



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Finance and Governance Hearings  
Sub-Committee Panel held in the Council Chamber,  
The Grange, Nutholt Lane, Ely on Tuesday 18 December 2012  
at 10am

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### **PRESENT**

Cllr Derrick Beckett - District Council Member (Chairman)  
Cllr Will Burton - District Council Member  
Cllr Tony Goodge - District Council Member  
Cllr Rosemary Aitchison – Town Council Representative  
(Soham Town Council)  
Mr Philip Taylor – Independent Person

Subject Member - Cllr Roderick Humphries - Cheveley Parish  
Council (attended for only part of the meeting)

Complainant - Cllr Sheila Marvin - Cheveley Parish Council  
Complainant - Cllr Kathleen Sneller - Cheveley Parish Council

### **OFFICERS**

Amanda Apcar - Deputy Monitoring Officer and Legal Advisor  
Stephen Pearson, Partner at Freeth Cartwright LLP -  
Investigating Officer  
Melanie Sage - Democratic Services Officer

### **ALSO IN ATTENDANCE**

Mrs D Marshall - Cheveley Parish Council Clerk (attended for  
only part of the meeting)  
1 member of the press (Newmarket Journal)

#### 1. **ELECTION OF CHAIRMAN**

Cllr Derrick Beckett was nominated and duly seconded. There being  
no other nominations.

It was resolved:

That Cllr Derrick Beckett be elected as Chairman of the Finance and  
Governance Hearings Sub-Committee Panel for the duration of the  
Hearing.

#### 2. **DECLARATIONS OF INTEREST**

Mr Taylor stated that he had encountered Cllr Humphries a few months  
previously at an ACRE oil purchasing scheme meeting.

There were no other interests declared.

3. **INTRODUCTIONS**

The Chairman welcomed everyone to the meeting and introduced the Sub-Committee Panel Members; Amanda Apcar, Deputy Monitoring Officer and Legal Advisor to the Hearings Sub-Committee Panel; Melanie Sage, Democratic Services Officer and Mr Stephen Pearson, the Investigating Officer. The Chairman invited those seated in the public gallery to introduce themselves - the two Complainants Cllrs Marvin and Sneller as well as Mr Lloyd Vaughan from the Newmarket Journal.

4. **SETTING THE SCENE/SUMMARY OF COMPLAINT**

The Chairman enquired whether any apologies for absence had been received for the meeting. Mrs Apcar explained that although there had not been any apologies for absence, the Subject Member, Cllr Humphries, had sent an email at 5pm the night before stating that he would not be able to attend the Hearing until 2pm.

The Chairman enquired when Cllr Humphries had been informed of the date of the Hearing. Mrs Apcar explained that she had sent Cllr Humphries a letter dated 23 November 2012 that informed him of the date and time of the Hearing and Cllr Humphries had also been sent an agenda which also provided this information. The agenda was dispatched in accordance with the access to information procedure rules, 5 clear working days before the meeting. Mrs Apcar also noted that in a letter from Cllr Humphries dated 13 December 2012 he had confirmed that both the Clerk of Cheveley Parish Council and himself would be in attendance at the Hearing.

With the Chairman's permission, Cllr Sneller stated that she had given consent for the Hearing to be conducted as a 'paper hearing'. However, she had felt that she should be in attendance at the meeting as she did not want to waste the Panel's time. Mrs Apcar explained that as Cllr Humphries had indicated that he would be in attendance at the Hearing it was not possible to conduct the Hearing as a 'paper hearing' as both the Complainants and the Subject Member had to agree to this.

*At 10.07am the meeting was adjourned for the Hearings Sub-Committee Panel Members, Independent Person and Town Council Representative to determine whether to continue with the Hearing in the absence of the Complainant.*

*The Hearings Sub-Committee Panel resumed at 10.10am.*

The Chairman announced that the Hearings Sub-Committee Panel Members had resolved to continue with the meeting; the reason for their decision was that Cllr Humphries had previously notified that he would be in attendance at the Hearing and he had only very recently emailed to say that he was now unable to attend.

At the invitation of the Chairman Mrs Apcar presented her report regarding the complaint against Cllr Roderick Humphries of Cheveley Parish Council. Mrs Apcar explained that:

- The meeting of the Finance and Governance Hearings Sub-Committee Panel was required to receive the Investigating Officer's report regarding complaint numbers SC12/05 and SC12/08, and to hear the complaint against Cllr Humphries of Cheveley Parish Council. The Finance and Governance Hearings Sub-Committee Panel was also required to consider representations at the Hearing, and deal with the matter in accordance with the recommendations detailed in paragraph 2 of the officer's report.
- The Finance and Governance Hearings Sub-Committee Panel should determine the relevant facts and based on this, reach a determination as to whether or not there had been a breach of the Code of Conduct by Cllr Humphries.
- In the event that Members determined that Cllr Humphries had breached the Code of Conduct, they should consider and impose a sanction in accordance with 'The Hearings Procedure for Finance and Governance Hearings Sub-Committee Panel'. The Panel could decide to: take no action; recommend that the Councillor undertakes training and/or; censure the Councillor, and/or; recommend to the Parish Council that the Parish Councillor be subject to formal censure at a Parish meeting.
- An email of complaint was received from Cllr Sneller, a fellow Cheveley Parish Councillor, on 27 February 2012 regarding the alleged conduct of the former Chairman of Cheveley Parish Council, Cllr Roderick Humphries
- The allegations by Cllr Sneller were as follows:
  - 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, via emails;
  - 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;
  - Is aided and abetted by the Clerk;
  - Has been aggressive and intimidating since the Standards Investigation [for information SC09/11] into the meeting of 13 September 2011.
- 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 Councils<sup>1</sup>
- Cllr Sneller indicated that she believed that Cllr Humphries behaviour had breached 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,

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<sup>1</sup> Local Authorities (Model Code of conduct) Order 2007 No 1159

- 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 separate complaint form was also received from Cllr Marvin, a fellow Cheveley Parish Councillor, on 6 March 2012 regarding the alleged conduct of the former Chairman of Cheveley Parish Council, Cllr Humphries.
- The allegations made by Cllr Marvin were as follows:
  - 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, via emails;
  - That Cllr Humphries is dictatorial and he 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;
  - He shows no respect for the views of other Councillors;
  - He continues to try to threaten and bully her into silence;
  - Cllr Humphries has been aggressive and intimidating since the Standards Investigation [for information SC09/11] into the meeting of 13 September 2011 and he continued harassment in an attempt to intimidate her before the Hearing on 27 March 2012;
  - 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.
- 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:
  - 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);
  - 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.
- 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.

- Mr Stephen Pearson was instructed to undertake the Standards investigation on behalf of the Monitoring Officer. A final copy of the Standards report was received on 12 October 2012 and was enclosed with the Hearings Bundle.
- The Investigating Officer found that there was a case to answer in relation to a breach of paragraph 3(1) and no case to answer in relation to paragraphs 3.2 (b), 3.2(c) and 5.
- In accordance with the 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 following people were invited to attend the Hearing; Cllr Humphries - Subject Member; Cllr Sneller – Complainant; Cllr Marvin – Complainant and Mr Pearson - Investigating Officer. The Hearings Sub-Committee Panel had already considered the non-attendance of the Cllr Humphries at the meeting.
- All parties had provided written statements that were included within the Investigating Officer's report. When considering witness testimony, those present were reminded that where a witness was present their evidence could be tested through questioning by the Members, the Independent Person or the Town/Parish Representative, Subject Member or the Investigating Officer.
- At the time of the deadline of 23 November 2012, one party had confirmed their agreement to the matter proceeding by way of a paper hearing. Therefore in the absence of majority consent, this matter had to be considered by way of a formal meeting.
- The Finance and Governance Hearings Sub-Committee Panel's remit was 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 2012<sup>2</sup> 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.
- The Finance and Governance Hearings Sub-Committee Panel was required to undertake the Hearing of the complaint against Cllr Humphries and to determine whether or not a breach of the Code of Conduct had occurred and, if such a breach had occurred, what sanction was appropriate.
- If relevant or appropriate the Finance and Governance Hearings Sub-Committee Panel was required to make general recommendations to the District and/or Parish Council, which they believed would promote and maintain high standards of conduct by Councillors or co-opted Councillors.

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<sup>2</sup> Made 6 June 2012

- In all cases the Finance and Governance Hearings Sub-Committee Panel were required to give reasons for their decisions.

At the conclusion of the officer's presentation, the Chairman noted that Cllr Aitchison, Town Council Member and Mr Taylor, Independent Person, were in attendance in an advisory capacity and ultimately it was the three District Councillors on the Panel that would determine whether Cllr Humphries had breached the Code of Conduct.

5. **FINDINGS OF FACT & DID THE MEMBER FAIL TO FOLLOW THE CODE OF CONDUCT**

The Chairman invited the Investigating Officer to address the Sub-Committee. Mr Pearson explained that his report considered both complaint numbers SC12/05 and SC12/08 as the facts were in the main identical, as they related to the Cheveley Parish Council meeting on 13 February 2012 and the subsequent chain of email correspondence that both Complainants were closely involved with either as senders or as recipients. Mr Pearson introduced and summarised the content of his report regarding these complaints against Cllr Humphries of Cheveley Parish Council.

Mr Pearson explained that he had spoken at length with both Complainants and had spoken briefly on the telephone with the Cheveley Parish Clerk, Mr Ian Dewar and Cllr Humphries. Mr Pearson noted that he had been willing to conduct a personal interview with Cllr Humphries. However, Cllr Humphries had said that it would be difficult to meet as he was going to Spain for several weeks. Mr Pearson noted that during the telephone conversation Cllr Humphries did not directly answer his questions. However, following the deadline for submission of comments to the Investigating Officer's report, Cllr Humphries had submitted additional notes in the form of a 13 page letter dated 2 August 2012. This letter was tabled at the meeting.

The Investigating Officer's findings were as follows:

- 3 (1) You must treat others with respect – Cllr Humphries breached this paragraph of the Code of Conduct as he failed to treat both Cllrs Sneller and Marvin with respect.
- 3 (2) (b) You must not bully any person - No case to answer.
- 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) - No case to answer.
- 5 - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute - No case to answer.

Mr Pearson noted that it had been suggested that the complaints amounted to bullying, intimidation of witnesses and behaviour that could bring either the office or the Authority itself into disrepute. The disrepute issue was difficult with a small Parish Council which was not particularly at the centre of local affairs and was not routinely attended by the press or large numbers of

the public. Although, it was suggested that the behaviour of the Chairman had discouraged potential new members of the Parish Council it was the view of the Investigating Officer that the issue with regard to paragraph 3.2(c) of the Code of Conduct was only relevant in a situation where somebody was in some way being discouraged from taking part within the code of conduct complaint process, which there was no evidence within the complaints.

The Investigating Officer noted that the more difficult question related to the allegation of bullying. Bullying was generally based upon a course of action (guidance from the (now abolished) Standards Board for England). Although the Investigating Officer was troubled by the thinly veiled threat made by Cllr Humphries in his email of 21 February 2012 to take further steps against certain Councillors, within the context of the complaint and indications that his behaviour has been inappropriate in the past, it was the opinion of the Investigating Officer that there was not sufficient evidence to make a finding that Cllr Humphries bullied the other members concerned who in his opinion were strong minded individuals that were able to stand up to Cllr Humphries' behaviour.

Therefore the Investigating Officer stated that he concluded that there was only a case to answer in respect of Paragraph 3 (1) of the Code of Conduct.

The Investigating Officer noted that much information was contained within the Attachments that supported his report and he specifically referred to the following:

- Attachment 1.a – Page 36 – Agenda Item Numbers 7.7 and 7.8 – related to the initial cause of concern and subsequent catalyst for the complaints.
- Attachment 1.b – Page 42 – Minute Numbers 7.7, 7.8 and 9.2
- Attachment 2.a – Page 44 – Regarding a reasonable request for information. Email from Cllr Marvin to all Councillors regarding the process of opening tenders as per the Financial Regulations with the Cheveley Parish Council Standing Orders. The Clerk subsequently confirmed the process quoted within the email as correct.
- Attachment 2.b – Page 45 – Email from Cllr Humphries to two Councillors. In response to a question from the Chairman, the Investigating Officer confirmed that the two Parish Councillors that had volunteered to open tenders with Cllr Humphries was Cllrs Sneller and Kirk.
- Attachment 3 – Page 46 – Emails from Cllr Sneller to Clerk. The Investigating Officer noted that although the Standing Orders may have been out of date, they were the relevant applicable rules at the time.
- Attachment 4.a – Page 47 – Email from Clerk to all Councillors. The Investigating Officer speculated, due to the style in which the email was written, whether the email was actually written by the Clerk or whether Cllr Humphries had assisted. The Investigating Officer was unsure as to the logic of some of the comments and when he had questioned the Clerk on these points the Clerk would not comment.

- Attachment 4.b – Page 48 – Email from Cllr Humphries to all Councillors. The Investigating Officer noted that this provided the first examples of disrespectful behaviour. A Councillor was right to challenge if they did not believe the proper course of action was being followed. When the Investigating Officer had spoken to Mr Dewar, County Executive of CAPALC he had confirmed that the Standing Orders were out of date. However, he felt that to state that dealing with quotes with defective standing orders would expose the Council to significant risk was exaggerated.
- Attachment 6 – Email from Cllr Sneller to all Councillors. The Investigating Officer noted that this demonstrated an increase in the tone used.
- Attachment 7 – Pages 52-55 - Email from Cllr Humphries to all Councillors. The Investigating Officer noted various points throughout the email that were negative and insulting.

Subsequently the Investigating Officer also referred to various statements/comments contained within the 13-page letter on pages 4, 8 and 12, dated 2 August 2012 from Cllr Humphries.

The Investigating Officer explained that anyone was allowed to explain their views in a democratic manner and that Members worked for the benefit of the Council. The various terms used throughout the correspondence were insulting and inappropriate and for these reasons the Investigating Officer had resolved that there was a case to answer in respect of paragraph 3 (1) of the Code of Conduct.

At the conclusion of the Investigating Officer's presentation the Sub-Committee Panel Members were provided with an opportunity to ask questions of the Investigating Officer.

Cllr Burton enquired whether Cllr Humphries had been obstructive when the Investigating Officer had spoken to him. The Investigating Officer explained that he had attempted to meet with Cllr Humphries face-to-face. However, Cllr Humphries had said that it would be difficult to meet as he was going to Spain for 2 months. Cllr Humphries had then submitted comments on the Investigating Officer's report after the deadline as he had injured his hand.

Mr Taylor noted that the Investigating Officer had concluded that there was no case to answer in respect of Paragraph 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). However, Mr Taylor noted that within Appendices Bundle there were some examples that could constitute intimidation, for instance where Cllr Humphries had stated that a motion would be added to a future agenda for the Council to consider what action to take in respect of the Councillors.

The Investigating Officer agreed that at times the tone and content of the dialogue from Cllr Humphries had been unpleasant. However, the Investigating Officer did not agree that this had been used to intimidate or



scare a witness and that it was only relevant in a situation where somebody is in some way being discouraged from taking part within the code of conduct complaint process.

Mr Taylor noted that there was also further evidence of bullying. The Investigating Officer agreed that it was a close call as to whether there had been a breach of Paragraph 3 (2) (b) - You must not bully any person. The Investigating Officer referred the Sub-Committee Panel to page 11 of his report and re-iterated that bullying is generally based upon a course of action (as per the guidance from the now abolished Standards Board for England). Although the Investigating Officer was troubled by the threat made by Cllr Humphries in his email of 21 February 2012 to take further steps against certain Councillors, within the context of this complaint and indications that his behaviour had been inappropriate in the past, the Investigating Officer did not think that there was sufficient evidence to make a finding that Cllr Humphries had bullied the members concerned. The Investigating Officer further noted that the complaint related to one incident that was over a few weeks and that if people 'give as good as they get' they are less likely to be bullied.

Mr Taylor noted that Cllr Humphries 'increased the anti' in his email of 21 February 2012 by stating that a motion would be added to a future agenda for the Council to consider what action to take in respect of the Councillors. The Investigating Officer agreed that it was close to, but did not cross the line.

In response to a question by the Chairman regarding clarification of the email correspondence, the Investigating Officer referred to the Appendices Bundle and explained that page 45 was an email sent from Cllr Humphries to the Clerk and the two Parish Councillors that had volunteered to open tenders with Cllr Humphries - Cllrs Sneller and Kirk. Subsequently Cllr Humphries sent a further email, as per page 48 the Appendices Bundle, to all Cheveley Parish Councillors, which contained some of the most damning comments.

The Chairman provided the two complainants, Cllrs Sneller and Marvin, with the opportunity to ask questions or to make a statement.

A summary of the statement made by Cllr Marvin is as follows:

- Thanked the Investigating Officer and Panel Members for their time, particularly as she felt that the Hearing could have been conducted as a paper Hearing, considering all of the evidence was paper.
- Referring to the comments of Mr Taylor where he considered there to be evidence of intimidation via the statement made by Cllr Humphries that he would propose a motion, Cllr Marvin noted that the Paragraph of the Code of Conduct was relevant, as Cllr Humphries had sent the email shortly before a separate Standards Hearing Sub-Committee meeting to consider a complaint against him where she was to be a witness.
- Cllr Marvin had experienced Cllr Humphries for the last 1½ years and that he was very painful to deal with. Cllr Marvin stated that the email from Cllr Humphries could have been an attempt to intimidate her.

- The Investigating Officer had used stringent guidelines to determine bullying.
- Referring to page 61 of the Appendices Bundle, Cllr Marvin noted that when submitting her complaint she had originally requested that her details be anonymous, as she knew what would happen if her details were released.
- Cllr Marvin feared that the situation would become worse via email correspondence and at Parish Council meetings.
- Requested that the Panel Members consider this information when they retired to deliberate.

In response to a question by the Chairman, Cllr Marvin stated that she had been a witness at a Standards Hearing Sub-Committee meeting to consider a complaint against Cllr Humphries on 29 March 2012. Cllr Humphries had sent the email in February when it was already known that she was to be a witness at this Hearing.

Mrs Apcar reminded the Panel Members that the matter for consideration related to the meeting of Cheveley Parish Council on 13 February 2012 and the subsequent chain of emails, not the Hearing of 29 March 2012. Cllr Marvin acknowledged this, but reiterated that it was a well-known fact that she would be a witness at the Standards Hearing Sub-Committee meeting on 29 March 2012.

In response to a question by Mr Taylor, Mrs Apcar confirmed that it was procedurally correct for it to have been known that Cllr Marvin had been called as a witness at a Standards Hearing Sub-Committee meeting on 29 March 2012.

A summary of the statement made by Cllr Sneller is as follows:

- Apologised that this meeting had been required, as it was likely to take longer than if it had been conducted as a paper Hearing.
- Had not wanted to be in the same room as Cllr Humphries and to be subjected to further abuse from him.
- Was disappointed that the Investigating Officer had found that there was no case to answer in respect of Paragraph 3 (2) (b) - You must not bully any person.
- The Investigating Officer had not considered previous complaints. In order to prove a sustained pattern of bullying behaviour it was necessary to consider previous evidence and complaints.

Mrs Apcar explained that all evidence should have been provided with the complaint and that the Investigating Officer was not required to request further supporting evidence.

Cllr Sneller referred to the 13 page letter that Cllr Humphries had subsequently submitted and noted that neither Cllr Marvin or herself had been provided with an opportunity to submit further documentation.

Mr Taylor noted that the Panel had received late submissions from Cllr Humphries (in the form of a letter dated 13 December 2012 to the Chief Executive, John Hill, and a letter dated 2 August 2012 to the Investigating

Officer, Mr Pearson) and enquired why the complainants could not submit additional information. Mrs Apcar explained that the letters had not been used as evidence but provided the Subject Member's response to the Investigating Officer's report. It was noted that the comments within the letters reaffirmed the findings of the Investigating Officer.

Cllr Sneller stated that they had not been provided with an opportunity to read the letter, that there was a sustained pattern of behaviour by Cllr Humphries who maligned both Cllr Sneller and herself as troublemakers. Mrs Apcar explained that the Panel would consider the comments of Cllrs Sneller and Marvin when they retired.

Cllr Sneller stated that Mr Taylor was correct in his assumption that Cllr Humphries 'increased the anti' in his email of 21 February 2012 and that there was evidence of bullying and intimidation. Cllr Sneller stated that Cllr Humphries escalated and exaggerated any minor or procedural issue. Cllr Sneller noted that Cllr Marvin and herself researched matters and attended training, particularly as they were not qualified in Council business, and often met before meetings to share information.

Cllr Sneller stated that Cllr Humphries continually maligned both Cllr Marvin and herself and that other Cheveley Parish Councillors appeared to be too scared to challenge him, probably because they did not want to receive the same treatment. Cllr Sneller stated that further evidence could be provided and that previous complaints provided evidence of bullying.

Cllr Sneller referred to page 27 of the Investigating Officers report as follows '*RH declared a supposed prejudicial interest due to (allegedly) having paid the contractor himself due to a delay in the Parish Council approving payments and was absent from this part of the meeting.*' Cllr Sneller wondered why Cllr Humphries had volunteered himself to sit on the Panel to open up the tenders if he considered himself to have a prejudicial interest. Cllr Sneller stated that he should have declared this at the meeting on 13 February 2012, particularly as he was prone to quoting procedure at everyone else.

Cllr Sneller stated that the ordeal that she was experiencing had resulted in her being close to resigning as a Parish Councillor.

In response to a question by Cllr Goodge, Cllr Sneller explained that she represented Cheveley North Ward and was the only Cheveley Parish Councillor that resided in the North Ward. Cllr Sneller further explained that within the previous Cheveley Parish Council Standing Orders, for the Parish Meeting to be quorate, there had to be a representative from Cheveley North Ward in attendance. At a previous meeting that Cllr Sneller was unable to attend, because she was the only Cheveley North Ward Member at the time, Cllr Humphries decided to switch from representing the South Ward to the North Ward, which was not procedurally correct.

Cllr Goodge enquired whether Cllr Sneller had ever used the fact that she was the only Cheveley North Ward Member at the time, to make the Parish Meeting inquorate. Cllr Sneller stated that until that particular meeting she had 100% attendance rate. Cllr Sneller explained that she had been

taken ill at the last minute and had not got any mobile telephone numbers to contact anyone to inform them that she was unable to attend. Cllr Sneller had therefore only been able to email. Cllr Sneller explained that as a result of her not attending the meeting and Cllr Humphries electing to switch wards, he was subsequently pursued for a breach of the Code of Conduct. Cllr Sneller explained that since this incident Cllr Humphries has apportioned the blame to her and she had received a sustained pattern of behaviour from him.

The Chairman referred to pages 93 and 94 of the Investigating Officer's Appendices Bundle and enquired whether Cllr Sneller had obtained permission to include the quotes included. Cllr Sneller explained that she had not asked the Councillors permission. However, she could provide a copy of the full emails if she did get their permission. The Chairman explained that if these had of been attached to the complaint then the Panel could have considered them.

*The Finance and Governance Hearings Sub-Committee Panel Meeting adjourned at 11.20am to enable the Panel Members, Independent Person, Town Council Representative accompanied by the Legal Advisor, to retire to consider all the documentary and witness evidence and decide what the relevant facts were, followed by whether the Councillor failed to follow the Code of Conduct and reasons for the decision. The Panel would seek the views of the Independent Person and Town Council Representative, and take these into account when reaching its decision.*

*At 1.48pm the Legal Advisor returned to the Council Chamber, at the request of the Investigating Officer. Both the Legal Advisor and Investigating Officer left the Council Chamber and the Investigating Officer returned to the Council Chamber at 1.50pm.*

*Shortly before the Finance and Governance Hearings Sub-Committee Panel Meeting resumed, both the Subject Member, Cllr Humphries, and the Cheveley Parish Clerk entered the Council Chamber.*

*It was explained to both the Subject Member and Cheveley Parish Clerk that the Finance and Governance Hearings Sub-Committee Panel had retired to deliberate following which the Subject Member left the Council Chamber and did not return to the meeting.*

*The Finance and Governance Hearings Sub-Committee Panel Meeting resumed at 2.25pm.*

The Chairman announced that 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 included 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 supported 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 Chairman announced that the Finance and Governance Hearing Sub-Committee Panel had made the following findings as to whether the Subject Member had failed to follow the Code of Conduct and its reasons for the findings:

**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 supported 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 Chairman invited the Investigating Officer to make any representations as to whether or not the Panel should impose a sanction and what form any sanction should take.

The Investigating Officer explained that the sanctions available to the Finance and Governance Hearing Sub-Committee Panel within the current regime were limited and therefore he suggested that censure was the most appropriate form of sanction.

*Subsequently the Finance and Governance Hearings Sub-Committee Panel Meeting adjourned at 2.34pm to enable the Panel Members, Independent Person, Town*

*Council Representative accompanied by the Legal Advisor to retire to consider whether or not to impose a sanction on the Subject Member and, if so, what the sanction should be and the reasons for the decision. The Panel would seek the views of the Independent Person and Town Council Representative, and take these into account when reaching its decision. The Panel could also consider and make general recommendations to the District, Town or Parish Council, which they believe will promote and maintain high standards of conduct by Councillors or co-opted Councillors.*

*Whilst the Finance and Governance Hearings Sub-Committee Panel Meeting was adjourned the Cheveley Parish Clerk left the Council Chamber and did not return to the meeting.*

*The Finance and Governance Hearings Sub-Committee Panel Meeting resumed at 3.09pm.*

The Chairman explained that in light of the breaches of the Code of Conduct, the Finance and Governance Hearings Sub-Committee Panel considered 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.

The meeting concluded at 3.10pm