applicable

11. **Key Decision Information**

11.1 Not Applicable.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Not Applicable.

13. **List of Appendices**

13.1 Members Code of Conduct Investigation report by Ms Emma Patterson dated 15.02.24 (82 pages)

13.2 [Supporting Documents](#)

14. **Background Papers**

14.1 There are numerous appended documents which were submitted with the Investigation report which were so voluminous that they have been shared with the panel electronically via "Dropbox".

Private and Confidential

**Report following investigation into allegations concerning Councillor Angela
Drakakis-Smith**

Contents

1	Executive Summary.....	3
3	Councillor Drakakis-Smith's Official Details	3
4	Relevant Legislation and the Code of Conduct including Guidance Notes	4
5	My instructions and scope of this report	6
6	Evidence Gathered	7
7	Summary of Complaints.....	8
8	Councillor Drakakis Smith's Responses to the Common Complaints	22
9	Consideration as to whether there has been a failure to comply with the Code	31
10	Findings	39
11	Appendices.....	40

1 Executive Summary

- 1.1 This report is in respect of the conduct of Cllr Drakakis-Smith, of Betley, Balterley and Wrinehill Parish Council (**the Parish Council**). It has been alleged by Cllr Amanda Berrisford (**AB**), Cllr Neil Bullock (**NB**), Gwyn Griffiths (**GG**) (retired Clerk to the Parish Council), Cllr Sebastian Daly (**SD**), and Steven Ball (**SB**) (member of the public) (together referred to as **the Complainants**) that Cllr Drakakis-Smith (**ADS**) has breached the Parish Council's Code of Conduct (**the Code**).
- 1.2 All of the complaints and certain key documents that I relied on in producing this report have been included as appendices to this report.
- 1.3 I understand that a decision was made by an Independent Person in conjunction with the then Monitoring Officer, Daniel Dickinson (**DD**), that, as a result of similar complaints having been raised by all of the Complainants, a formal investigation should be carried out and one report produced in relation to all of the complaints.

2 Summary of Investigation Outcome

- 2.1 Having carried out my investigation, and taking in to account all of the Complainants' comments on my draft report as well as ADS' comments I make the final finding that there is evidence that Cllr Drakakis-Smith infringed the Code by failing to show respect for others, by bullying and harassing GG and bringing the Parish Council into disrepute.
- 2.2 I have set out a detailed explanation below. This is my final report.

3 Councillor Drakakis-Smith's Official Details

- 3.1 Councillor Drakakis-Smith joined Betley, Balterley and Wrinehill Parish Council

in May 2022. She signed her declaration of acceptance of oath of office on 19th May 2022.

- 3.2 Whilst I am told Parish Councillors do not receive training on the Code of Conduct, I am advised that all members in their declaration of acceptance of office of Parish Councillor declare that they will *“duly and faithfully fulfill the duties [of their office]in accordance with the Code of Conduct for Councillors.”* All Councillors including ADS made this declaration in May/June 2022.

4 Relevant Legislation and the Code of Conduct including Guidance Notes

- 4.1 In accordance with section 28 of the Localism Act 2011 the Parish Council has adopted the Local Government Association’s Model Councillor Code of Conduct 2020-2021 **(the Code)** which includes the following paragraphs relevant to this investigation.
- 4.2 The Code applies as soon as a member signs its declaration of acceptance of the office of Councillor and continues to apply until they cease to be a Councillor.
- 4.3 The Code applies when a Councillor is acting in their capacity of Councillor which may include when:
- 4.3.1 the Councillor misuses its position as a Councillor
- 4.3.2 their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they are acting as a Councillor.
- 4.4 The Code applies to all forms of communication and interaction including face to face meetings, online meetings, written communication, verbal communication and electronic and social media communication, posts, statements and comments.
- 4.5 Under s 28(1) the Code, as a whole, is consistent with the following principles namely the “Seven principles of public life”:-

- 4.5.1 selflessness;
 - 4.5.2 integrity;
 - 4.5.3 objectivity;
 - 4.5.4 accountability;
 - 4.5.5 openness;
 - 4.5.6 honesty;
 - 4.5.7 leadership.
- 4.6 The Code sets out a Councillor's obligations which are the minimum standards of conduct required of Councillors. Paragraph 1 deals with General Conduct and specifically provides that:-

"As a Councillor:

1.1 I treat other Councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play."

- 4.7 Paragraph 2 deals with bullying, harassment and discrimination and provides that:-

"As a Councillor:

2.1 I do not bully any person;

2.2 I do not harass any person ;

2.3 I promote equalities and do not discriminate unlawfully against any person."

- 4.8 Paragraph 5 deals with bringing the Council into disrepute and provides that:-

"As a Councillor:

5.1 I do not bring my role or local authority role into disrepute.”

5 My instructions and scope of this report

- 5.1 When I was initially instructed by DD, (the NBC Monitoring Officer at the time) he advised me to keep the scope of the investigation relatively confined and simple and focus purely on whether there has been an overall breach of the Code by ADS, rather than focusing on every element of the individual complaints. In order to stick within the estimate given (as far as possible) I have reached one overall finding based on the clearest examples rather than a decision in relation to each complaint.
- 5.2 This report has taken longer to prepare than would be usual practice. Any delays have been reported to the three Monitoring Officers of NBC I have worked with namely Daniel Dickinson, Barbara Beardwell (Interim MO) and Anthony Harold (newly appointed MO).
- 5.3 The investigation has been complex and I have been provided with a larger than usual volume of evidence and material in the main by GG and ADS. Not all of it has been relevant but in the interests of balance and fairness, I have read it all to ensure that I have not missed anything but I have unfortunately not been able to address every single element of every single complaint due to time constraints and the need to keep this investigation proportionate.
- 5.4 Many of the complaints about **respect** relate to ADS’s comments on the minutes of Parish Council meetings since ADS joined. I have not been instructed to determine whether (in my view) the Parish Council minutes were/were not accurately recorded. As I did not attend the meetings and as the minutes were agreed unanimously as a true record, I have been told that they are now legal documents and I have accepted them as such.

6 Evidence Gathered

6.1 During the course of my investigation I have interviewed the following people:-

- 6.1.1 Cllr Robert Betley-Smith (RBS) on 4/7/2023;
- 6.1.2 Cllr Amanda Berrisford on 7/7/2023;
- 6.1.3 Cllr Neil Bullock on 2/8/2023
- 6.1.4 Gwyn Griffiths on 10/7/2023;
- 6.1.5 Cllr Sebastian Daly on 2/8/2023;
- 6.1.6 Steven Ball on 12/7/2023 and
- 6.1.7 Cllr Drakakis-Smith on 19/10/2023 and 1/12/2023.

6.2 I have also taken into account the following evidence:-

- 6.2.1 Local Government Association's Model Councillor Code of Conduct 2020 (as amended 2021 as adopted by the Parish Council which incorporates the Seven Principles of Public Life at Appendix A) and the Guidance notes.
- 6.2.2 Relevant case law
- 6.2.3 Relevant legislation
- 6.2.4 Cabinet Office guide to taking minutes (last updated 31 January 2023)
- 6.2.5 Email from Robert Betley-Smith dated 7 November 2022
- 6.2.6 Formal complaint from Cllr Amanda Berrisford dated 2/4/2023 including supporting document.
- 6.2.7 Formal complaint from Cllr Neil Bullock dated 25/11/2022.
- 6.2.8 Formal complaint from Gwyn Griffiths dated 25/6/2023 and additional complaint dated 17/9/2023 relating to bullying and harassment.
- 6.2.9 Formal complaint from Cllr Sebastian Daly 10/4/2023
- 6.2.10 Formal complaint from Steven Ball dated 27/11/2022 and
- 6.2.11 Further particulars from Gwyn Griffiths dated 17/9/2023.
- 6.2.12 Various emails between Robert Betley-Smith, the Complainants David Hales,

Gareth Owen and Daniel Dickinson between September 2022 and April 2023

6.2.13 Email from Cllr Drakakis Smith dated 11/10/2023 including rebuttal in relation to AB

6.2.14 Email from Cllr Drakakis Smith dated 11/12/2023 including rebuttal in relation to NB

6.2.15 Email from Cllr Drakakis Smith dated 27/11/2023 and 29/11/2023 including rebuttal in relation to GG

6.2.16 Email from Cllr Drakakis Smith dated 13/10/2023 including rebuttal in relation to SD

6.2.17 Email from Cllr Drakakis Smith dated 11/10/2023 including rebuttal in relation to SB

6.2.18 Around 1200 pages of evidence submitted by ADS attached to each rebuttal including emails, minutes and notes/descriptions of evidence from ADS.

6.2.19 Two further amended rebuttals in relation to Clerk Gwyn Griffiths received on 1/12/2023 and 5/12/2023.

6.3 I have spent time looking at the Betley, Balterley and Wrinehill Parish Council website and reviewed various minutes from 2022 and 2023.

6.4 I have also looked at Cllr Drakakis-Smith's blog aboutwrinehill.blogspot.com.

6.5 Where necessary I sought clarification on points of detail from all parties by email throughout my investigation.

7 Summary of Complaints

7.1 In November 2022 RBS, Chair of the Parish Council met with DD to raise concerns in relation to ADS's behaviour. The concerns focussed on how RBS says ADS was treating the Clerk (at the time) GG, as well as some other concerns he had about her behaviour towards other Councillors.

7.2 At the PC meeting held on 24/11/2022 a resolution was passed that "*the Parish*

Council deplores the conduct of Cllr Drakakis-Smith toward the Clerk and wishes to distance itself from it.”

- 7.3 A further resolution was passed at the resumed PC meeting of 24th November 2022 which was held on 15th December 2022 that *“the Parish Council has total confidence in the Clerk’s professionalism and integrity. The Parish Council also wishes to place on record their grateful thanks to the Clerk for his excellent work since 2006 and for his agreement to postpone his retirement beyond 2022 in the best interests of the Parish Council. The proposition was seconded by Cllr Hales. There voted FOR the resolution: Cllrs Berrisford, Bettley-Smith, Bullock, Daly, Hales, Head, Karling, Owen and Speed. No members voted AGAINST the resolution and there were no abstentions. Three members were absent. The resolution was therefore unanimous.”*
- 7.4 I have set out below the complaints that have been raised in summary and according to those Complainants. GG’s complaint is of significant length as it seems much of ADS’ comments in relation to the minutes have impacted on him (primarily) as the Clerk at the time.

Neil Bullock’s Complaint

- 7.5 On 25/11/22 NB submitted a complaint under the Code (attached as an Appendix).
- 7.6 NB’s written complaint (in summary) is that ADS had pursued a campaign against GG and showed a lack of **respect** towards him, calling into question his integrity and impartiality.
- 7.7 NB said that ADS accused him of interfering with her computer/emails and that he asked her to apologise but she refused. He noted his concerns regarding what he called a “potentially libellous statement” concerning the area’s MP insinuating that her actions could bring the Council into **disrepute**. In support of this , GG

supplied me with some additional evidence in relation to this further to the issue of my draft report. I have not needed to refer to that as part of my conclusions but it is available should the MO request it.

- 7.8 NB complained that during her tenure she “single handedly managed to prevent most of the business normally conducted from being transacted” due to the number of issues she raised with the Clerk’s minutes.

Steven Ball’s Complaint

- 7.9 On 27/11/22 SB submitted a complaint under the Code (attached as an Appendix). SB is a local resident of Betley and former Parish Councillor.
- 7.10 SB complained that having read the PC minutes of 27/10/2022, he attended the PC meeting of 24/11/2022 and that the Chairman and the Clerk spent all of his time correcting ADS’s false statements. His view was that the Council was not functioning due to ADS’s behaviour and that this amounted to bringing the Parish Council into **disrepute**.
- 7.11 SB further alleged that ADS’s behaviour towards GG amounted to **bullying harassment and discrimination** when ADS suggested that the minutes were not accurate, when she questioned the financial figures presented by the Clerk and when she allegedly asked GG to resign at the end of the year.

Amanda Berrisford’s Complaint

- 7.12 On 2/4/23 AB submitted a complaint under the Code, with supporting information (attached as Appendices). The complaint alleges AB having to endure **bullying/unreasonable** behaviour.
- 7.13 AB takes issue with the flyer that ADS posted into letter boxes randomly (AB says) around the village. Within the flyer ADS said that she had put her own name

forward as there was only one woman on the PC at the time, which ADS thought was significant. AB does not have a problem with the gender split of the PC.

- 7.14 AB and ADS worked together on the Footpath Initiative Scheme. Whilst AB commends ADS on her written reports, she takes issue with the fact that ADS misrepresents AB in the Footpath reports (8,9 and 10) recommendations. AB describes ADS' behaviour as underhand.
- 7.15 From June 2022 onwards AB says that ADS reported that residents of Wrinehill complain that AB is "not helpful" and "useless" and that she "didn't care about the residents" which AB found **upsetting** and **threatening**. AB finds working with ADS on the working party extremely challenging. AB says she has had to endure sarcastic, untrue, personal, unhelpful and rude comments, accusations and statements over the previous 10 months of working with ADS causing AB anxiety.
- 7.16 AB refers to ADS disrupting meetings and causing a backlog of business because of the issues she had with the Clerk's minutes. AB feels mentally **bullied by ADS** which has made the role of being a Parish Council very unpleasant.
- 7.17 AB concludes that members of the public have approached her to complain that the PC is wasting time dealing with ADS' issues and AB is of the view that ADS is attempting to bring the PC's good reputation into **disrepute**.
- 7.18 AB in her comments on the draft report wanted me to take into account that "*she purposely tries to sit opposite ADS at meetings due to partial loss of hearing. This is a result of severe covid.*" AB said that at both PC and Footpath meetings "*ADS' body language changes. Whereas at the footpath meetings [she says] ADS was mainly forward leaning and clear to understand, providing she was being in charge. " ADS fumbled with the equipment and recorded over previous recordings and said the recordings did not work. ADS behaves like a different woman at PC meetings, speaks with a croaking voice and is very soft and quietly spoken when addressing any member. ADS always sits as far away from the Clerk and the*

Chairman as possible, leans back in her chair so the Clerk and Chairman cannot see her face nor hear her. This makes the member have to repeat the question and ask her to speak up. Every meeting it is suggested that ADS sits closer to the Chairman and the Clerk but she ADS does not.”

Sebastian Daly’s Complaint

- 7.19 10/4/23 SD submitted a complaint under the code (attached as an Appendix).
- 7.20 SD states that ADS does not act in a way that a reasonable person would and is intimidating and **bullying**. She has bullied the Clerk in SD’s opinion and he says she expressed a wish for the Clerk to retire.
- 7.21 He says that ADS has made derogatory remarks about organisations of which he is a part (which I later determined to mean Freemasonry (referred by ADS as “the mason lodge” of which he has openly declared to be a member).
- 7.22 SD has observed ADS sitting far away from the Chairman who is hard of hearing and speaking extremely softly. SD alleges that if ADS is asked to repeat something she will speak even more quietly and make gesticulations.
- 7.23 SD has suggested that when a Councillor is unwell or under pressure ADS increases the number of emails she sends.
- 7.24 SD concluded that he feels ADS’s blog is bringing the PC into **disrepute** as he says the information she posts is false and unsubstantiated. In his opinion ADS will not allow others to comment on her posts. When she has been advised that the information is false, SD states that often it is left unchanged or only partially corrected.

Gwyn Griffiths’ Complaint Part 1 – Respect/Disrepute

- 7.25 GG submitted his complaint in two parts – the first was an extensive and detailed

complaint on 25.6.2023 (attached as an Appendix). The complaint included more than 80 different examples of how GG thinks ADS has breached paragraph 1 (**Respect**) and paragraph 5 (**Disrepute**) of the Code.

7.26 The second part was submitted on 17.9.2023 and included a further 7 pages of examples of what GG says amount to breaches of paragraph 2 (**Bullying and Harrassment**) of the Code.

7.27 Due to the volume of evidence, I have been asked to consider and mindful of the need to keep this investigation focused and proportionate, I have chosen to focus on the most significant of those submissions set out below under Complaints A, B, C and D and then the **bullying and harassment** complaint.

7.28 GG suggests that ADS has breached paragraph 1 (**Respect**) by:

7.28.1 Repeatedly alleging bias and inappropriate behaviour on the part of the Clerk, without evidence (GG refers to this as Complaint A); and

7.28.2 Recommending the setting of a date for the resignation of the Clerk (Complaint B); and

7.28.3 Offering a partial apology to the Clerk and then declining to engage further in the process. (GG Refers to this as Complaint D).

7.29 GG alleges that ADS has breached paragraph 5 (**Disrepute**) by publishing inaccurate and/or misleading material on her personal blog. (GG refers to this as Complaint C).

7.30 GG 's supplementary evidence includes numerous examples of the way in which he feels he has been **bullied** and **harassed** by ADS contrary to Paragraph 2 of the Code of Conduct.

Complaint A – Failure to show respect by alleging bias and inappropriate behaviour

7.31 Set out below are only a snapshot of the examples included by GG. The full list of

allegations which are along similar, familiar themes of which GG says is evidence of disrespect are set out in GG's complaint. GG takes issue with the fact that these comments were made without evidence and addressed to all Councillors (rather than directly to GG)

7.32 GG alleges that ADS has described the minutes, drafted by GG in the following ways

7.32.1 "less than even-handed";

7.32.2 "they might not have been accurate" ;

7.32.3 "subjective, more confrontational and thus more toxic";

7.32.4 "the minutes appear to be very selective in a seeming very uneven way";

7.32.5 "the Clerk should be neutral";

7.32.6 "I have found reading the minutes ..misleading, although they claim to be true....not only one version of the truth these days ..read everything with care...attend meetings and get your information first hand then make up your own mind rather than have someone else ...tell you how to think";

7.32.7 "not worth the paper on which they are written";

7.32.8 "...it is a Council not a friendship group ..not a sub-group of the Conservative party or a mason lodge. The very least I would expect is impartiality."

7.32.9 "As for character assassination...we need to take a more careful look at the Minutes since May when I joined.... or they might stand by their principles in the interests of fair play, even-handedness and objectivity on the part of the Chair and the Clerk."

7.32.10 "It is not for the Clerk to portray individuals as good, bad, right or wrong"

7.32.11 "There is a difference between a genuine unintentional error and deliberate mis-information."

7.32.12 "lies at worst"

7.33 GG takes issue with ADS's insinuations of improper practice and that the Minutes are not proper records:-

7.33.1 “it also might bother me if your notes were being altered in any way”

7.33.2 “If that record is biased/untrue/re-recorded after the event ..passes between several interested parties ...I would be deeply concerned since this could render the record highly questionable/false/massaged.”

7.34 GG alleges that when discussing the Parish Council’s budget allocation for administration, ADS questioned whether he was talking about:

7.34.1 “PC admin or admin for other roles [you] have ...as a Borough Councillor and within the local political party to which you belong”

7.35 GG’s view is that ADS was suggesting that GG was using the Parish Council budget for political party purposes. He found this to be a serious slur on his integrity.

Complaint B – Failure to show respect to the Clerk by setting a date for the resignation of the Clerk

7.36 It is GG’s case that ADS put forward a suggested date for GG’s retirement in the following way:-

7.36.1 “I find it both curious and unhelpful that the Clerk has been retiring for several years. It might be helpful ...if a deadline for his resignation could be issued say 31st December. I put this forward as a recommendation.”

7.37 GG found this inappropriate and failing to show respect as he says ADS was effectively recommending a dismissal without due cause.

Complaint C - Disrepute - publishing inaccurate and/or misleading material on her personal blog regarding (i) a planning submission (ii) a commuted payment and (iii) the bonfire committee grant

The Planning Submission

7.38 In her blog “About Wrinehill” it is alleged by GG that ADS has published material which (by misunderstanding or misrepresenting the Council’s position) would serve to lower the public’s confidence in the Parish Council’s ability to discharge its functions.

7.39 GG provided the example of ADS stating in her blog that the Parish Council had made a recommendation to the Newcastle Planning Department “that the works proposed will have no adverse impact on the surface water movements and ground drainage of the area given the existing problems at Checkley Lane.”

7.40 GG maintains that that is not what the PC had resolved. In fact, it had resolved as follows:-

7.40.1 *“That the Council would ask the Local Planning Authority to ensure...:*

(b) that the works proposed will have no adverse impact on the surface water movements and ground drainage of the area given the existing problems on Checkley Lane...”

7.41 GG argues that what ADS posted on her blog was not only inaccurate but could have led to a member of the public believing the PC to have been foolish given one of its functions is to respond appropriately to planning consultations. GG acknowledges that in due course ADS did amend the post but subsequently posted another which she failed to correct/delete:-

7.41.1 *“it was understood that the Parish Council had required the NBC to “ensure” that the work would [not] make the flooding and surface water drainage conditions any worse.”*

7.42 GG maintains that this is still inaccurate because the Parish Council has no such

power to require NBC to do ensure anything.

Commuted Payment

7.43 In summary GG alleges that ADS published a further inaccuracy on 25/2/23 by implying (GG suggests) that somebody at the Parish Council had failed the community by allowing certain funds to be allocated outside of the parish and failing to secure available funding locally.

7.44 ADS' blog (which is still available to view online) reads as follows:-

7.44.1 "PS the Section 106 monies from the Bluebell development – which was supposed to go to the enhancement/improvement of Wrinehill was allocated by the NBC to Knutton for affordable housing. That sum might have financed the improvement of Checkley Lane. Ah well!"

7.45 GG points out that this was entirely inaccurate and misunderstands the s106 agreement secured for the Blue Bell development (formerly an Inn in Wrinehill) which was a commuted sum in lieu of on-site affordable housing. GG says this had been pointed out previously to ADS.

Bonfire Committee Grant

7.46 GG alleges that ADS published a further inaccuracy on 21/3/23 and implied (GG suggests) that the Parish Council, having received a significant grant from the Betley Bonfire Committee, had failed the community by using the grant to reduce the number of Speed Indicator Devices when she stated :

7.46.1 At the moment there are three flashing signs along the main road, although I am reliably informed that there are five – but this number could be reduced to two when the new SIDs arrive, unless the five are kept in which case there could

be seven..”

Complaint D – Failure to show respect to the Clerk by offering only a partial apology for her behaviour and then failing to respond to a suggested way forward offered by the Clerk.

- 7.47 Within his complaint GG included excerpts from the minutes of the meeting on 24/11/2022. The minutes record that GG sought guidance on the style of minutes from members. GG included that to reflect the support from other members of the Parish Council in relation to the style of the minutes. GG alleges that the criticism in relation to the minutes seemed to be limited to ADS.
- 7.48 Following the meeting on 24/11/2023 ADS sent an email to GG offering a partial apology in respect of the matter of setting a deadline for the Clerk’s resignation. GG says he did not consider this to be an adequate response because it did not address the inappropriateness of setting a resignation date for an employee.
- 7.49 GG says he did not receive a response to that email which he suggests is further evidence of a failure to show respect to the Clerk.

Gwyn Griffiths’ Complaint Part 2 – Bullying and Harassment

Bullying (eg Offensive)

- 7.50 GG, referring to the ACAS definition of bullying :-

7.50.1 *“Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate the recipient.”*

GG listed numerous examples of ADS’ behaviour which he found offensive. He says that these comments were not supported by evidence and were sustained over a long period of time.

7.51 I have not set out an exhaustive list below. They are included with GG's original complaint (can be attached). Some examples of the phrases he objected to were:-

7.51.1 "it might also bother me if your notes were being altered in any way"

7.51.2 "the Minutes appear to be very selective...the clerk should be neutral..."

7.51.3 "the way in which the rules for corrections seem to be applied by the Chair...appears to make a mockery of the minutes ...and possibly not worth the paper on which they are written..."

7.51.4 "At the end of the day, it is a Council not a friendship group, not a sub-group of the Conservative party or a Mason Lodge"

7.51.5 "lies at worst."

Intimidating

7.52 GG feels that ADS' behaviour constituted intimidation because she used her privileged position as a Councillor to undermine the standing of a long-serving and respected clerk. GG alleges that on more than one occasion she threatened to complain about the behaviour of the Clerk and/or the Chairman to the Monitoring Officer.

7.53 As an employee of the Council, with a responsibility to the Council as a corporate body and to provide support to all members as individuals, GG says he was unable to challenge the Councillor's views directly. This created a power imbalance where ADS was able to make unsubstantiated criticisms of GG whose ability to respond was inhibited.

Insulting

7.54 GG submits that the examples provided in relation to offensive behaviour also constitute insulting behaviour. GG goes on to say that ADS' criticisms were not

restricted to GG's performance but also his integrity and inferred improper behaviour – bias, alternation of notes/minutes and diversion of Council funds.

Harassment

7.55 GG refers to the Protection from Harassment Act 1997's definition of harassment:-

7.55.1 *"harassment - conduct that causes alarm or distress...and must involve such conduct on at least two occasions"*

7.56 GG explains that ADS' behaviour did cause him distress and that it had a significant adverse impact on his mental health and wellbeing to the extent that the Clerk's spouse urged him to resign with immediate effect in the autumn of 2022. He referred himself to his GP who responded by prescribing medication to control stress.

7.57 GG gave three examples of ADS' behaviour which caused him distress namely her requests for information, the accuracy of the minutes and the response to the Council resolution of November 2022 all of which are set out below.

ADS' requests for information

7.58 GG recognised that Councillors have a reasonable expectation of being able to obtain information, advice and support from the Clerk. In GG's view, however, ADS' requests were unreasonable.

7.59 GG alleges that in her first 200 days as a Councillor, ADS sent 192 emails to the Clerk which, although some were brief acknowledgements, others were significant requests for information or convoluted discussions of matters raised.

7.60 ADS requested 10 years of past minutes for orientation purposes. GG says ADS was informed that approximately five years were available online and that

supplying the information requested could have an impact on the Clerk's time. In response GG says that ADS's response was to extend the request to a period of twenty years and to frame that request under the Freedom of Information Act thus setting a 20 day deadline for the supply.

- 7.61 GG alleges that the additional work and the fixed timetable coupled with doubling the volume of material requested placed significant pressure and unreasonable demands on the Clerk.

Accuracy of the Clerk's minutes

- 7.62 Examples of where GG says ADS challenged the accuracy of the minutes is set out above. GG claims that the process (that if she was not content she should move an appropriate amendment but that once the Minutes were approved by the PC they became the legal record) was explained to her repeatedly. He says she continued and this affected the health and wellbeing of the Clerk. She persisted, he says in complaining without offering clear amendments and then criticised GG for failing to support.

Response to Council resolution of November 2022

- 7.63 As set out at paragraph 7.2, GG the Parish Council passed a resolution deploring ADS' behaviour to the Clerk and her recommendation of a deadline being set for his resignation . GG says that after the resolution was passed ADS did not modify her behaviour and continued to accuse the Clerk of not being even handed (blog post 2/3/2023, emails dated 19/3/2023, 15/5/2023, 8/6/2023 and statements made at meeting on 22/6/2023). GG submits that these were further examples of the harassment he suffered.

8 Councillor Drakakis Smith's Responses to the Common Complaints

- 8.1 I interviewed ADS at length on two occasions 19/10/2023 and 1/12/2023 and I have read all of her lengthy rebuttals which she has submitted in response.
- 8.2 ADS made it clear to me throughout our interviews and at various points of her written submissions that she equally feels she could, at various points, have raised the same or similar allegations of lack of respect or offensive behaviour, humiliation or bullying and harassment towards her, on the part of the Complainants. She says she was shouted at on numerous occasions. For reasons I have already set out, ADS did not submit a written complaint.
- 8.3 As many of the Complainants have raised the same/similar complaints, I have grouped ADS's responses under subheadings that were common themes under all the complaints rather than rehearsing her individual responses to each allegation.

Respect

Minutes

- 8.4 All of the interviewees take issue with ADS' lack of respect and treatment of the Clerk by her calling into question his integrity and impartiality particularly as far as the drafting of the PC minutes is concerned. AB also raised a similar point as regards ADS misrepresenting her in the Footpath Initiative Scheme reports which they worked together on.
- 8.5 ADS said she did not understand in what way she "misrepresented" AB in the minutes. ADS said if AB had been clear at the working party about what she was not happy about then it could have been sorted.
- 8.6 I questioned ADS on the tone of her emails to others and suggestions about the minutes. In interview and in her written submissions, ADS said that, to her

knowledge, she did not show disrespect to the Clerk. She says she has always treated the Clerk, Chair and fellow Councillors with respect and that none of her comments were ever directed to anyone personally, rather they were observations on what she thought were inaccurate minutes because some of what was included was opinion and not true. She thought the fact that she had raised this as an issue ought to have been included within the minutes but frequently wasn't.

- 8.7 She says she did not expect the minutes to be verbatim. She was not "nit-picking."
- 8.8 ADS maintained that the minutes as written, uncorrected, displayed a lack of even-handedness. She was not inferring that the minutes were improperly prepared but that a Parish Council, as the lowest tier of governance has a vital role to play and it was important to her that the proper procedures were in place and followed so that the minutes reflected accurately and without bias the business and discussion of the meetings.
- 8.9 ADS says she was humiliated within the minutes, and they were used as a vehicle for shaming her. Parity and balance was lacking in her view. The corrections she was suggesting would have made the minutes less personal and less subjective and more accurate. ADS said that disagreeing or raising objections or attempting to include missing information or to state a different view is not showing disrespect to the Clerk.
- 8.10 In her comments on the draft report ADS wanted it made clear that she is a "*Social Scientist - ie [she] conducts research projects which rely on qualitative and quantitative data generated from large scale and in-depth interviews. [She] uses language analysis as a tool when dealing with official documents and policies, rules etc particularly for the process of deconstruction of texts in order to reach their true meaning which is not always, or at first, obvious. ([She] was also a copy editor and proof reader). An eye for detail might be regarded elsewhere as an asset. the complaints in Section 7 seem to see it as a threat.*"

Preventing the business of the PC from taking place

- 8.11 It is clear that all of the interviewees were of the view that ADS in her continuous querying of the minutes/failing to agree the minutes, prevented Council business from taking place. ADS in response said, as a Councillor, one should be asking questions as they are accountable and there to raise issues on behalf of members of the public.
- 8.12 All of the Complainants agreed that healthy debate are essential and that every member has the right to question, challenge and dispute and seek to amend the contents of the minutes but that ADS went further than this by suggesting that the Clerk had acted in a biased and improper manner which was not true.

Reasonableness of ADS's request for last 20 years of minutes

- 8.13 ADS submits that when she came to the PC she was launched in at the deep end and that she asked for orientation three times but did not receive it. A lot of necessary procedures appeared to have slipped or were non-existent. She says that minutes had not been posted on the PC website since 2012 and had never been deposited in a public archive and none were available prior to 1959. ADS claims she requested them partly for orientation purposes as a new Councillor, because she was thinking of undertaking a research project and because it is a medieval village and a lot of history was missing. Other residents had brought this to her attention, she says.
- 8.14 ADS says the Freedom Of Information (**FOI**) request was made because it did not appear that the Clerk would grant her request and invoking the FOI Act ensured that the request had to be complied with. She also said that if they had been deposited in the right place it would not have impacted on the Clerk's time to such an extent. She hadn't envisaged that it would cause him a great deal of work. She made the point that all of the minutes of the Thistleberry Residents

Association (which she is responsible for) are up to date.

ADS's insinuations around budget

- 8.15 Both GG, SD and SB raised similar complaints relating to ADS's insinuations around financial matters at the PC. GG's view is that ADS was suggesting that GG was using the Parish Council budget for party political purposes. He found this to be a serious slur on his integrity.
- 8.16 ADS explained that she queried a cheque from Betley Bonfire Committee which she says was handed over on 7/2/23 but did not appear in the accounts until 1 June 2023. ADS' query was that this might have been done deliberately because had it been accounted for in April, it would have triggered an audit. RBS explained that there was nothing untoward here – the cheque had been given to SD who is a vet and a very busy person and a professional and he had left it in his pocket and forgotten about it. The cheque had 6 months to be paid in and there were reserves in the account.
- 8.17 In one email ADS said she also questioned whether RBS's wage (that incidentally he did not take as it went to charitable causes) was recorded as a separate item within the budget she was told she was taking an unhealthy interest in financial affairs. She said she should have been allowed a view/to ask questions on financial matters.

Volume of ADS' emails

- 8.18 Several of the Complainants refer to the volume of emails that ADS sends which was then taking up a large amount of the Clerk's time (and the Complainants) to deal with, which then had a consequential impact on meetings/agendas and prevented the Parish Council business from taking place. SD and supported by RBS said that when members were going through difficult or stressful times ADS appeared to increase the number of emails she sent. ADS strenuously denied this.

8.19 ADS said the number of emails exchanged was expressed as a global figure and were not all generated by ADS. She said often emails came from both the Clerk and the Chair and so ADS responded to both parties to save time. ADS agreed that the meetings were too long.

8.20 In her response to the draft report ADS *“It was not always clear to whom emails should be sent. Emails I sent to the Clerk were referred to the Chair and Vice Chair, and emails I sent to the Chair and Vice-Chair were referred to the Clerk. Both Clerk and Chair would, more often than not, respond which doubled any response that I was clearly required to make. I was criticised for not responding and equally condemned in the responses I did send, particularly if there was a confusion when I responded to Chair and Clerk in one blanket email and if the issue had occasioned discussion. Given that some of the issues raised were being discussed in emails, I felt that it was important at times that all the Councillors should be engaged so they were kept up to speed. Not much discussion took place at meetings. This, to me, seemed a matter of procedure, although there did not appear to be a ruling from the Clerk.”*

Remarks about memberships of political organisations

8.21 Both SD and GG referred to ADS’ comments that some Councillors were members of political parties/the masonic lodge and that this was offensive because their memberships have never coloured their work as Parish Councillors. This was offensive to the Clerk that he would allow the Parish Council to operate as a “sub-group of the Conservative party”. This was also supported by RBS in his background interview.

8.22 On interview, ADS explained that she has never made derogatory remarks about the masons or the conservative party. ADS commented on this because Parish Councils should not be political and increasingly they are becoming so. ADS gave an example of RBS sending a flyer which ADS says was promoting an MP which

she questioned him on. ADS felt that the different hats that people were wearing were being brought into the Council arena.

Clerk's retirement

8.23 A common theme amongst all of the Complainants and supported by RBS was the putting forward by ADS of a date for the Clerk's retirement given his hard work and clear commitment to the Parish Council over the years.

8.24 ADS says the issue of the Clerk's retirement was ongoing as it was first mentioned by him in July 2017 but there appeared to be a problem finding a new Clerk. ADS says that she suggested a resolution might be setting a deadline. ADS says that at no time in any meetings did anybody state that this was "out of line" and that she should withdraw it.

Apologies

8.25 NB took issue with ADS' failure to apologise over an alleged insinuation she made about him interfering with her emails. ADS suggested that NB had got the wrong end of the stick as she was talking about an incident years ago where her computer was hacked.

8.26 GG complained that ADS offered only a partial apology in relation to her comments about his retirement. ADS confirmed in her rebuttals that she did write to apologise and that it was never her intention to hurt or upset the Clerk. ADS says GG refused to accept her apology in favour of his own which stated that she had been malicious and inappropriate. ADS says this was not the case in her opinion and therefore she could not sign it as it could be incriminatory.

Stress/Mental Health Issues

8.27 Several complainants (and supported by RBS' evidence generally which I took by

way of background) specifically referred to the stress that ADS' behaviour has caused them and the general impact of the past several months on their mental health. One complainant (whose name has been removed following receipt of comments from a GDPR perspective) specifically referred to becoming very on edge at work and at home in the run up to PC meetings. Another member wrote in detail about being "mentally bullied" and frequently feeling upset and threatened by ADS.

8.28 ADS said she found most of AB's statements to be either untrue, or otherwise fiction/fabrication but presented as fact. Incidentally, she too, says that she has been stressed equally by the behaviour of the Clerk and Chair and some of her fellow Councillors to the point where she was urged to resign by friends for the sake of her physical and mental well-being.

8.29 In response to SD's suggestion, that ADS speaks more softly, deliberately or increases her email communications when Councillors are unwell/under pressure ADS said that she found these allegations "scurrilous" and "an act of bullying in themselves".

Disrepute

Flyer/About Wrinehill Blog

8.30 All of the Complainants referred to the behaviour of ADS potentially bringing the Parish Council into disrepute. This was in the context of both the flyer that ADS posted into certain letter boxes when she joined the Parish Council and also in relation to her blog, About Wrinehill.com. SD said that it was propaganda and that as a result of the flyer and the blog, members of the public have queried with him what exactly the Parish Council has done over the last 12 months. . AB did not appreciate it being flagged that there was only one female parish Councillor as AB did not have an issue with this.

- 8.31 ADS did not agree that her flyer that she sent when she introduced herself was libellous or defamatory. Nor did she regard stating the imbalance on the PC to be “sexist.” She says she just wished the ratio could have been better. She says she did not recall telling people how/that she was “going to get things done” ADS says she was just flagging issues that had been raised by residents with her or that she was interested in exploring.
- 8.32 In her comments on my draft report ADS said *“Residents actually spoke and emailed me regarding the flyer stating that it was refreshing to be contacted in this way and informed. It was SD’s wife who raised the complaint as acting Chair of the Village Hall Committee. It was SB’s wife who wrote the letter re: the male/female ratio of the Parish Council.”*
- 8.33 As to her blog, ADS refutes the allegations and states that, as a resident, she is permitted a point of view. She does not think the blog is offensive nor that any comments on there are politically motivated. ADS said pressure was placed on her to close it down and/or remove items which she interpreted as threatening. She said where there were errors of fact, they were quickly corrected which she says cannot be said of the minutes. She says she cannot approve things likely to mitigate against the interests of the residents or which might ultimately bring the Council into disrepute.

Bullying and Harassment of Gwyn Griffiths

Offensive

- 8.34 As far as the minutes are concerned, ADS’ response and justification for her comments are set out in her rebuttals (attached as Appendices) and summarised above.
- 8.35 ADS denied bullying or harassing GG. She further denies being deliberately offensive to GG but says that she felt like she was being “baited”.

- 8.36 She does, however, acknowledge that the language at times (placed out of context) appears stronger than might usually be used by professional colleagues working well together.
- 8.37 ADS also said there were some phrases which, given hindsight, she regrets using since they are “strong”. She says that she was defending herself against things being written about her regularly in the Minutes and stated at meetings which gave her the distinct impression of wishing to bring her name and standing within the community into disrepute. This was not only frustrating it was in her view, a disreputable act. She also regarded it to be very offensive to bring her name into disrepute and she was frustrated.
- 8.38 In her comments on the draft report ADS said *“I wish to point out here...that any such comments made by me were made in response to statements made by the Clerk and/or others. In most cases the context provides a justification for the statements/questions asked.”*

Insulting

- 8.39 ADS said that it was not her intention to insult and it is regrettable that her defences have been construed in this way. She too found comments and some of the minutes insulting (which she says were not recorded).
- 8.40 In her comments on the draft report ADS stated that *“her corrections of the Minutes were not intended to insult, and that it was regrettable that any defence on her part was construed in this way. She found some of the comments made in meetings, which were not recorded, and the way in which some events were described, some erroneously, in the Minutes and emails, to be equally insulting, and could be interpreted by her and others as harassment.”*
- 8.41 In her comments on the draft report ADS described AB’s behaviour after the November meeting as follows *“shouting (very loudly), being very rude and*

personal about my personality pointing a finger in my face as if she was going to hit me should have been reported as a violation of the Code of Conduct, and which I did contact the MO (DD) about. (On returning home that evening I was so shocked by this behaviour, that in the heat of the moment I wrote everything down, since I seriously considered making a formal complaint.)”

Harassment

8.42 As set out above, ADS said that the Clerk was not the only one who has experienced stress which is very regrettable and which ADS says could have been reversed at any time. She says she raised concerns regarding bullying, harassment and much more with the Monitoring Officer (DD) but she did not complain as she agreed it would be counter-productive.

9 Consideration as to whether there has been a failure to comply with the Code

Was ADS acting in an official capacity?

Meetings/Emails/Written communications/verbal communications in relation to Parish Council matters/Flyer entitled New Parish Councillor 2022

9.1 The Code applies to all forms of communication and interaction including face to face meetings, online meetings, written communication, verbal communication and electronic and social media communication posts statements and comments.

9.2 In my opinion ADS was clearly acting in an official capacity at any of the face to face Parish Council meetings, in written communications, in verbal communications and in electronic communications (email) when dealing with the Complainants in relation to Parish Council matters. In my opinion this includes the flyer that ADS posted through certain letter boxes which was entitled “New Parish Councillor 2022.”

AboutWrinehill.com Blog

- 9.3 As to whether ADS was acting in an official capacity when writing on her AboutWrinehill.com, this is less clear. For something to fall within the Code there must be a clear link to a local authority function or the role of Councillor.
- 9.4 As set out above, the Code applies when a Councillor is acting in their capacity of Councillor which may include when their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they are acting as a Councillor.
- 9.5 I have spent time looking at some (but not all of) the blog and it is my view that, even if a reasonable member of the public was armed with all the knowledge and facts I am not convinced that it can confidently be said that ADS was acting in her official capacity as Councillor when writing on her personal blog. The blogger user profile only shows ADS' name but no personal information about her or her role as a Councillor. Given that Parish Council meeting minutes are available publicly, none of the blogs that I have read demonstrate that she is wearing her Councillor hat when posting on the blog.

If she was acting in an official capacity, did ADS fail to treat other Councillors with **respect** in breach of paragraph 1.1 of the Code?

- 9.6 The LGA Guidance on the Model Councillor Code of Conduct (**the Guidance**) states that:-

*“failure to treat others with respect will occur when **unreasonable** or demeaning behaviour is directed by one person against or about another.... Examples of disrespect in a local government context might include **rude** or angry outbursts in meetings, use of **inappropriate language in meetings or written communications**,,, attempts to shame or humiliate others in public, **nit-picking and fault-finding**, the use of **inappropriate***

sarcasm in communications..”

9.7 The Guidance goes on to state that as a member of public office Councillors...:-

“... will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.”

9.8 When viewed cumulatively it is overwhelmingly clear that ADS failed to treat others with Respect.

9.9 In the interviews I conducted and in the emails and written complaints, I have seen evidence of numerous examples where ADS failed to treat others with respect. In reaching this conclusion I have weighed this up with the importance of Article 10 of the Human Rights Act and the Freedom of Expression. The Guidance states that:-

“Article 10 protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written.”

9.10 I have included a number of examples of ADS’ lack of respect (which are in my opinion and in the main directed at GG) although this is **not** an exhaustive list. It

is what I have been able to focus on and draw to the reader's attention within the timescale.

9.11 In my opinion ADS was disrespectful to the Clerk and the Complainants at various PC meetings. For me, it's important to keep in mind that this is a voluntary role. All of these individuals (ADS included) are taking time out of their own lives to give back to the community and to work together. In particular, I found GG (in both interview, his written complaint and the minutes) to be a hard-working, very credible and dedicated individual who takes pride in his work. He has clearly devoted much of his time to the role of Clerk and done this to an exceptional standard over many years.

9.12 Whilst I have taken on board that ADS was at times frustrated and should of course, ask questions and engage in healthy debate as is right and proper, it is the sarcastic, underlying tone that is frequently used by ADS that I find disrespectful. I did not accept her stance that none of her comments were directed at anyone personally. I think more account should have been taken by her of the fact that the Clerk and the complainants have given up a lot of their free time. We are all human and when people are trying their best with limited resources, account should be taken of this in my opinion.

9.13 Some examples of disrespectful behaviour/comments are set out below :-

9.13.1 Describing the minutes as "*not worth the paper they are written on*" and "*lies at worst*". I find these comments to be rude given GG's length of service, commitment to the role of Clerk and his clear attention to detail.

9.13.2 Suggesting/insinuating that the minutes were altered by GG "*it might ...bother me if your notes were being altered....if that record is biased untrue re-recorded after the event and passes between several "interested" parties before approval at the next meeting then I would be deeply concerned since*

this could render the record highly questionable even false/massaged..."

9.13.3 Insinuating that something improper was going on with respect to the PC Budget and copying this to all members of the PC by asking *"Are you talking about PC admin or ...admin for the other roles you have as a Borough Councillor and roles within the local political party to which you belong..."* I think this demonstrates an unreasonable lack of trust, a suggestion of bias that I cannot see was justified, and an inference of behaviour that is potentially both improper and illegal.

9.13.4 Suggesting the imposition of a deadline for the Clerk's retirement *"I find it both curious and unhelpful that the Clerk has been retiring for several years. It might be helpful to all concerned if a deadline for his resignation could be issued say 31st December . I put this forward as a recommendation..."* I did not accept ADS' argument that this was never pointed out to her that this was inappropriate. I think this should have been obvious. Whilst I accept that ADS (when put under some pressure) did issue an apology (and meant it) and in my opinion her apology did go far enough and could have been accepted by the Clerk, it does not take away from the fact that the comments were nevertheless disrespectful in the first place.

9.13.5 Requesting 20 years of minutes and when that wasn't forthcoming quickly enough, issuing an FOI request. In my experience FOI requests can place a heavy burden on public sector organisations where resources are not plentiful. Whilst I accept that ADS has a passion for history I did not accept that there was an urgent need to retrieve them. I find the request unreasonable, onerous and thus disrespectful. As an intelligent woman I think ADS was aware of the burden that this could have placed on the Clerk. She admitted to me that she did want to "go digging up the past..."

9.13.6 I read out the Oxford English Dictionary definition of “nit picking” to ADS which is “fussy or pedantic fault-finding” which she strongly denied. I accepted all of the Complainants’ evidence that Parish Council business was prevented from taking place and in my opinion this was logically, partly, as a result of ADS’ “nit-picking” and “fault-finding ” in the drafting of the minutes and in the amendments that she submitted.

Did ADS bully/harass/discriminate unlawfully against any person in breach of paragraphs 2.1,2.2 and 2.3?

9.14 The Guidance states that “*Bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened.*”

9.15 It continues that “*Bullying can take the form of easily noticed, physically threatening or intimidatory conduct with immediate impact, or it can take place behind closed doors, or be much more subtle or camouflaged and difficult to identify, at least at first. It can start, for example, with what appear to be minor instances, such as routine ‘nit-picking’ or fault-finding, but which become cumulative or develop into more serious behaviour over time, enabling the perpetrator to isolate and control the person.*”

9.16 In my opinion ADS did bully Gwyn Griffiths. I found GG’s complaint in respect of bullying and harassment to be substantiated. I agreed that many of ADS’ comments were offensive and insulting particular the comments set out at 7.50.1 – 7.50.5 above.

9.17 The Guidance is clear that “*First and foremost, bullying can have a significant impact on the recipient’s well-being and health.*” It was clear in GG’s interview and in speaking to the other Complainants that GG’s health and well-being were affected by ADS’ behaviour as evidenced by his need to pay a visit to his GP and

his evidence given in respect of discussions he had with his wife. I accepted all of the Complainants' evidence in relation to the stress the last 18 months has had on them. I did not accept ADS' response that she could not have bullied because she had "no power or authority." Nor did I accept that it had never been pointed out to ADS that her behaviour was distressing GG. I think this should have been and was clear from the meetings and the email communications.

9.18 Under the Protection from Harassment Act 1997 and in the Guidance harassment includes but is not limited to "*sending unwelcome emails, unnecessarily repetitive, intrusive questioning, haranguing, overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures, inappropriate comments about someone's performance, placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations*"

9.19 I found that ADS did harass GG in onerous requests for information, setting a deadline for his retirement and her comments on the accuracy of the minutes. Her repetitive questioning prevented GG from undertaking his role and her numerous inappropriate comments about his performance placed unreasonable expectations on him.

Did ADS bring her role or local authority role into disrepute?

Flyer

9.20 As set out above, ADS was clearly acting in an official capacity by issuing her introductory flyer that she posted through certain letter boxes and which was entitled "New Parish Councillor 2022."

9.21 The Guidance states that "*circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the*

role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute.”

9.22 I did not agree with the suggestion that noting the imbalance of genders on the Parish Council was sexist since it is merely an observation on ADS’ part.

9.23 However, I was satisfied that the tone of the flyer with the use of the expression “Hmmm!” as regards the make-up/male-female split on the Parish Council could lead reasonable members of the public to think that there was some sort of agenda/deliberate, mischievous behaviour at play on the part of the Parish Council. I found it to be sarcastic in tone and unnecessary and showed a lack of respect to existing Parish Councillors. When I spoke to other Councillors, I was satisfied that efforts had been made over the years to address the imbalance but to no avail and it was unfair to draw attention to this as though it was somehow the fault of the Parish Council.

9.24 Both SD, AB and RBS all provided evidence of what other members of the public had said to them since ADS joined the Parish Council. It seems either through the use of her flyer or through conversations in the community that members of the public (including SB who attended one meeting) were concerned about what was happening on the Parish Council and this was affecting its reputation. In SB’s view (and at the time of his complaint and having attended the PC meeting on 24/11) it was his view that the Parish Council was not working. As he is a member of the public his evidence persuaded me that the public’s confidence in the Parish Council’s ability to discharge its functions had been lowered and as such, the Parish Council has been brought into disrepute as a result of ADS’ behaviour at meetings.

Wrinehill Blog

- 9.25 I was not persuaded that ADS was acting in an official capacity when posting on her personal blog and as such I cannot conclude that when blogging, she brought her role or the Parish Council into disrepute.

10 Findings

- 10.1 For the reasons set out above, I have found overwhelming evidence that Cllr Drakakis-Smith by her statements and actions did infringe Paragraph 1.2, 2.1-2.3 and 5.1 of the Code.
- 10.2 Cllr Drakakis-Smith made it clear to me that she equally feels she could have raised the same or similar allegations of lack of respect or offensive behaviour or bullying and harassment towards her on the part of the Complainants. I asked ADS why she has never raised a complaint. She advised me that she spoke to DD (ex-Monitoring Officer of NBC) soon after she joined the Parish Council. ADS said that they discussed the problems at the Parish Council between them and it was recognised by both ADS and DD that if ADS had raised a complaint this could be counter-productive and therefore she never did.
- 10.3 However, the fact remains that ADS was at liberty to raise a complaint at that time or prior to the complaints being made against her (had she wished) but decided not to do so.

Emma Patterson

External Investigating Officer

Senior Consultant Employment Solicitor

Analysis Legal LLP

Dated: 15 / 02 / 2024

Appendix 1

1 Significant comments received from Complainants

1.1 I received comments from all of the Complainants on the report and ADS. I read all of those comments and suggested changes. Where I agreed that an alternative suggested wording was more appropriate or it involved personal data or was relatively straightforward such as a date or a typo or inaccuracy, I have made the change within the body of the report. Where the changes were more substantial or significant, I have included them as an Appendix.

1.2 **Comments from SD on the draft report :-**

I would like to add a statement in respect of section [now] 8.13:-

I (Sebastian Daly) joined the Parish Council in May 2007, when Robert Bettley-Smith was elected as Chairman for the first time. At that time there was a budget provision of £250 by way of a Chairman's allowance. Robert declined to take the Chairman's Allowance and has done so each year since 2007. At the Annual Elector's meeting last year, and subsequently at several Parish Council meetings, Cllr Drakakis-Smith queried this statement and intimated that the allowance had been claimed by Robert and spent on charitable causes, which I know he found disconcerting. Cllr Drakakis-Smith would not accept the explanation, from either the clerk or the chairman, that the allowance was no longer in the budget as it was never claimed and continued to ask the same question of them both, whilst maintaining that the allowance had been claimed.

1.3 **Comments received from GG on the draft report:**

1.3.1 **OBSERVATIONS ON THE DRAFT REPORT**

- 1.3.2 *Paragraph 6.2.18 Is the reference to “Around 1200 pages of evidence” accurate, as it seems somewhat excessive?*
- 1.3.3 *Paragraph 7.6 Given the sensitivity of this matter I have responded separately on NB’s reference to a potential libel.*
- 1.3.4 *Paragraph 7.13 Although I did not attend meetings of the Footpaths Working Group the impression I got was that in writing up notes from such meetings ADS tended to favour her own views even when they differed from those of the majority of the Group (i.e. Cllrs Berrisford and Owen). I also understand that the draft notes were sometimes sent with very short deadlines for any response. Since both Cllrs Berrisford and Owen have significant work commitments the short timescales hindered their ability to respond, allowing ADS to claim that she had consulted the other members but had received no responses. In my view this could be viewed as a failure to respect the other members on which basis I would support Cllr Berrisford in her concerns expressed in paras 7.13 and 7.14.*
- 1.3.5 *Paragraph 8.5 In my view AB was clear when she explained (at a meeting of the Council) how she had been misrepresented in the Notes from the Working Group. My comment above (on para 7.13) also explains the difficulties faced by AB in clarifying her position before the Notes were distributed.*
- 1.3.6 *Paragraph 8.6 ADS’s claim that “she has always treated the Clerk, Chair and fellow Councillors with respect” does not appear to be a view shared by other members of the Council. Her statement that she commented on Minutes “because some of what was included was opinion and not true” seems to misunderstand that the Minutes are a record of the meeting and will often record statements of opinion.*
- 1.3.7 *Paragraph 8.8 As the person responsible for drafting the Minutes I reject any suggestion that the Minutes were used to humiliate or shame ADS or any other member. They were my best attempt at summarising the business transacted and*

have always been considered appropriate by all other members. I note the comment that “the corrections she was suggesting would have made the minutes less personal”. There is a balance to be struck between identifying and anonymising speakers at meetings and I fully accept that I may not always achieve the appropriate balance. ADS did express a concern on one particular occasion and for the subsequent set of Minutes I consciously made more use of “a member said”. I then received an e-mail from ADS asking me to change from “a member” to “Cllr Drakakis-Smith”. I would also point out that having received the Draft Minutes of the meeting of 22nd June 2022 ADS suggested the following amendment to the record of participation by members of the public, that “The first speaker wished to comment on a leaflet distributed by Cllr Drakakis-Smith” should instead read that “The first speaker, the husband/partner of the person who has made the complaint in writing, wished to comment on a leaflet distributed by Cllr Drakakis-Smith”. This is hardly the action of someone who believes Minutes should be “less personal”!

1.3.8 Paragraph 8.10 *The Councillor did indeed request orientation/induction after she had joined the Council. On this subject I would make the following points:*

- 1. In my experience Parish Councils rarely provide such training. Small Parish Councils do not have the resources to develop and deliver such training.*
- 2. Betley, Balterley & Wrinehill Parish Council does provide support to members who wish to use the training opportunities offered by the Staffordshire Parish Councils Association (SPCA), by meeting any fees. When I drew these courses to the attention of ADS she said she was aware of them but none met her needs.*
- 3. I am not aware that ADS ever clarified what specific training needs she felt necessary or appropriate.*
- 4. The Chairman met ADS over coffee shortly after her election to give her an opportunity to discuss any matters on which she needed further guidance.*
- 5. The Clerk is always available to assist Councillors but can only do so if asked.*
- 6. ADS had attended a number of Parish Council meetings prior to her election so was not wholly unfamiliar with the way the Council operated.*
- 7. ADS has, I understand, previously served as a Parish Councillor on a nearby Parish Council so would not be unfamiliar with general procedures.*

In any event, I do not see the relevance of orientation to the Code of Conduct complaints against Cllr Drakakis-Smith.

1.3.9 *Her statement that “the minutes had not been posted on the PC website since 2012” is incorrect. At the time of her original request approximately five years of past Minutes could be viewed online (and Minutes to 2006 could be readily supplied on request to the Clerk) and further Minutes were being added as time permitted. The current situation is as follows (the availability of the Minutes on the websites of neighbouring Parish Councils listed for comparison):*

<i>Betley, Balterley & Wrinehill</i>	<i>October 2006 to date</i>
<i>Audley</i>	<i>January 2011 to date</i>
<i>Weston</i>	<i>January 2012 to date</i>
<i>Barthomley</i>	<i>March 2018 to date</i>
<i>Doddington & District</i>	<i>January 2019 to date</i>
<i>Madeley</i>	<i>June 2019 to date</i>

You will note that the Minutes available far exceed those of neighbouring councils.

I contest the Councillor’s suggestion that she used FOI because “it did not appear that the Clerk would grant her request”. There was no way in which I would obstruct access, but there was a slight delay as I took legal advice regarding the status of some Minutes predating my time as Clerk which had been recorded in a way which could have created legal difficulties. ADS was made fully aware of the reason for the slight delay, which only applied to a small proportion of the Minutes.

The relevance of the Minutes of the Thistleberry Residents Association being “up to date” is unclear. The Minutes of the Parish Council are similarly “up to date”.

1.3.10 *Paragraphs 8.11 to 8.13 indicate the difficulty of rational discussion with Cllr Drakakis-Smith. My complaint (8.11) related to ADS’s suggestion in November 2022*

that some of the council's administration budget was being used for party political purposes. Her response (as recorded in 8.12) relates to the paying in of cheques in the spring of 2023, an entirely different matter. Am I to conclude from this that she offered no explanation or justification of her remarks of November 2022?

Although her comments regarding the paying in of cheques is, therefore, irrelevant to my complaint they do offer further examples of her misunderstanding issues and providing inaccurate information which I explain below in the paragraph on "Bonfire Cheques".

1.3.11 Paragraph 8.13 Again ADS seems unable or unwilling to understand an issue. The Chairman does not receive a "wage" or "stipend" (another term she has used), nor does he donate (as Chairman) to "charitable causes". At some point, prior to my arrival as Clerk in 2006, the Council made provision for a Chairman's Allowance of £250p.a. This was to offset the expenses incurred by the Chairman - telephones, copying, travel etc. The Chairman when I joined the Council claimed this allowance. When RBS became Chairman in 2007 he decided not to claim the allowance, but it remained a budget line. At some point (I could probably trace the date if necessary, but it would take some time) it was decided to delete the specific budget line; instead the allowance - if claimed - would be funded from the general provision for administration. Each year, at the Annual Electors' Meeting (AEM), in his prepared statement, RBS notes that no councillors receive any remuneration and that he does not claim the Chairman's Allowance. At the 2023 AEM he added a few words along the lines of "and therefore that money is available for community use" (i.e. it remains in the general balances). ADS was present at the AEM but made no comment on the matter. Subsequently she suggested that the Chairman had stated that the money had instead been passed to "charitable causes" (nobody else seems to feel that was said, and it would be inaccurate in any case) and seemed unable or unwilling to accept explanations from the Chairman and the Clerk that no Chairman's Allowance had been claimed, there was no specific budget provision, no money had been passed to "charitable causes" and, therefore, any money that would otherwise have been claimed (drawn from the general administration budget line) remained in the balances of the Parish Council account. The Minutes of the Council meeting held on

1st June record the Chairman making the following remarks within Minute 160/23 (relevant section underlined):

160/23 In presenting his report to members the Chairman advised that he had that morning sent an e-mail to a Councillor in response to their behaviour. This was not something he would normally do but felt things had reached a point where he felt it necessary. He then read the e-mail to the meeting which set out his concerns which included the following points. The member concerned had sent numerous e-mails asking questions, many of which had already been answered or could be answered by papers with which they had already been provided. On many occasions there were further variations of the original question to no useful purpose. There was a tendency to dissect answers given and then attribute some obscure meaning to what had been said and to ask further questions based on their interpretation. Some issues had been the subject of intensive interrogation, such as the fact that the Chairman did not claim, nor ever had claimed, the Chairman's allowance and despite explanations from both the Chairman and the Clerk the councillor concerned seemed to feel there was something odd about the matter.

Bonfire Cheques. ADS states that the cheques were received on 7th February but did not appear in the accounts until 1st June. Both of these dates are incorrect. The cheques were presented on Friday 3rd March - the Councillor's own blog on 7th March states "On Friday 3 March I was invited to the Hand and Trumpet to attend the handing out of the Bonfire Committee Awards". The cheques cleared onto the Council's bank account on 19th May. The cheques were passed to Cllr Daly on the awards night; normal practice would then be for him to bring them to the March meeting and the Clerk would then have paid them in to the bank. Unfortunately Cllr Daly was unwell and did not attend the March meeting. The cheques were passed to me in April and I then paid them in to the bank. There was a financial advantage to the Council in delaying payment beyond 1st April but this was a happy chance rather than a deliberate decision.

At the meeting of 27th April I presented a year-end statement of accounts to members and ADS asked why the Bonfire Committee grants did not feature. I explained the circumstances as set out above. At the meeting of 1st June ADS again raised the matter and moved an amendment to the previous meeting's Minutes which made reference to the issue. Her amendment did not attract a seconder and thus fell. Cllr Daly also explained the circumstances and apologised for the delay in passing the cheques to the Clerk. This apology was accepted by the meeting; in my view no apology was necessary.

At the meeting of 22nd June the Council considered its Annual Governance Statement under the Audit Regulations. ADS again raised the matter of the paying in of the cheques; the general view of the meeting was that the issue had already been discussed on two occasions and that it was unreasonable to press the matter again. ADS refers to being criticised for an "unhealthy interest in financial affairs". I do not recall that term being used but I know that the majority of members felt the matter had been dealt with and that her efforts to continually raise it were unhelpful and could be seen as harassing Cllr Daly who had explained the circumstances and apologised. Any criticism directed toward her related to her unreasonable behaviour rather than criticising the asking of reasonable questions, which is the right - and indeed duty - of any councillor.

1.3.12 Paragraph 8.16 *The councillor has commented previously that "Parish Councils should not be political" and it has been explained to her that councils are by their very nature "political" in that they carry out activities associated with the governance of a country or area (which is general definition of politics). Presumably what she means is that Parish Councils should not be party political but even this is not the case. Although the majority of Parish Councils, particularly smaller rural councils, do not operate on party political lines there is no bar to this and a significant number do operate on party political lines, with members elected on party labels etc. When asked to justify her claim that Parish Councils should not be party political she indicated that the Code of Conduct supported her view; in fact she was referring to Paragraph 3.1 of the Code which states that councillors should not "compromise, or attempt to compromise, the impartiality of anyone who works for ... the local authority" and that officers (my emphasis) "must be politically neutral". By inference this allows councillors to be politically partial.*

The flyer from the local M.P. was a summary of his activities which seemed to me to be information and not promoting his political party. The parish has been represented by Conservative and Labour MPs in recent years (and by Conservative, Liberal Democrat and Independent county and borough councillors) and they have all been treated on an equitable basis. I do not believe that any member of the Parish Council has ever brought their party political views inappropriately into meetings.

Some years ago a former county councillor sent a written report to myself as Clerk asking that I would read it to the meeting, which he was unable to attend. The first part of the report was an informative update but the second part was a criticism of the policy of another party. I indicated to the Chairman (RBS) that I did not feel the second part appropriate, and that I did not wish to read it to members. The Chairman fully supported this position and only the first part was read to members. I think this indicates that both RBS and I are careful to avoid any element of party political propaganda within meetings.

On the subject of political bias I would also mention that although two councillors have placed on public record their membership of the Conservative Party I have been a member of the Liberal Party/Liberal Democrats for over forty years (a Borough Councillor for 26 years and a parliamentary candidate) and the Council's Internal Auditor is a senior figure in the Labour Party (a former Borough and Town Councillor and a two-term Mayor of Crewe).

1.3.13 Paragraph 8.18 *Cllr Drakakis did not "suggest" a deadline, she "recommended" such a deadline. I indicated very quickly that I felt it to be inappropriate so her suggestion that nobody stated it was "out of line" is disingenuous to say the least.*

1.3.14 Paragraph 8.20 *The Monitoring Officer has received a copy of the alternative form of words for an appropriate apology which I sent to ADS. At no point does it state that "she had been malicious". I state that her recommendation of a deadline for my resignation was unkind and inappropriate, which I believe it was. I do not appreciate her making unfounded and untrue claims of this nature. I was willing to engage in an*

iterative process to reach a form of words acceptable to both parties. My objection was not to her rejecting my proposed wording but to the fact that she failed to engage further on the matter.

1.3.15 Paragraph 8.26 *I don't believe I have ever described her blog as "offensive"; my objection was that it contained inaccuracies which misrepresented and undermined the work and standing of the Council.*

1.3.16 Paragraph 8.30 *Her accusation that as Clerk I wrote Minutes "to bring her name into disrepute" is a serious matter. Does she give examples? My aim was to write Minutes which reflected - accurately - the business of the relevant meetings. That these were then approved by the overwhelming majority of members present suggests they were appropriate.*

1.4 Comments from NB on the draft report

1.4.1 *My only dispute on what has been recorded would be ADS' statement recorded under para 8.13 where "she also questioned whether RBS's wage (that incidentally he did not take as it went to charitable causes)" as to my knowledge and as has been formally reported at Council meetings more than once, the Chairman does not draw any expenses for his role and never has done since his appointment as Chair!*

1.5 Comments from AB on the draft report

1.5.1 *8.22 you report ADS responds by implying I am being untruthful and fabricating some of the statements I made. Please do not hesitate to ask for many emails and messages she wrote to me with a certain tone to them especially whilst she exercised the "Lead" of the footpath working group.*

1.5.2 *8.23 I cannot remember if I mentioned that I purposely tried to sit opposite ADS at meetings due to partial loss of hearing. This is a result of severe covid. At both PC and Footpath meetings her body language changes, at the footpath meetings she was mainly forward leaning and clear to understand, providing she was being in charge. What came out of her mouth was quite something else and I know I*

mentioned you could not believe where she had got her content from for the footpath reports this is why I challenged the recommendations she wanted and also had future meetings recorded. She fumbled with the equipment and recorded over previous recordings and conveniently said the recordings did not work. So I stuck to my principles and refused to vote in favour of the reports as some recommendations were not applicable nor agreed, the other members supported me on this and also voted against the reports.

- 1.5.3 *At PC meetings ADS's body language is a tremendous piece of acting. She behaves like a different woman, always speaks with a croaking voice and is very soft and quietly spoken when addressing any member. She always sits as far away from the Clerk and the Chairman as possible, she leans back in her chair so the Clerk and Chairman cannot see her face nor hear her. This makes the member have to repeat the question and ask her to speak up. Every meeting it is suggested that she sits closer to the Chairman and the Clerk but she says she is fine where she is. It's like a game of awkwardness with her, laughable really. She shuffles her papers and pretends to get in a muddle then rolls her eyes at any challenge in a discussion. She writes furiously to keep up with conversation and still gets the information wrong!*
- 1.5.4 *I feel as a Parish Councillor I live and breathe the title. I don't separate the title from my own personal self. If I want to respond to any type of social media platform involving the community I live in I do so in a respectful way. Many people in the community did not see the Aboutwrinehill.com blog content written by ADS, as a personal announcement. It seems to the wider community a Parish Councillor has this "label" to contend with throughout their time serving the community so I would argue that the blog content you have as evidence is, and was damaging to the Parish council.*

Appendix 2

Rebuttal from Angela Drakakis-Smith on Draft Investigation Report

Rebuttal

Re 1.2. Is this fair/reasonable that only the complaints are to be appended to your report?

Re 4.2 The Code of Conduct must surely apply to all councillors and not just to me, also the seven Nolan Principles? This would be in relation to the complaints 2.2.1 I do not bully anyone; 2.2.1 I do not harass any person; and re 4.3 to 4.7 2.2.1 2.3.1 re promotion of equalities. Also 5.1.1 I do not bring my role or LA into disrepute.

Re 6.2.12 – emails between each other and the then MO (DD). Have I been provided with these? In the interests of transparency should I have been provided with these? I would like further clarification of 6.2.12

Re 7 Summary of Complaints I would regard the complaints set out in your Report as reported by SD and AB even NB to contravene many of these codes and principals since they appear to me to be untrue and pre-emptive ‘strikes’ should I have decided to upgrade my concerns to the then MO (DD) into formal complaints.

I did not make the concerns formal complaints then, on the advice of the MO (DD) and on the grounds that were suggested - that it would be too expensive and counter-productive. We both were aware that I had to work with the Councillors. I also hoped that the issues would be resolved internally.

The AB and SD and NB complaints, in my view, appear to follow the meetings where both AB and SD had appeared to have misled the Council. (AB re the Working Party procedures (March meeting and previous behaviour after the acrimonious November meeting in 2022 where AB shouted, loudly, amongst other things), SD and the unrepresented cheques (March meeting), NB after the acrimonious meeting in November where shouting etc took place during and after the meeting and I was insulted by being called ‘a piece of work’.

Re 7.1 As I do not know what you were told by R B-S re his concerns, I am not able to comment on their veracity and/or how accurate his perceptions were. When in November did R B-S meet with the MO?

Re 7.2 In the interests of fairness it might be necessary to explore further the context of 7.2 and 7.3

Re 7.3 If the Clerk's complaints are set out later in the report, why are they being mentioned here?

Re 7.5 -7 Since I am unclear re the rules governing the procedure of your report and any guidelines that might have been agreed with the NBC MO. I am therefore unsure how to address the way in which NB's complaints have been presented here since they contain information - which can be proved wrong by documentation evidence.

Members of the public when in attendance are allowed to spend up to half an hour speaking (no time limit is set) and the Agendas were 'well-stuffed' as the Chair described them, with often over 20 items (and with sub items could amount to 30 items - which in a two-hour meeting could amount to only 4 minutes per item for the rest of the business of the meeting).

There was also, in my view, an over-emphasis of both the Clerk and Chair to deal with my corrections of the Minutes, the FOI request and other issues I might raise. Working Party Reports (amongst others) presented were either scrutinised or deferred and rarely it at all passed without hassle.

I would also refute NB's assertion that I pursued a campaign against the Clerk.

I did not accuse NB of interfering with my computer so there was nothing to apologise for. (See my rebuttal of NB complaints).

I would also like to know what my comments were at any PC meeting regarding the MP that NB alleges 'to be potentially libellous'. I did point out in the emails sent to you that the Clerk mentioned this and advised Councillors to delete their emails.

NB's statement that I was 'a piece of work' might indicate his lack of respect for me which appears to manifest itself in the complaints NB has submitted.

Re SB' Complaint 7.8- 7.10 I have already queried if SB has included evidence for any of his allegations - eg what were the false statements that the Clerk 'spent all his time' correcting? If these have not been produced then this would be repeating unreliable information which might then raise

the issue of concern re integrity- also the fairness of the adjudication process.

The views expressed in the complaint submitted by SB demonstrate that the Minutes influenced the perceptions of those not at the meeting to take a particular view of the meetings and the way in which certain individuals were singled out and portrayed in the Minutes.

Re AB's complaint 7.11 - 7.16 I find all of this complaint to be untrue and unless there is clear evidence to support the allegations then also potentially libellous/slanderous. If the complaints as they are presented in this Section are without such evidence and the complaints are not refuted here, then concerns about the fairness - even integrity - of the adjudication process could be raised.

If not substantiated by evidence, then these complaints would, in my view, violate the Nolan Principles of honesty, integrity - also the Code of Conduct re lack of respect, bullying, harassment, being threatening and intimidating, with such behaviour unbecoming of a Councillor, bringing this Council into disrepute - had members of the public been present or not.

AB's behaviour after the November meeting - shouting (very loudly), being very rude and personal about my personality pointing a finger in my face as if she was going to hit me should have been reported as a violation of the Code of Conduct, and which I did contact the MO (DD) about. (On returning home that evening I was so shocked by this behaviour, that in the heat of the moment I wrote everything down, since I seriously considered making a formal complaint.)

Re 7.18 -23 - SD's complaint: I would apply the same comments to this set of complaints as I did to the complainant AB above.

The statement made in **7.18** was not 'a wish' for the Clerk to retire. As I explained in my rebuttal re the Clerks' allegations. It was a suggestion to resolve the impasse under discussion in a series of emails re the Clerk's employment and work load etc.. and given that he had first expressed a wish to retire in 2017 and subsequently.

Given the circumstances I did not think the suggestion was unreasonable and I did not think that I had stated this in a disrespectful or unsupportive way. I can recall that in an earlier email I sent to the Clerk, I had stated that

he seemed too young to retire and that he would be very difficult to replace. I would, thus, refute that I am not behaving as 'a reasonable person' would.

Given the circumstances I could claim that the complaints made against me above could be attempts to force me to resign from this Parish Council, and particularly if that was because I did not 'fit in' to this Parish Council or that I was 'upsetting its apple cart' - as one councillor suggested - or because I was an academic as another Councillor implied, as if somehow that made me different and thus unacceptable as a member of this Council.

I had made it clear that I would not resign and mainly because this would be giving in to what I have regarded to be, at times, over the last year, unacceptable behaviour which violated the Code of Conduct and the Nolan Principles.

7.19 - 7.20 These statements need to be evidenced since they are, in my view, not true and particularly if this complaint has been made in response to any potential complaints that could be filed against SD regarding the cheques. As SD is a busy person then why would he be handling cheques which should be in the remit of the Clerk, and why would AB and R B-S, as Cahir, give the cheques to SD?

7.21 - 7.22 in my view are false statements, and in my view actionable. I think I have explained any circumstances which might have given rise to SD misperceiving the situations.

Re 7.22 I find this allegation preposterous. I note that SD quoted the number of emails I had sent which was the same as the number quoted by the Clerk. I have already asked for an analysis of these emails re who instigated them. However, given the difficulty in counting emails since not all might be present etc it would be curious for both numbers to be the same. That they are, is interesting. Perhaps this needs further investigation.

7.23 SD appears not know how the Blog is run. Information posted is neither false nor unsubstantiated and the Blog has nothing to do with the Parish Council. Neither is SD or the Parish Council arbiters or controllers of information.

People's comments are included on the Blog.

7.24 - 62 GG's Complaints

I find the number of 87 quoted both curious and interesting, and in the interests of fairness and transparency I would need to know how it was arrived at. (7.24)

The main questions I would ask here is, if there were so many violations why did the Clerk wait until a few days before his retirement (25 June) to complain, and wait a further three months (17 September) before he provided most of his evidence?

Re 7.26 I note that some of the information is repeated and that bullying and harassment and disrepute have come later. Is there any reason for this? The term 'the sheer' volume presented from GG is somewhat subjective and therefore weighted?

I have submitted rebuttals to all of the allegations made in A B C D.

It is unclear how much of the rebuttal, which was presented to the Adjudicator as context to mitigate the allegations made.

If not, then it would be useful to know the justification for excluding the context in which some of the phrases have been selected by the Clerk and yourself, where the context in which they were made might be crucial?

Without context the allegations/complaints could be found to lack substance.

This would apply to 7.27 - 7.29.

Re 7.27.2 - the issue was the Clerk's retirement not his resignation.

In 2017 he had stated his goal to retire.

Re 7.30 - I wish to point out here, as was pointed out in my rebuttal that any such comments made by me were made in response to statements made by the Clerk and/or others. In most cases the context provides a justification for the statements/questions asked.

This would apply to 7.30 - 7.31.12. It was not always clear to whom emails should be sent. Emails I sent to the Clerk were referred to the Chair and Vice Chair, and emails I sent to the Chair and Vice-Chair were referred to the Clerk. Both Clerk and Chair would, more often than not, respond which doubled any response that I was clearly required to make.

I was criticised for not responding (**see Re.7.48**) and equally condemned in the responses I did send, particularly if there was a confusion when I responded to Chair and Clerk in one blanket email and if the issue had occasioned discussion.

Given that some of the issues raised were being discussed in emails, I felt that it was important at times that all the Councillors should be engaged so they were kept up to speed. Not much discussion took place at meetings.

This, to me, seemed a matter of procedure, although there did not appear to be a ruling from the Clerk.

Re 7.32 The term ‘insinuation’ is a subjective term, and the interpretation of statements can be different depending on how they are perceived. Since the clerk has perceived and interpreted my statements as ‘insinuations’ then my responses (made at the time) as clarifications should be included. See my response to **7.30** above.

I do not recall claiming the Minutes to be ‘not proper’.

Re 7.34 This was not a suggestion and my rebuttal has provided a context for the question raised in an email about the term ‘administration’ which appeared as a budget line in the accounts presented. (I was informed from reading and training that his was not good practice). The list I gave in this email were examples. I was asking for clarification re what type of administration might be included. Contest, here, is important, but not mentioned.

Re 7.37 – 7.41 A rebuttal of these statements has been made, although that has not been mentioned here.

7.41 GG mentions that the Parish Council has no ‘power’. Whilst that might be true, the PC nevertheless has influence. Comments submitted to the NBC are usually taken into account (and observed to be the case since I joined the Council) especially where strong feeling on an issue has been expressed by the PC (on planning issues. The renaming of the new development in Winehill is also a case in point and type of bricks to be used etc..

Re 42 – 44 These are interpretations and views as expressed by the Clerk – which I hope my rebuttal clarifies.

I have been led to believe that the NBC and PC agreed where/how the S 106 monies for the Bluebell development should be spent – in this case elsewhere (although it is usual for S106 monies to be spent within the locality of the development – unless agreed otherwise).

Re 7.45- 7.45.1 I question the Clerk's interpretation of this, especially where this has been clarified in my rebuttal of this point.

The issue I think, is being overloaded, and given a negative interpretation which was not intended. The reasons given for two new solar powered SIDS by NB and the Chair was to replace the five battery operated old ones. This justification seems to have disappeared once the funding was forthcoming and three new SIDS were purchased. It would be useful to know what has happened to the old SIDS not currently in use. One SID was promised for Den Lane, but has not materialised.

Perhaps this issue needs further investigation/clarification.

Re Complaint D 7.46 – 7.48 I have made a fulsome rebuttal on this issue which includes what was written in the Minutes – ie that a Resolution was passed by the Council that the style of the Minutes should be changed, which would indicate that Councillors did recognise that there was an issue with the Minutes and the way in which they were being written.

Unfortunately, the style did not change and seemingly not when recording issues relevant to myself.

In **7.46** GG states that 'the criticism of the Minutes seemed to be limited to ADS' Indeed any criticism in the Minutes seemed to be directed at me, others did not appear to be treated in the same way, so might have no cause ask for alterations.

Had the style changed so that the Minutes were less personal and pointed and more even-handed then there would have been no need for me to query them or to seek balance.

Re 7.48 see above comments in **7.30** + section.

Re 7.46 The Clerk had stated in an email to me that other councillors did not usually ask questions. That I do, should not be held against me.

I have been informed: that refusing to correct Minutes that malign or are biased against an individual is generally not defensible and certainly not on the grounds of the Clerk's tenure, part-time status or past performance.

I have been informed that the integrity and accuracy of meeting Minutes is crucial for transparency, and accountability in any organisation, and the Parish Council is no exception - on the grounds that any intentional bias or misinformation in the Minutes can undermine the trust and integrity of the Council's records. Regardless of tenure or work schedule, professionalism and adherence to ethical standards are also paramount.

Guidance and rules state that Clerks should strive to maintain objectivity and fairness in recording meeting Minutes.

Additionally a more collaborative and a more open approach to resolving concerns about accuracy can contribute to a more transparent and fair process. I would agree with this view, having also consulted the Cabinet Guide to Minute Taking I.5, 7; IV 14.iv, v; 16, 17, 19, 20; V.21, 22, 23; VI.69, VII.70, 72, 76, 77, 83.

I have also consulted ICO guidance re what should be published in Minutes and FOI Act; NALC Guidance for Model Councillor-Officer Protocol re its Civility and Respect Guidance, and its Roles and Responsibilities protocol; LGA Code of Conduct 2020 and 2021; The Good Councillor Guide 2018; NALC Parish Council (etc) Council Grievance Policy 1, 4; NALC LTN 1 Councils Powers to discharge their Functions; NALC LTN 2 Chairmen of Local Councils; LTN69 Anti-Social Behaviour and Harassment; LTN 22 Disciplinary and Grievance arrangements; LTN 80; LTN 9E; LTN 37; LTN 81; LTN 40; LTN 30 Defamation; JPAG document on Accounting and webinar seminars; Self- financed training session on How to be a better Councillor; the Local Government Act 1972; NBC Affordable Housing SPD.

On this basis I was aware that I had a duty as a Councillor, and indeed as a member of the public, to question/seek clarification for anything which seemed not contravene, or not adhere to the above standards set.

Re 7.47 Where I got things wrong I did make an apology to the Clerk which he refused to accept.

Re 7.48 See above comments regarding emails and responses.

Re Part Two bullying and harassment 7.49 – 7.50 I understand the definition

Re 7.49.1 I do not think that I behaved in this way at all although this is how others appear to have interpreted the matter.

Bullying implies malicious intent and abuse of power. I do not carry out my duties with that in mind, or in fact. Neither have I misunderstood or misrepresented the Council's position. I have questioned and asked for accountability and clarity - even honesty - where necessary.

That this has been interpreted as offensive, harassment, bullying and nit-picking etc, perhaps reflects the mind-set of those making these assertions and complaints against me.

I think that has already been mentioned in my rebuttal of this section.

Re 7.50 – 7.50.5 It is my view that there were justifications for making these comments. They were not made in isolation.

The strength of the comments might be explained in terms of the long length of time that these issues remained unresolved and this is an issue which the Clerk raises himself in 7.49 but claims I am wholly responsible

The Clerk and the council had the power and the authority to change not only the dynamic of the Council but also its procedures, dialogue and its own behaviour. This did not happen.

Re 7.50.3 Re the comment 'not worth the paper on which they are written':

I am led to believe that such comments can be justified in circumstances where the Minutes are less than accurate, so cannot be deemed to be reliable.

This relates to the fundamental purpose of Minutes - as a record of the meeting.

Guidance and rules state that Minutes serve as legal regulatory documents. In legal proceedings or audits inaccurate Minutes can compromise the credibility of the record. Accurate Minutes contribute to transparency and accountability and should provide a clear and unbiased account of discussions, decisions and actions taken, which is essential, I am told, for accountability in governance.

They are also an historical record of the Council's activities; inaccuracies can distort the narrative and impact on the ability to understand the context and rationale behind past decisions.

That past Minutes of this Council have been discovered to be missing might indicate a lack of respect for the Council's records (ie there are no Minutes available before 1959 (even though Betley has been mentioned in the Domesday Book (PC website)), and gaps have been found in the contemporary Minute record since).

Inaccurate records can misinform decision makers and the public, leading to misunderstandings and/or misinterpretations. Inaccurate Minutes can lead to an erosion of trust and credibility.

This is why I have emphasised the importance of a high level of accuracy for the Minutes. My comments hopefully emphasised the consequences of inaccuracies.

Re 7.51 and 7.52 I find both of these allegations not only disingenuous but also untrue.

Given that this is how the Clerk has expressed his feelings and interprets my behaviour in this way, reveals a mindset and the way that the Minutes, the request for past Minutes and the flyer, the suggestions for the de-gendering of the Standing Orders, any questioning of the accounts or even planning and consultation matters, seem to be viewed by him as challenges to his authority rather than an avenue for collaborative and agreed updating and even change if that is required or is necessary.

I have no privileged position as a Councillor. I am led to believe that Clerks and Councillors have separate and distinctive roles to play, and both roles contribute to the working of a Council.

Clerk and Councillor have different responsibilities and functions. The above documents cited in **7.46** emphasise this.

Councillors represent the community and make policy decisions, the Clerk's role is to support. The relationship is one of collaboration and of mutual respect.

It is not for the Clerk to take sides on any issue, but to remain neutral in order to maintain the smooth running of the council. I did not feel that this was always achieved.

The fact that the Clere had the full support of the Chair and other Members indicated to me that the Clerk had both power and authority to act, and seemed encouraged to do so.

I was given the distinct impression that the Council was run by the Chair and the Clerk supported by Members - when asked to do so.

My feeling was that the Council should be run by all the Councillors with the support of the Clerk.

I would therefore refute the Clerk's allegations and assertion in 7.52 and have done so in my rebuttal.

Re 7.53 I would refute the Clerk's interpretations of my behaviour.

I questioned procedures and the accuracy of the Minutes. (See comments above). It is the Clerk's view that my comments were personal slights against him. That was not my intent or motivation.

Re 7.55 The behaviour of the Clerk and Members of Council also caused me distress.

I did not notice that either the Clerk or the Chair did anything to redress any divisions or acrimony within the Council in order to make allowances.

Since joining this Council I have experienced stress which has manifested itself in physical conditions of migraines and stomach ulcers, and many sleepless nights particularly before meetings, when it seemed that aggression would begin via emails about 1-2 weeks before meetings.

In one email addressed to the Chair I asked what the purpose and motivation of this behaviour was. I also asked the Chair in May 2023 to stop sending me emails.

Re 7.57 - 60 I have already explained the issue re requests for Minutes and information.

Given that 10 years of Minutes had been posted on the website the ten years requested of Minutes that were not, was not a doubling of the information requested. It remained at 10 years.

When I made the request I asked for the information I made it clear in the email that that I was asking on two counts a) as a Councillor and separately b) as a researcher. I volunteered this information in the interests of transparency/honesty/ accountability.

The FOI Act states that reasons are not required.

The backlash from some the Council Members, in my view contravened, the terms of the FOI Act and the subsequent behaviour contravened the Code of Conduct to the point where I sought an apology from Councillor Owen on the grounds of lack of respect. Thei behaviour gave the impression that I was being harassed and intimidated as a means of being forced to withdraw the request.

Re 7.61 Re Accuracy of the Minutes . This appears to be a repetition, which has been addressed in my rebuttal. Further comments as clarification have also been made above.

I did attempt to make amendments to the Minutes at Meetings but this failed, repeatedly, and for the reasons already given.

Two resolutions were passed: a resolution to change the style of the Minutes to a more impersonal and even-handed presentation and a second censuring my behaviour re the resignation issue.

The style of the Minutes did not change in relation to items recorded about myself, or issues that I was involved with, and agenda items seemed to perpetuate issues which appeared to have been resolved already.

Discussions were conducted via emails - and seemed to have the same function of keeping issues alive by resurrecting them later if they appeared to be dying down. These were: the number of emails, the missing recipients from emails and the Clerk's retirement issue. It wasn't long before the Working Party also became a battle ground.

The FOI request went on for several meetings.

The Minutes issue was ongoing - since a new set of Minutes was produced each month.

RE 7.62 - Given that the main bone of contention was the Minutes and that a resolution was passed to change their style, the style did not change, this meant that my reaction to them each month, when a new set of Minutes was presented, would be the same if they were inaccurate and/needed correction or demonstrated bias.

It seemed that I was expected to change my behaviour – ie not to question the Minutes, not to submit corrections etc. and not to ask questions at all.

Expecting me to unilaterally change ‘my behaviour’ seemed to me to be not only unfair but also a means to deny me a right as a Councillor to speak.

This would then allow the Minutes and anything else to go unchallenged, when they needed to be. It also presupposed that only my behaviour was unacceptable.

Scrutiny via questioning was re-interpreted by some Councillors as ‘nitpicking’. This term has a particular connotation and whether scrutiny is classified as nitpicking relies on the mind-set of the person making that classification.

Scrutiny definition: careful examination or inspection of something which could involve reviewing details, investigating processes, or assessing the finer points of a situation.

Scrutiny, I am informed, is a genuine intent to understand, improve or ensure compliance with standards so it has a clear purpose.

I am also informed that scrutinising relevant aspects which are important to the matter in hand is seen as reasonable.

Scrutiny can result in the identification of substantial issues or improvements and therefore be invaluable. In professional, regulatory or legal contexts scrutiny is often necessary for accountability, quality control and compliance.

This has been my intent and to confuse that with nit-picking is disrespectful, insulting and fails to acknowledge the importance of scrutiny in the role of a Councillor.

Nit-picking definition: is equated with finding fault, criticising or focussing on trivial or minor details often to an excessive or unnecessary extent. Usually characterises a person who tends to point out minor flaws, errors or

imperfections in a way that may be perceived as unnecessary or overly finicky. Nitpicking can sometimes be seen as a hindrance to effective communication or problem-solving as it may divert attention away from more substantial issues. Eg. Xmas trees and fairy lights, notice boards compared with Code of Conduct. accuracy of the Minutes, review of Standing Orders, policies for distribution of funding to community groups, accounts etc..

Confusing the two can also be a tactic to deflect or avoid substantive issues or to discredit the scrutinising party. Misnaming scrutiny as nitpicking can be an attempt to undermine the credibility of those conducting the scrutiny, by suggesting that concerns raised are trivial or irrelevant, diminishing the perceived importance of the scrutiny. Feeling threatened or defensive may trigger the term to downplay the significance of the issues raised. This can be a way to protect self-interest or to maintain a particular narrative. The confusion may also be a way to redirect attention away from engaging in substantive discussion on an issue. This can be another tactic to control the narrative.

Official rules and or Guidance can make distinctions clear. Since deciding what is important and what isn't can also be subjective.

I found such tactics to be offensive and unacceptable.

I would maintain that the above is the backdrop to many meetings, and it would appear to be the rationale behind anyone confusing the two terms.

Nitpicking, in my view, has been applied to my questions and queries by several Councillors which has served to frame and to result in my behaviour being criticised and therefore my being censured – unfairly in my view.

Guidance issued by the NGA and NALC encourages Councillors to act on their own judgement and not follow the crowd. I followed this.

I do not think therefore that my behaviour has been fairly described by complainants in **Section 7**, or in the Minutes.

I do not recall being rude/a bully, harassing anyone (see my earlier rebuttal).

I however, found some of the norms and procedures of this Council to be often questionable.

It is therefore my view that I have been treated by the complainants and some other Members of this Council unfairly.

This behaviour would amount, as far as I could see, and given the context mentioned in my rebuttal that could amount to my being harassed, to being treated unfairly, being insulted, bullied which would demonstrate a lack of respect.

Re Section 8 Councillor Drakakis-Smith's response to the Common Complaints.

Re 8.1 To make this more balanced can the length of time of interviews with me be quantified?

Re 8.2 In the interests of balance, could the reasons why I did not make a complaint be stated here?

Re 8.3 In the interests of balance and fairness should my rebuttals be joined to the complaints made?

Re 8.4 The way in which these are expressed implies that what the Complainants are saying is actually true, although it does not appear as proven, unless the evidence has been withheld. Would this, therefore, be fair?

Re 8.5- 8.6 There is ample evidence in the form of Minutes, emails and tape recording of meetings to demonstrate that AB was not misrepresented. You did not request the tapes which would have also verified 'tone'.

As we discussed at the interview, 'tone' can be imposed on the written word and this depends on the mind-set of the person reading it, which can involve many variables of attitude, not to mention any disposition towards the author.

My emails to others were always explicit, and my views direct. I am not sure I had any personal/hidden agenda which could be interpreted as a lack of respect. I was not obsequious. As I mentioned in the interview with you, I saw myself as an equal not inferior or otherwise.

Often the Minutes were written from a subjective perspective (particularly in the use adjectives) which implied a point view.

Guidance for Clerks re giving a view on matters outside of procedure and required advice is not advocated.

'Insinuations' used in 8.6 is also a subjective word and this is how since that is how some of my comments have been interpreted by the complainants.

The last line 'and not true' is perhaps your view.

I used mainly the term accurate to refer to the Minutes.

Also, instead of 'not true' I would have used the word 'subjective'.

Re 8.7 My background is not as stated here. I am a Social Scientist - ie I conduct research projects which rely on qualitative and quantitative data generated from large scale and in-depth interviews. I use language analysis as a tool when dealing with official documents and policies rules etc., particularly for the process of deconstruction of texts in order to reach their true meaning - which is not always, or at first, obvious. (I was also a copy editor and proof reader).

An eye for detail might be regarded elsewhere as an asset. the complaints in Section 7 seem to see it as a threat.

Re The last line after 'followed' Could 'so that the Minutes reflected accurately and without bias the business and discussion of the meetings' be added since that was the reason for querying the Minutes in the first place.

RE 8.8 I note a lot of 'she says' in this section which is not applied elsewhere which to me, implies an imbalance in terms of respect/authority?

Re 'no parity'. This would not be true. 'Often parity was lacking' would be closer, I think to what I might have said/meant.

RE 8.9 The first sentence seems to be restating/re-emphasising the complainants view.

'Continuous querying of the Minutes' is in my view a subjective view which has been explained since the Minutes were also written in a continuous style (from May 2022) and produced continuously, which would exact from me a continuous/same response if they were found to be inaccurate. I did not wish or like being forced to correct the Minutes or vote against them.

The alternative was to remain silent. (This has already been explained above). It was also not my job to remain silent.

To re-state here, in my defence section, that 'all the complainants ... etc seems somewhat unfair and far from even handed, in my view.

'Stating' that the Minutes were inaccurate is not the same as 'suggesting' that the Clerk acted in a biased and improper manner. And these are assumptions made by the Complainants, which appear to being accepted, already, as 'true'.

Placing that information here would confirm their view.

Re 8.10 The statement is not entirely correct. See my rebuttal above re the reasons for wanting the past Minutes. My request was two- fold - (1) as a Parish Councillor for orientation and (2) a researcher. I made the distinction very clear (see above).

I do not think the last sentence beginning 'She made the point' is relevant or needs to be included here. It was stated as an example to you in the interview that very small organisations can deal with Minutes etc..

Re 8.11 Is there are reason why these complaints are reiterated here? That was not my reason for raising them and again using the word 'insinuation' which is not proven.

This is the Complainants interpretation of what I said - and it was certainly not my intent. It was my duty as a Councillor to raise those issues and not to place a serious slur on the Clerk's integrity. The alternative was to remain silent and to let things pass - which would have been incriminatory for me.

Re 8.12 Another repeat of 'insinuation'. I asked a question about the cheques. Implying that I meant something more is, in my view mischievous, even malicious, as is the rest of this statement and seems to divert the importance of the query elsewhere (see above rebuttal Section 7).

The Clerk volunteered the information about an external audit being triggered if the cheques had been paid in in February or March at the meeting in which the question was asked.

I queried why this had not been Minuted. Had the question been with evil intent I would not have volunteered the information that cheques were valid for six months.

It is my view that R.B-S comments seem out of place here since he is not a complainant. It is irrelevant whether or not there were reserves in the PC account.

Re 8.13 I questioned the statement made publicly by R B-S that he did not take his stipend and that it went to charitable causes. I queried this since there did not appear to be an account for this. R. B-S did however receive expenses.

I did not think that such queries about public funds would be seen to be taking an 'unhealthy' interest.

I feel that this paragraph, then, is somewhat unfair and unevenly balanced.

Re 8.14 The complainants would not know that any emails were taking up a large amount of the Clerk's time - only what they had been told by the Chair. The Chair would only know if the Clerk told him. There is no official account of the Clerk's time spent or what type of work he undertook each month.

This was one of the main issues around the FOI request and the retirement issue. If the Clerk had not been used to receiving emails from Members (and he states in an email that he does not receive emails from Members often), then he might have been surprised at receiving more than usual - whatever the usual number might be .

Re 8.15 In the last line of this paragraph and before 'ADS' for the purpose of accuracy, should read 'In one email' ADS agreed ...

Re 8.16 Re Interests - I did not 'insinuate' - I noted in an email when the issue of Declaration of Interests was being discussed that Mason and political party membership were now declarable as interests.

The issue of Interests and how they should be declared was far from clear at meetings. The Chair sometimes declared whether the interest was personal or pecuniary. At one meeting I was asked to leave the room and the wrong person remained to discuss the issue. Thus any clarification of Interests should have been welcomed and made clear.

I am not sure why the Clerk should be offended or that SD would be offended on his behalf; or why this should be stated here in my rebuttal in these terms.

The wider explanation which you state here was given in the recorded interview which you stated was for your use. This is why I agreed to the interview being recorded. 'Insinuate' is the subjective term attributed to my questions/queries by some complainants which are assumptions of my intent.

I have already made a rebuttal re assumptions made by complainants – and ones which I regard to be unfair and inappropriate in the circumstances even untrue.

Re 8.17 and 18 re the Clerk's retirement. See my full rebuttal in Section 7 re last sentence.

The suggestion of a deadline date was made by me in an email. Although it was not raised at any meeting, or officially stated by me, it did become a well-used vehicle (see Section 7 above).

It was raised by the Clerk at a Parish Council meeting under another agenda item (the Clerk's retirement was not an Agenda Item at this Meeting) and so was recorded in the Minutes (see earlier rebuttals on this issue). The Clerk was not asked to leave the room while the item about his hours of work, work load and rate of payment were being discussed

It was the stated goal of the Clerk to retire and had been since 2017.

The statement after retirement beginning 'given his hard work' etc should not be made relevant to the issue or to this statement (see Section 7).

The phrase 'in any meeting' is also questionable since it was raised at the meeting at which I was censured.

Re 8.19 re the last line. I think I was more precise than this and stated it was around 2019/2020 when the Stop the Stink campaign was well-underway.

Re 8.21 Re my causing stress to AB, SD and GG. It would be difficult to prove this even if verified by a doctor, since stress can be caused by many factors internal and external in a person's life. Given their treatment of me I was also caused stress. Standing alone on the Council and often facing the antipathy of 13 people was also a very stressful situation.

Re R.B-S's evidence. I have not had sight of this information so I would not be able to comment.

If it is evidence then in the interests of fairness, openness, accountability and transparency it should be available to all parties involved. It might not be admissible if it is unreliable, probative or unduly prejudicial. Is there a justification for it not to be included here?

Re SD's comments I am not sure that these conditions were caused by me.

SD was well supported in meetings by 11 members and the Clerk. Unless it can be proven that I was 'mentally bullying' SD. Under the circumstances, it would be more likely for the reverse to be true. I think it is more likely that I was the one being 'mentally bullied'.

It would therefore be useful to have SD's evidence re my mentally bullying him.

I have been threatened inside and outside of meetings, isolated and intimidated, gaslighted and humiliated and my confidence undermined in the Minutes and verbally at other meetings etc.. my expressed concerns regarding some of the complainants behaviour might be considered to be more compelling.

Re 8.22 As this is part of my rebuttal the issue of my being caused stress I would not regard to be incidental.

Re 8.23 I have already stated in my rebuttal my feeling and view regarding SD's comment here. I am as shocked to see them reproduced here and aired for a second time.

RE 8.24 I find this paragraph somewhat biased. Residents actually spoke and emailed me regarding the flyer stating that it was refreshing to be contacted in this way and informed.

It was SD's wife who raised the complaint as acting Chair of the Village Hall Committee. It was SB's wife who wrote the letter re the male/female ratio of the Parish Council.

Most people who have comments to make on issues do so directly.

However, those who know how the system works, and who would want maximum coverage from complaints would approach the Clerk who would then, depending on how the situation was to be handled, raise it at a meeting.

This is what happened.

It was then publicly recorded and posted on public noticeboards and the PC webs site.

This was another issue which was, in my view, inflated to single me out as threat.

This is underlined by SD referring to the flyer as 'propaganda'.

The flyer was not written to promote any political party or society. It was written to let people know who and what they were getting.

The views of AB and SD are, in my view out of place here

They are highly questionable and, in my view, not even true, so it is regrettable that they have been given a second airing here. I would refer to my earlier submitted rebuttal of both SD and AB's complaints.

Re 8.25 re the flyer Re sentence two - it needs to be pointed out here that the imbalance was raised in the flyer because I was surprised that with so many active community-minded people in the parish it was noticeable that people did not wish to engage with the Parish Council to the extent that for many years seats have been filled by co-optees.

As part of the Code of Conduct it is a Councillor's duty to promote equality.

Issues in the Flyer were flagged as issues I was interested to explore and this was clearly stated in the flyer.

The issue of the flyer has been dealt with in earlier rebuttals.

Re 8.26 I do not fully understand the first two sentences in this paragraph.

For the sake of clarity and to avoid confusion, I wish to state that the blog is not offensive and it is not intended to be. (am not sure what you mean by adverse comments and why that is stated here).

The blog is not political - I do not belong to a political party or align myself with any particular group.

I refused to close the blog down and particularly when the request/demand was delivered with a threat. Unless Betley is an autocratic parish where only one point of view is allowed and where decisions are made by a small group

of people, and where any dissent is not permitted and/or disparaged, I had every right to refuse ?

I would regard the way in which the blog was received and treated by some Members of the Parish Council and the clerk would constitute control tactics ie bullying, in the attempt to silence a different view of events etc., and also an attempt to cancel the little autonomy I might have.

The blog is not the concern of the Parish Council but the fact that it has been made so tends to underline the comments made above.

Re 8.27 - 8.30 Bullying and Harassment/ Offensive

Re 8.28 - re 'but says' I think the Minutes and emails indicate that I was being both targeted and baited.

8.29 But the discourse could have been changed at any time but wasn't.

8.30 After 'written about her' would you please include 'regularly in the Minutes and stated at meetings which gave her the distinct impression of wishing to bring her name and standing within the community into disrepute. This was not only frustrating it was in her view, a disreputable act. She also regarded it to be very offensive'.

Re 8.31 - 8.32 Insulting and Harassment

RE 8.31 Could the second sentence in this paragraph be rephrased to read - 'AD-S stated that her corrections of the Minutes were not intended to insult, and that it was regrettable that any defence on her part was construed in this way. She found some of the comments made in meetings, which were not recorded, and the way in which some events were described, some erroneously, in the Minutes and emails, to be equally insulting, and could be interpreted by her and others as harassment.

Re 8.32 Can this paragraph please be rephrased to read: ' As stated above, ADS said that although it was regrettable, the Clerk was not the only person to experience stress.

The situation could have been reversed at any time since The Clerk was in control of the discourse via the Minutes and procedures of the Council and public statements.

AD-S also stated that she raised such concerns about other Councillors, too, regarding bullying, harassment, insulting behaviour and much more with the Monitoring Officer (DD) but she did not make a formal complaint on the grounds advised by the MO that it would be too costly for the NBC, it would be counter-productive and not advised for good working relations. I agreed with this.

Also, the Clerk was about to retire, and I felt he should go in peace. It is the Clerk and others who had submitted a Complaint.

Re 9 Considerations

I have assisted with this enquiry on the grounds that it was designed to be fair, and objective, and that decisions would be based on accurate and credible information, which does not rely assumption and without supporting evidence. The credibility of the adjudication, I am informed, relies on assessing the reliability and the credibility of each complainant and the motives of the complainant and the overall context. False That adjudicators should be vigilant in distinguishing between valid and invalid complaints to ensure that individuals are treated fairly - given that or spurious or false complaints can harm the reputation and the well-being of the individual being accused.

Re 9.1 -- 9.2 Agreed

Re 9.3 - 9.4 Agreed

Re 9.5 I find the use of the word 'armed' interesting. The blog was a source of information so that people could, hopefully make informed assessments. It was not used as an armament. It would say a lot about the mind-set of any person who might think it was.

Re 9.6 The Model Code of Conduct applies to all Councillors not just to me.

Re 9.7 This would also apply to everyone.

Re 9.7 I would query this assessment.

Given the content of some of the complaints made, I would say that this would also imply that such obligations apply to everyone covered by the guidance.

Attributing negative attributes to someone and to what they say can be ethically and socially unacceptable depending on the context and the intent behind such attributions.

Making negative characterisations or assumptions about someone's motives without evidence or a fair consideration is what seems to have led to the conflictual situation in which we find ourselves.

It is Members of the Council and the Clerk who have made these Complaints.

I have attempted in my corrections of the Minutes to focus on the content of what has been written or said.

I have not made a personal attack on the Clerk or anyone else.

I have attempted to address the text and arguments within it rather than attacking or attributing unfairly negative characteristics to the author or speaker.

It is my view that disagreements and different opinions are to be expected and accepted and discussed not shouted down, edited out or penalised or cancelled, and that constructive criticism would be more conducive to positive communication. assisting collaboration.

Not listening properly so that things are misunderstood, not being willing to consider different perspectives, and then attacking the bearer personally is disrespectful, and can be regarded as bullying and harassment.

In reading the complaints I have noted how my comments have been negatively construed and framed and seemingly in such a way in order to fit the rubric of breaking the Code of Conduct.

I regard that what AB and SD and SB and NB have said is based on their assumptions and feelings regarding my intent and purpose. This, in my view, is not evidence. Although I have asked (in an email to the Chair what the intent of this Council was, in relation to its behaviour and actions towards me, I did not receive a reply).

The Complainants have not attempted to want to know or to find out. I can see little attempt to alter what had become a toxic situation in Meetings, and for which appear to be being blamed.

Trying to correct errors in Minutes is not an example of character assassination etc..

Article 10 quoted here makes this distinction very clear.

Referring to scrutiny and asking pertinent questions as 'nitpicking' would in my view be a contravention of the Code, as would calling someone 'a piece of work' because they have an alternative view of a situation; as would shouting and insulting them.

Equally a group of people of longstanding and mutuality who vote the Minutes to be accurate or correct does not necessarily make them so. Repeating the same information in complaints, if it is incorrect does not make it correct by repetition.

I do not agree that my comments were sarcastic. Sarcasm, I am informed, is saying the opposite of what is meant with the intention of ridicule. I think the statements made were straightforward and clear and very direct, as were the questions and queries asked.

Thus I would not agree with this assessment of my behaviour.

Re 9.10 and 9.13 – Given what has been stated above, then I cannot agree with your assessments of the situation here either.

I would disagree with your view that my comments were directed at the Clerk. They were directed at the Minutes and/or procedures.

9.11/9.12 I would like evidence of my 'sarcastic underlying tone'.

Tone has been discussed in the above rebuttal and how words might be interpreted, usually subjective way, based on assumptions made (usually of the writer) than a fact.

I do not recall ever being disrespectful to the Clerk or Complainants at meetings. Often the reverse was so.

I have never disrespected the Clerk's commitment to this Parish Council or his length of tenure etc..

I have been surprised that his previous high standards appear to have become compromised by my appointment to the Parish Council in April/May 2022.

The terms 'much of his time and 'exceptional' are subjective adjectives - given that this exercise is about a fair assessment of the complaints.

It has been pointed out already, and in not correcting the Minutes when asked to do so it has been established that the Clerk is in charge of both the Agendas and the Minutes, having both power and control over them. If the Minutes cause upset,, acrimony or dissatisfaction amongst Members, he has the power to make any necessary alterations to resolve the situation.

This did not happen.

RE 9.13 - 9.13.6 All of these accusations repeated here I have explained and provided the emails which would place these comments into their context.

This information does not appear, to me, to have always been taken into account. This section therefore appears to me to be somewhat one-sided.

RE 19.14 and 9.15 I would agree with this guidance.

Re 9.16 - 9.17 - I query this information and assessment in 9.16.

Re 9.17 - It is unclear whose information and which emails. And given that the behaviour of the Complainants also caused me both stress even angst since many of the complaints were spurious in my view and according to available written evidence.

There was little or no attempt to change the situation by those who were able to do so.

Whilst the Guidance is clear re the impact of bullying, which I accept, it needs to be pointed out that I am also a recipient.

Re 9.17 I query the last two sentences in terms of what information I was given. The issues raised with me, and frequently, were the Clerk's time, and the emphasis appeared to be in proving me to be in the wrong.

Any contributions I made were not made to prove anyone right or wrong but to add to any discussion so that the right decisions were arrived at. I have already submitted the list of areas where these scenarios arose: the planning process, local and national policy consultations, licensing applications, to name but a few.

Re 9.18 - Some of my queries related to procedures that were either not in place or that, if they were, they were not being followed in consistent way.

If there was nothing to query or question, I would have no grounds for doing so.

Re 9.19 I have already provided a rebuttal of the point of the retirement deadline.

Re The issue of the past Minute request The issue about the FOI request arose mainly because the past Minutes had not been deposited in the County Record office - ever - so many were missing.

Had past Minutes also been uploaded onto the PC website established in 2012 the Clerk would not have been involved at all. My request for the Minutes inadvertently and certainly not intentionally as implied here, highlighted the above issues.

The Minutes were subsequently uploaded onto the PC website in 2022 and after I had made the request.

It is likely that this would have taken up some of the Clerk/s time as did the photocopying undertaken to make the Minutes available. Is this what the Clerk and Chair are referring to?

Had the Minutes been routinely deposited in the County Record Office all this would have been done as a matter of routine.

Accusing me for this situation would be very unfair, in my view. My request was not above and beyond what any member of the public might make. To claim that it was 'onerous' is a subjective view and not one supported by the facts or the circumstances of the matter which you have been provided with.

Equally I question your assessment that I 'coerced' and 'harassed' the Clerk with my questioning and that my expectations were 'unreasonable' to meet. I would also query your assessment re my comments. Some were strong but in the context in which they were made, they were not inappropriate. I would not have made them if they were.

Much has been stated about the Clerk's long experience, integrity etc..

Re 9.20 - 9.22 Agreed

Re 9.23 – 9.24 Given the discussion above and during interview re tone, I thus question the interpretation of the word ‘Hmmm!’ written in the flyer which has been claimed here to be sarcastic. It has also been assumed that it would lead o ‘reasonable members of the public to think that there was some agenda/deliberate mischievous behaviour at play’ and that the word demonstrated ‘a lack of respect.

That was certainly not my intention. I have seen no grounds to prove that this was the case.

I received several complimentary emails about the flyer from members of the Parish not just Wrinehill.

The term ‘Hmm’ to me would indicate a moment of contemplation of thought about the statement (and I think I indicated to you that this was my meaning to get those who might read the flyer to also think about it). To me it is a verbal representation of a sound made if someone is reflecting on something, on what was said, or someone expressing a degree of hesitation or curiosity.

If there was an ‘agenda’, as stated here, then it would be to get women to contemplate this statistic and perhaps decide to become a Parish Councillor to restore a balance.

This would differ markedly from the interpretation of the meaning, stated above.

Having been involved in the field of Equalities. I am aware that trying to achieve equality is quite different from actively doing so.

I have heard of several previous female Councillors, verbally and in past Minutes, that there were women on the Council who had left before their Term of Office had ended. One volunteered that she had left when ‘things got nasty’.

Nastiness is not alien to this Council and there have been several issues which have ended in formal investigations. I understand that a legal investigation is pending.

Thus I would not agree with the assessment here that I have brought, would bring or am bringing this Council into disrepute.

Re R.24 I would also refute the assertions made by AB, SD and R.B-S, given that they might have an agenda of their own. Not having seen their evidence then it would be difficult to judge.

Re 9.25 - Re the Blog - I would agree.

Re 10. Findings

Re 10.1 - 3

Re 10.1 The reasons without the rebuttals might challenge this view now that they have been submitted.

Having stated that you knew what you were going to say before all my evidence and response to the complaints had been received, suggested that this process might not be objective. I am not sure that I have received a full set of rules and instructions which govern this process.

Re 10.2 I did had genuine concerns about what was happening in this Council which I felt needed to be addressed. These concerns were expressed to the Monitoring Officer of the NBC (DD) after the first two or three meetings where it was clear that I was being targeted. Being told to 'Get Out' when I attended the first meeting and entered the room early, was not a good beginning and set the tone for future meetings.

In speaking and corresponding with the MO I was advised not to make a complaint since this would be too costly and probably counterproductive and that 98 per cent of parochial councils were sexist/misogynist. If this was the case then it was clearly up to me to resolve any issues which were becoming apparent. I had decided not to resign so I realised that if I was staying I would have to work with my fellow Councillor and that making a formal complaint would not be conducive to good working relations.

The statement in **10.2** should not be interpreted to mean that I did not make a complaint because I did not have a case.

I thought I would have a very strong case re some Councillors who had, in my view and according to the rules set down, clearly infringed the Code of Conduct. I was also aware that what I was witnessing seemed to be the *modus operandi* of this Parish Council, which had evolved over many years.

Re 10.3 suggests to me that things might have been different had I made the complaint. Having read the findings set out here it seems that the error on my part was not to complain and to leave a space for those who knew what my concerns were to mirror those complaints against me. This might suggest a concerted even joint effort.

In the second interview I was asked if I thought I was paranoid. I trust you asked everyone else involved in this inquiry the same question.

Such feelings can be engendered in others if bullying, harassment gaslighting, deceptive unpredictable behaviour distrust, alienation of that individual etc.

Re 10.3. I am not sure what is being suggested in this statement.

Conclusion

Your findings based on the work you have done on this issue, are of course your own. I am aware however, that you have been employed by the NBC to carry out this investigation.

I am also aware having spoken with other Councillors from elsewhere around the County and with Councillors (men and women) and Clerks who have led the Training I have undertaken over the past year and given the legislation and Guidance I have also read, that being a Clerk and a Councillor in the 21st Century is no easy task. I know this to be true.

Legislation and Guidance is not always clear or appropriate to the present age. It is always important therefore, and in my view, that public administration, however lowly, sets and maintains a high standard.

Some local authorities are more autocratic than others and will uphold the position of its Clerks and Councillors under any circumstance.

There are many Councillor groups who discuss their councils and Clerks and some of the stories are horrendous.

What is happening in Betley, Balterley and Wrinehill Parish Council is not an exception. These stories and the fact that I have sat on a previous Parish Council for eight years gives me a comparison.

I have attempted to ensure that this Council does not bring itself into disrepute which is why I have been insistent that the Minutes are both accurate, correct and contain true information and that the accounts are clear, and transparent. I made it clear from the start that I would not agree to anything that isn't.

The issues of the Minutes and Accounts are within the remit of the Clerk thus any concerns about them are directed to him.

It is regrettable that Member of this close knit Council have viewed this as bullying, harassing, as being disrespectful, and as an 'attack on the Clerk.

Whilst asking questions and seeking clarification might not be welcomed, I am doing my job as a Councillor. Although there are rules governing interactions, these rules can be interpreted differently as can be seen from the complaints and my rebuttals of the complaints.

Assumptions, views and feelings on issues are not evidence. Given that the scope of this report was to be simple but objective, this might be why, given the complains made and the evidence provided I have not found the finding to be particularly fair or objective.

Given the issues involved and the agency of those involved, neither is it simple.

I have recorded where I might disagree with both the findings and the complaints.

