

**COMPLAINT AGAINST PARISH COUNCILLOR RODERICK HUMPHRIES
(CHEVELEY PARISH COUNCIL)**

Committee: Finance and Governance Hearings Sub-Committee Panel

Date: 18 December 2012

Author: Deputy Monitoring Officer

[M187]

1.0 **ISSUE**

- 1.1 To receive the Investigating Officer's report SC12/05 & 08, and to hear the complaint against Councillor Roderick Humphries of Cheveley Parish Council. To consider this and any relevant representations by the parties at a Hearing, and deal with the matter in accordance with the outline recommendations detailed in paragraph 2 below.
- 1.2 Members shall in respect of the allegation determine the relevant facts and based on this reach a determination as to whether or not these amount to a breach of the Code of Conduct by Councillor Humphries.
- 1.3 In the event that Members determine that Councillor Humphries breached the Code of Conduct, they must consider and impose a sanction in accordance with "The Hearings Procedure for Finance & Governance Hearings Sub-Committee Panel", namely the Panel may decide to:
 - a. Take no action.
 - b. Recommend that the Councillor undertakes training and/or
 - c. Censure the Councillor, and/or
 - d. Recommend to the Parish Council that the Parish Councillor be subject to formal censure at a Parish meeting.
- 1.4 The Hearing is to be conducted in accordance with The Hearings Procedure for Finance & Governance Hearings Sub-Committee Panel.

2.0 **RECOMMENDATION(S)**

- 2.1 That the Hearings Sub-Committee Panel undertake the hearing of the complaint against Councillor Humphries and determine whether or not a breach of the Code of Conduct has occurred and, if such a breach occurred, what sanction is appropriate.
- 2.2 If relevant or appropriate make general recommendations to the District and/ or Parish Council, which they believe will promote and maintain high standards of conduct by Councillors or co-opted Councillors.
- 2.3 In all cases to give reasons for their decisions.

3.0 BACKGROUND/OPTIONS

- 3.1 An email complaint was received from Cllr Kathleen Sneller, a fellow Cheveley Parish Councillor, on 27 February 2012 regarding the alleged conduct of the then Chairman of Cheveley Parish Council, Councillor Roderick Humphries; a formal complaint form was received on 29 February 2012.

The allegations by Kathleen Sneller were as follows:

- 3.1.1 That following a request for clarification on Cheveley Parish Council's Financial Rules, regarding approval of tenders and a meeting, Cllr Humphries launched a personal attack against Cllr Sneller and another, in emails;
- 3.1.2 That Cllr Humphries is dictatorial and treats any form of questioning of his decisions or methods as complete insubordination and totally ignores the need for democratic discussion and debate;
- 3.1.3 Is aided and abetted by the Clerk;
- 3.1.4 Has been aggressive and intimidating since the Standards Investigation [for information SC09/11] into the meeting of 13 September 2011, which Cllr Sneller said she was notified of by Cllr Humphries.
- 3.2 At the time of the complaint, the relevant Code of Conduct that applied to Parish Councillors was the Model Code of Conduct for Parish and Town Councils¹. Cllr Sneller indicated that she believed that Cllr Humphries behaviour was in breach of the following paragraphs of the Model Code of Conduct for Parish and Town Councils 2007:
- 3.2.1 3 (1) You must treat others with respect **NB see 4.1 below**;
- 3.2.2 3 (2) (b) You must not bully any person; **NB this complaint was investigated and the Investigator found no case to answer.**
- 3.2.3 3 (2) (c) You must not intimidate or attempt to intimidate any person who is or is likely to be – (i) a complainant; (ii) a witness, or (iii) involved in the administration of any investigation or proceedings, in relation an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct); and **NB this complaint was investigated and the Investigator found no case to answer.**
- 3.2.4 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute. **NB this complaint was investigated and the Investigator found no case to answer.**

- 3.3 A complaint form was also received from Cllr Sheila Marvin, a fellow Cheveley Parish Councillor, on 6 March 2012 regarding the alleged conduct of the then Chairman of Cheveley Parish Council, Councillor Roderick Humphries.

3.4 The allegations made by Sheila Marvin were as follows:

- 3.4.1 That following a request for clarification on the Cheveley Parish Council's Financial Rules, regarding approval of tenders and a meeting, Cllr Humphries launched a personal attack against Cllr Marvin and Sneller, in emails.
- 3.4.2 That Cllr Humphries is dictatorial and he demonstrates aggressive behaviour towards any person who questions him.

¹ Local Authorities (Model Code of conduct) Order 2007 No 1159

- 3.4.3 The tone used by Cllr Humphries in his correspondence is insulting and derogatory, and designed to ridicule, belittle and undermine Cllr Marvin's credibility with other Councillors.
 - 3.4.4 He shows no respect for the views of other Councillors.
 - 3.4.5 He continues to try to threaten and bully Cllr Marvin into silence.
 - 3.4.6 Cllr Humphries has been aggressive and intimidating since the Standards Investigation [for information SC09/11] into the meeting of 13 September 2011 and is continuing harassment in an attempt to intimidate Cllr Marvin before the hearing that takes place on 27 March 2012.
 - 3.4.7 At the Parish Council meeting on 27 February 2012 Cllr Marvin and another were threatened by Cllr Humphries to be thrown out of the meeting after he alleged that they were attempting to 'disrupt' it.
- 3.5 Cllr Marvin indicated that she believed that Cllr Humphries behaviour was in breach of the following paragraphs of the Model Code of Conduct for Parish and Town Councils (note 3.2 above with regards to the applicable Code at the time of the complaint):
- 3.5.1 3 (1) You must treat others with respect **NB see 4.1 below**;
 - 3.5.2 3 (2) (b) You must not bully any person; **NB this complaint was investigated and the Investigator found no case to answer.**
 - 3.5.3 3 (2) (c) You must not intimidate or attempt to intimidate any person who is or is likely to be – (i) a complainant; (ii) a witness, or (iii) involved in the administration of any investigation or proceedings, in relation an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct). **NB this complaint was investigated and the Investigator found no case to answer.**
 - 3.5.4 Whilst not specifically indicated in the complaint there could be an apparent breach of paragraph 5 of the code of conduct - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute. **NB this complaint was investigated and the Investigator found no case to answer.**
- 3.6 In accordance with Standards Committee (England) Regulations 2008 (the applicable Regulations at the time of the complaint) the complaints were referred to the Standards Referrals Sub-Committee for consideration on 27 March 2012 and the Sub-Committee referred the matter to the Monitoring Officer for investigation. The Decision Notice for this Sub-Committee Hearing was served on 30 March 2012.
- 3.7 Mr Stephen Pearson, was instructed to undertake the Standards investigations on behalf of the Monitoring Officer. A final copy of the Standards report was received on 12 October 2012 and is enclosed with the Hearings Bundle.
- 4.0 INVESTIGATION REPORT
- 4.1 The Investigating Officer, Stephen Pearson found that there was **a case** to answer by Councillor Humphries in relation to breaches of paragraphs 3(1) and **no case** to answer in relation to paragraphs 3.2 (b), 3.2(c) and 5.
- 4.2 In accordance with East Cambridgeshire District Council Town and Parish Councillor Complaints Handling procedure, the Standards Investigation report was considered in consultation with the Deputy Independent Person, Mr Philip Taylor, and was referred to a stage 6 hearing before a Finance and Governance, Hearings Sub-Committee Panel for final determination.

The Hearing Process: The Panel will consist of 3 of the permanent District Members of the District Council. They will consider the matter in consultation with the Independent Person Philip Taylor. As this involves a Parish Councillor, the Panel will also act in consultation with a co-opted Parish Councillor (the Town or Parish Councillor Representative).

The following people have been invited to attend and their reported availability is as stated:

Councillor Roderick Humphries Subject member	TBC
Councillor Kathleen Sneller Complainant	TBC
Councillor Sheila Marvin Complainant	TBC
Mr Stephen Pearson Investigating Officer	Will be in attendance

- 4.3 All parties have provided written statements that are included within the Investigating Officer's report. When considering witness testimony, those present are reminded that where a witness is present their evidence can be tested by questioning by the Members, the Independent Person or the Town/ Parish Representative, Councillor Humphries or the Investigating Officer.
- 4.4 One party has confirmed their agreement to the matter proceeding by way of a paper hearing. However, in the absence of majority consent, this matter will be dealt with by the Hearings Sub-Committee Panel in public session.
- 4.5 All Members of the Finance and Governance, Hearings Sub-Committee Panel have a file of relevant documents relating to Standards Complaint matters (Terms of reference for the Sub-Committee/ The Model Code for Parish Councillors and relevant guidance on the Code of Conduct,) and all Members involved in the Hearings Sub-Committee Panel have been asked to bring this along to the Hearing. A copy of the Finance and Governance Hearing Sub-Committee Hearings Procedure (and appendices) was approved by the Finance & Governance Committee on 30 July 2012 and has been appended to the agenda. Members are expected to consider any relevant legislation and guidance detailed or as provided by the Legal Advisor to the Sub-Committee Panel when coming to their decision.
- 4.6 Note that the Panel has remit to consider and determine allegations relating to Town and Parish Councillors under the pre-existing regime, by virtue of Regulation 7(3)-(7) of The Localism Act (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012² and the Council's new approved decision making structure for such complaints. The Council is empowered to investigate and determine complaints relating to Town and Parish Councillors as from 1 July 2012, in accordance with the Council's approved procedure, by virtue of section 28(4), 28(6) and 28(9) of the Localism Act 2011.

² Made 6 June 2012

5.0 FINANCIAL IMPLICATIONS

5.1 The costs of the investigation reports and costs for Mr Pearson to attend the hearing and Officer time.

6.0 APPENDICES

6.1 All relevant papers are appended to the Agenda, and paginated.

Background Documents

Those listed in the Agenda,
together with those
documents listed in this report

Location

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