



DECISION NOTICE

East Cambridgeshire District Council Finance and Governance Hearing Sub-Committee Panel
The Localism Act (Commencement No. 6 And Transitional, Savings And Transitory
Provisions) Order 2012

Authority:
East Cambridgeshire District Council
Subject Member:
Councillor Roderick Humphries - Cheveley Parish Council
Complainants:
Cllr Sheila Marvin - Cheveley Parish Council Cllr Kathleen Sneller - Cheveley Parish Council
Finance and Governance Hearing Sub-Committee Panel Member who chaired the Hearing:
Cllr Derrick Beckett - District Council Member
Finance and Governance Hearing Sub-Committee Panel Members who took part in the Hearing:
Cllr Will Burton - District Council Member Cllr Tony Goodge - District Council Member Cllr Rosemary Aitchison - Parish Council Member (Soham Town Council) - as Consultee Mr Philip Taylor – Independent Person - as Consultee
Monitoring Officer:
Mrs Amanda Apcar, Deputy Monitoring Officer
Ethical Standards Officer who referred the matter (if applicable):
Not applicable
Local Investigator who investigated the matter (if applicable):
Mr Stephen Pearson, Partner at Freeth Cartwright LLP
Clerk of the Hearing or other administrative officer:
Mrs Melanie Sage, Democratic Services Officer
Case reference number from the principal authority and from the Standards Board for England, (if applicable):
SC12/05 and SC12/08
The date of the Hearing:
18 December 2012
The date of the report:
12 October 2012
Summary of the complaint:
Two separate complaints were received from Cllrs Sneller and Marvin relating to the conduct of Cheveley Parish Cllr Roderick Humphries, subsequent to the Cheveley Parish Council meeting on 13 February 2013. It is alleged by Cllr Sneller that: <ul style="list-style-type: none">▪ Following a request for clarification on Cheveley Parish Council's Financial Rules, regarding approval of tenders at a meeting, Cllr Humphries launched a personal attack via email correspondence against her and another;▪ 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;

- Is aided and abetted by the Clerk;
- Has been aggressive and intimidating since the Standards Investigation [for information Case Reference No. SC09/11] into the Cheveley Parish Council meeting of 13 September 2011.

It is alleged by Cllr Marvin that:

- Following a request for clarification on the Cheveley Parish Council's Financial Rules, regarding approval of tenders at a meeting, Cllr Humphries launched a personal attack via email correspondence against her and Cllr Sneller;
- Cllr Humphries is dictatorial and demonstrates aggressive behaviour towards any person who questions him;
- The tone used by Cllr Humphries in his correspondence is insulting and derogatory, and designed to ridicule, belittle and undermine her credibility with other Councillors.
- Cllr Humphries shows no respect for the views of other Councillors.
- Cllr Humphries continues to try to threaten and bully her into silence.
- Cllr Humphries has been aggressive and intimidating since the Standards Investigation [for information Case Reference SC09/11] into the meeting of Cheveley Parish Council on 13 September 2011, and is continuing harassment in an attempt to intimidate her before the Standards Referrals Sub-Committee that was scheduled on 27 March 2012.
- At the Cheveley Parish Council meeting on 27 February 2012, Cllr Humphries threatened to eject her and another from the meeting after Cllr Humphries alleged that they were attempting to 'disrupt' the meeting.

When the complaints were received, 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 (1) You must treat others with respect;
- 3 (2) (b) You must not bully any person;
- 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
- 5 You must not conduct yourself in a manner, which could reasonably be regarded as bringing your office or authority into disrepute.

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 2007:

- 3 (1) You must treat others with respect
- 3 (2) (b) You must not bully any person;
- 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).
- Although 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.

The relevant sections of the Code of Conduct:

- 3(1) - You must treat others with respect;

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



- 3 (2) (b) You must not bully any person;
- 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
- 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

A summary of the evidence considered and representations made:

The Investigation Officer’s Report which included the following witness statements and enclosures/comments of:

- Cllr Kathleen Sneller
- Cllr Sheila Marvin
- File note of conversation with Cllr Humphries.
- File note of conversation with Mrs D Marshall.
- File note of conversation with Mr Ian Dewar.

The Investigation Officer’s Appendices Bundle in support of the Report which included:

Attachment 1(a) - Parish Council Agendas of 13 February 2012 and 27 February 2012.

Attachment 1(b) - Minutes of Parish Council meeting of 13 February 2012.

Attachment 2(a) - Email from Cllr Marvin to Councillors dated 19 February 2012 at 10:57am.

Attachment 2(b) - Email from Cllr Humphries to Cllr Sneller and others dated 19 February 2012 at 17:06pm.

Attachment 3 - Email from Cllr Sneller to Cllr Humphries dated 19 February 2012 at 18:21pm.

Attachment 4(a) - Email from D Marshall to Parish Councillors dated 20 February 2012 at 10:54am.

Attachment 4(b) - Email from Cllr Humphries dated 20 February 2012 at 16:34pm.

Attachment 5 - Email from Cllr Marvin to Cllr Humphries and others dated 20 February 2012 at 18:38pm.

Attachment 6 - Email from Cllr Sneller to Cllr Humphries and others dated 21 February 2012 at 9:20am.

Attachment 7 - Email with accompanying note from Cllr Humphries to various Parish Cllrs dated 21 February 2012 at 20:42pm.

Attachment 8 - Email from Cllr Marvin to Cllrs dated 23 February 2012 at 13:05pm.

Attachment 9 - Email from Cllr Sneller to Cllrs dated 23 February 2012 at 18:14pm.

Attachment 10 – Original complaint under Code of Conduct of Cllr Marvin (ref SC12/08).

Attachment 11 – Original complaint under Code of Conduct of Cllr Sneller (ref SC12/05).

Additional documents tabled at the meeting:

- Code of Conduct that applied to Parish Councillors when complaints received - Model Code of Conduct for Parish and Town Councils
- Letter to Mr Stephen Pearson from Cllr Humphries dated 2 August 2012
- Letter to the Chief Executive, Mr John Hill from Cllr Humphries dated 13 December 2012



Presentation of 'Findings of Fact' in Investigating Officer's report by Mr Stephen Pearson.

Questions from Sub-Committee Panel Members, Deputy Monitoring Officer, Independent Person and Parish Council Member to Investigating Officer, Mr Stephen Pearson, and Complainants, Cllrs Sneller and Marvin.

Representations from Cllrs Sneller and Marvin.

The findings of fact, including the reasons for them:

In considering the complaints relating to the following paragraphs of the Code of Conduct:

- 3 (1) You must treat others with respect;
- 3 (2) (b) You must not bully any person;
- 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
- 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

The Finance and Governance Hearing Sub-Committee Panel found that a sequence of emails were sent between 19 February 2012 and 23 February 2012 by Members of Cheveley Parish Council that include the Complainants and the Subject Member, the then Chairman of Cheveley Parish Council.

The Finance and Governance Hearing Sub-Committee Panel found that the comments within those emails support allegations made by the Complainants, namely

- In the email of 20 February 2012 from Cllr Humphries to all Cheveley Parish Councillors, comments within the email on page 48 of the Investigating Officers Appendices Bundle, '*...a Councillor who seems incapable of desisting from seeking to conduct Council business by circular email. This preoccupation with abiding by defective procedures has to put one in mind of the old adage that commonsense is nowhere near as common as people would have one believe.*'; '*The motive for this and the personal agenda underlying this action can only be a matter of speculation. What is not speculative is that it is a continuing source of troublemaking*'; '*...leave Council open to challenge by those with a personal agenda.*'; '*...which is being exploited by those with a personal agenda.*' and '*The Council cannot function realistically with what amounts to "fifth column" operating.*'
- In the email of 21 February 2012, from Cllr Humphries to all Cheveley Parish Councillors, on pages 52 - 54 of the Investigating Officers Appendices Bundle, comments within the email in response to a logical proposed solution to the problems by the Complainants '*...improper circular emails from Sheila Marvin and Kath Sneller are grossly misleading*'; '*Let us examine Sheila's final statements which are grossly misleading*'; '*... modified by people who display little grasp of the implications of their actions.*'; '*It would help if attention was paid to what is said at Council meetings.*'; '*...preoccupied with slavish adherence to defective regulations...*'; '*The final paragraph of Sheila's email is a nonsense which fails to take account of the provisions of the defective documents to which she attaches such importance. Her grasp of commercial practice and the statutory requirements for public bodies is tenuous to say the least. We do not have time to waste dealing with this persistent troublemaking which detracts from the time available to respond positively to the wishes of the community, the extent of which can be gauged from the minutes of the CPWG on the website. The foregoing may however help with understanding the limits of Sheila's knowledge. Kath may continue her regular refrain about maligning Councillors and previous administrations as much as she wishes. It does not alter the fact the Council*



is saddled with seriously defective procedures, which at the very least could invalidate the insurance cover of the Council and prospectively bring financial jeopardy to individual Councillors. Her perception that this is a relatively simple matter serves only to point up her lack of understanding of the procedures she seeks to espouse and their convoluted and contradictory implications. It also puts one in mind of the quotation from Oscar Wilde – the truth is rarely pure and never simple. Equally Kath's assertion in her email of 19 February that the Council's current Financial Regulations are perfectly legal speaks of a limited grasp of the law. How it can be perfectly legal to have a provision which obliges the Council to act in a manner which exposes the Council to damages.'

- Also in the letter dated 2 August 2012 brought to our attention by the Investigating Officer we consider comments on pages 4, 7 and 11 respectively *'If she and Mrs Sneller paid more attention to the business being discussed at Council meetings instead of repeatedly chatting between themselves they would be better informed'; 'Perhaps they see no need to allow the Council's deliberations to be disrupted by endless nit-picking' and '... with yet more mendacious allegations ...'.*

The finding as to whether the member failed to follow the Code of Conduct and reasons for the finding:

3 (1) You must treat others with respect;

Finding: Breach

Reasons: The Panel carefully considered all the evidence and submission made on the supporting evidence. The Panel concluded that the comments in the (above) emails/letter support the Complainants. All of the above constituted a lack of respect towards the Complainants and supported the allegations that the Subject Member did not treat others with respect and it was therefore concluded that Cllr Humphries was in breach of Paragraph 3 (1) - You must treat others with respect of the model code of conduct.

3 (2) (b) You must not bully any person;

Finding: Breach

Reasons: The Panel carefully considered all the evidence and submission made on the supporting evidence. The Panel concluded that the comments fully referenced above and referring to the Standards for England Guidance on the definition of bullying, there is evidence that on more than one occasion there has been bullying which is further supported by the comments on page 55 of the Investigating Officers Appendices Bundle, *'Finally I would yet again caution those Councillors who persist in email discussions to cease this activity immediately as it (in effect) disenfranchises the public. Such Councillors are refusing to accept not only the advice from the Clerk, the CEO of CAPALC and myself, but also the specific advice of the Monitoring Officer. If their practice continues I will be left with no alternative but to add a motion to a future agenda for the Council to consider what action to take in respect of Councillors who persistently pursue such improper activities to further their own agenda vested interests at the expense of wasting valuable time of other Councillors while constantly seeking to undermine the Clerk and those bodies such as CAPALC and NALC which are the competent authorities to advise the Council.'*, which constitutes an intimidating statement and support the allegation that Cllr Humphries acted in manner that amounted to bullying of the Complainants. Therefore under Paragraph 3 (2) (b) a breach was found.

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);

Finding: No Breach

Reasons: The Panel carefully considered all the evidence and submission made and the supporting evidence and concluded that there is no evidence of an attempt to intimidate a witness involved in a Hearing.

5 You must not conduct yourself in a manner, which could reasonably be regarded as bringing your office or authority into disrepute.

Finding: Breach

Reasons: The Panel carefully considered all the evidence and submission made on the supporting evidence. In considering the issue of disrepute the Sub-Committee Panel Members, Independent Person and Parish Council Member noted the Investigating Officer's concern that the Council is not particularly at the centre of local affairs and is not routinely attended by the press. However, the Finance and Governance Hearings Sub-Committee Panel considered that Cllr Humphries has breached the Model Code of Conduct by treating others with disrespect; bullying Members of the Parish Council; and not abiding by properly constituted standing orders, as shown in the emails referred to. He has therefore brought his 'office into disrepute'.

The sanctions imposed, if any, including the reasons for any sanctions:

Sanction:

In light of the breaches of the Code of Conduct, the Finance and Governance Hearings Sub-Committee Panel considers that the following sanctions should be applied:

- That Cllr Humphries attends standards training to enable Cllr Humphries to address the issues identified in order to promote high standards in public life. The training should include chairmanship and respectful and assertive behaviour. The training should be undertaken within the next 6 months.
- Formal censure at a Cheveley Parish Council meeting;

Reasons: Cllr Humphries behaviour has brought the Parish Council into disrepute, Cllr Humphries has bullied Members of the Council and he has treated people with disrespect.

Right of appeal: the Subject Member has the right to appeal against this decision by applying in writing to the President of the First Tier Tribunal for permission to appeal / suspension of any sanctions imposed until any appeal is determined, within 28 days of receipt of the notice of the Finance and Governance Hearing Sub-Committee Panel findings.