

East Hampshire District Council  
Penns Place, Petersfield  
Hampshire, GU31 4EX

*Chief Executive: Sandy Hopkins*

EAST HAMPSHIRE DISTRICT COUNCIL

Minutes of the **STANDARDS COMMITTEE CONSIDERATION AND HEARING SUB-COMMITTEE** meeting held on Friday 18<sup>th</sup> June 2010 at 2pm in the Council Chamber, Penns Place, and Petersfield.

Present:

Mr R Venables, (Chairman) Councillor J F Smith and Parish Cllr H Linsley.

Officers:

Head of Legal Services; (minutes 15-20 only)

Principal Solicitor; (minute 21 only) and

Committee Services Co-ordinator.

The following were also present:

Mr T Darsley, External Investigator;

Parish Cllr R Evans, Subject Councillor;

Parish Cllr M Croucher, Representing the Subject Councillor;

Ms D Hoskins, witness for the Subject Councillor; and

Parish Cllr B Easton, witness for the Subject Councillor.

**15. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**16. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- Asked that all mobile phones be switched off; and
- Made all those present aware of the nearest fire exits.

## **17. DECLARATIONS OF INTEREST**

Parish Cllr H Linsley – Personal interest – minute 22. Parish Cllr Linsley knew Parish Cllr J Tough, who had given a witness statement. They were both members of the Labour Party. Parish Cllr Linsley stayed in the room for the discussion and decision on this item.

## **18. EXCLUSION OF THE PRESS AND PUBLIC**

### **EXCLUSION OF THE PRESS AND PUBLIC**

**RECOMMENDED** that the press and the public be excluded from the meeting during the consideration of the following item as:-

- (a) it is likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information as specified in paragraphs 1 and 2 of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972; and
- (b) in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **19. EXCLUSION OF THE PRESS AND PUBLIC**

The Chairman asked Cllr Evans if he had any good reasons for excluding the press and public from the meeting.

Cllr Evans was concerned that a great deal of confidential information would be introduced into the public domain that could bring the Parish Council into disrepute.

The Chairman sought the advice of the Head of Legal Services. She advised that no one could take action from comments made at this hearing, it was privileged information.

The Chairman advised that action might be taken if ill will or malice was spoken during the hearing.

Concerns were raised that Mr T Groves, the Clerk to Bramshott & Liphook Parish Council was present in the audience as he was the subject of the complaint SC 119.

The Head of Legal Services confirmed that Mr Groves was there as a member of the public and that he had no right to speak or comment during the meeting.

The Standards Hearing Sub-Committee agreed that the written papers and oral evidence would be considered in public.

A copy of the report and additional papers were distributed to members of the public for their information.

## **20. CONSIDERATION OF THE REPORT.**

The Chairman understood that there were two witnesses present at the meeting for item seven on the agenda, Standards Investigation Report SC.119. A request had been made that as these witnesses would not be available in the afternoon, could consideration of item seven be held first?

The Chairman indicated that the Hearing Sub Committee were happy to agree this and that the two reports would be considered in reverse order.

The Head of Legal Services informed the meeting that a Consideration Sub Committee had been held before the hearing and the Sub Committee had agreed with the Investigator's Report that there should be a hearing where a breach of the Code of Conduct has been found.

The Consideration and Hearing Sub-Committee agreed to consider the reports.

## **21. STANDARDS INVESTIGATION REPORT – SC 119.**

The Sub-Committee considered the report of the Head of Legal Services, LS.61/2009, which had been previously circulated.

The Chairman confirmed that everyone present had all the relevant papers.

The Chairman invited Mr T Darsley, External Investigator to present his report.

Mr Darsley gave the Sub-Committee background information about himself, including that he had been the Corporate Director and Monitoring Officer at West Wiltshire District Council. He had been appointed by EHDC's Head of Legal Services and Monitoring Officer on the 14<sup>th</sup> December 2009 to investigate the complaint.

There were two elements to the complaint and investigation. It was alleged that Cllr Evans was offensive to the Parish Clerk during the Parish Council meeting of 28<sup>th</sup> September 2009 and that, at the end of the meeting, he accused the Clerk of stalking women.

This was in breach of paragraphs 3 (1) – treating others with respect, 3 (2) (b) – bullying and 5 bring your office or authority into disrepute of Bramshott & Liphook Parish Council's Code of Conduct.

Mr Darsley confirmed that during the course of his investigation he had interviewed the Complainant Cllr Mrs James; the Subject Councillor, Cllr Rob Evans; five other Councillors; Mr Tony Groves; the Clerk, Mr Bill Moulard; Journalist, Ms Gabrielle Pike; Journalist, and Ms Dawn Hoskins a resident of Liphook and advisor to Cllr Evans.

Mr Darsley referred the Sub-Committee to section 5 of his report which dealt with the findings of fact.

The agreed facts are that Cllr Evans attended a meeting of the Parish Council on 28<sup>th</sup> September 2009, Cllr Evans made a number of contributions during the meeting. Immediately after the meeting had finished, Cllr Evans spoke to Mr Groves in a corner of the room, out of the hearing of other members, on the subject of him stalking women. Mr Groves then relayed what Cllr Evans had said to him to the other Councillors present.

Cllr Evans then left the building. A few minutes latter he returned and made a comment about the Police coming to see him. Later that evening Mr Groves, in the presence of Cllr Newman and Cllr Tough, wrote a statement about what had happened. Cllr Newman reported the incident to the Police the next day and Cllr Newman, Cllr James and Mr Groves made statements to the Police. Cllr Evans was interviewed by the Police, but no further action was taken by them.

At interview, none of the witnesses could recall what Cllr Evans had said during the meeting. Mr Groves recalled a comment by Cllr Evans as being offensive and rude.

Mr Darsley had listened to a tape recording of the meeting and the comments of witnesses and has concluded that during the meeting Cllr Evans was blunt and somewhat hostile to the Clerk.

In respect to the short discussion between Cllr Evans and Mr Groves at the end of the meeting, Mr Darsley has had to rely on the witness statements of Cllr Evans and Mr Groves.

Mr Groves at interview, said that Cllr Evans had said “I’ve been told that you have been stalking women”. Mr Groves is very clear that these were the words used. Mr Groves said that this was a statement and not a question. The statement written by Mr Groves in his office after the meeting, also records that these were the words Cllr Evans used.

In his interview, Cllr Evans said that his words were “Is it true that you stalk women?” and that was a question.

Cllr Wilson, in his interview said that he asked Cllr Evans if he had just accused the Clerk of stalking women and that Cllr Evans had replied “Yes – absolutely”. This is also supported very closely by the accounts of Parish Councillors Mrs James, Tough and Newman. Mr Darsley concluded that in view of the consistency of the majority of the witnesses, Cllr Evans was amused and smirking immediately after he had spoken to Mr Groves. Five witnesses reported that Mr Groves was dumbfounded, upset and broke down in tears, after the confrontation.

The day after the Council meeting, Cllr Newman reported the allegation Cllr Evans had made to the Police. A number of Councillors including Cllr Evans and Mr Groves were interviewed by the Police. The Police took no action.

Mr Darsley then went through the sequence of events leading up to the complaint being submitted.

Shortly after this Cllr Evans drafted a letter to all Parish Councillors. At his interview Cllr Evans confirmed that he had been assisted in composing the letter by Ms Dawn Hoskins, a Liphook resident. On 12<sup>th</sup> October 2009 Ms Hopkins sent a copy of the draft letter to Miss Young by email. This led to Miss Young contacting Cllr John Tough about the matter. Cllr Tough visited Miss Young on 13<sup>th</sup> October 2009 and was in telephone and email contact with her over the next few days. Cllr Tough recorded his discussions with her in two notes. These notes are attached to the report as documents 6 and 7.

Cllr Evans' letter to all Councillors was sent out, dated 15<sup>th</sup> October, with Ms Hoskins' statement attached. It was received by Councillors on 20<sup>th</sup> and 21<sup>st</sup> October 2009. At the Parish Council meeting on 26<sup>th</sup> October 2009, the Chairman issued a confidential letter to all Councillors informing them that the Clerk was on paid leave, pending Police investigations, legal advice and investigations by the Standards Board.

On the 30<sup>th</sup> October 2009, Mr Bill Mouland, a local journalist called on Miss Young and interviewed her. A transcript of her interview is attached to the report as document 9. In her interview Miss Young had said that no-one had stalked her or threatened her. She also said that she had been put under undue pressure to 'diss' (disrespect) the Clerk and that was why she had left the Council. Following this interview Miss Young had emailed a number of Councillors, this is attached to the report as document 10.

On the 6<sup>th</sup> November 2009 an article had appeared in the Liphook Herald with the headline 'Parish Clerk denies claim he stalked Councillor'

On the same evening Ms Hoskins posted a comment relating to the Herald article on the Talkback section of the Liphook Community Website. This led to an ongoing thread of over 50 postings in the period up to January 2010.

Two more articles appeared in the Liphook Herald on the 13<sup>th</sup> November and 4<sup>th</sup> December 2009. Both articles covered the on-going developments arising from Cllr Evans' accusation and also questions on the waste of taxpayer's money resulting from it.

From these events it can be seen that Cllr Evans' comment at the meeting resulted in abortive Police inquiries, various meetings and letters being sent. This was followed by widespread media coverage of Cllr Evans' accusation and the effects that it had. Mr Darsley considered that most of the coverage showed individual Councillors and the Council as a whole in a very poor light and was very damaging to the reputation of the Parish Council.

Mr Darsley concluded that the press and web coverage of Cllr Evans' accusation was not the result of any one party approaching the press but was of a gradual and inevitable leaking out through Councillors and their acquaintances.

Having reached his conclusions about what happened at the Council meeting on the 28<sup>th</sup> September 2009 it was now possible to assess whether Cllr Evans failed to follow the Code of Conduct on that evening.

Mr Darsley assessed his finding and considered the three relevant provisions in turn.

#### Paragraph 3 - you must treat a person with respect

Treating people with respect involves having regard for them and their feelings and showing courtesy and politeness towards them. During the Council meeting Cllr Evans was blunt and somewhat hostile towards the Clerk. However, his comments were concerned with the business of the Council and were not aimed personally at the Clerk. For this reason Mr Darsley did not consider Cllr Evans' conduct during the meeting amounted to being disrespectful to the Clerk.

At the end of the meeting, Cllr Evans spoke one sentence to the Clerk in a corner of the room. This comment was to have major consequences for the Clerk, the Council and the more wide community.

By saying "I hear you have been stalking women" Cllr Evans had in effect accused the Clerk of stalking not one person, but women in general. Stalking is a very serious matter and to be accused of stalking would, he believed, be upsetting, worrying and hurtful. Cllr Evans contends that the matter was in the public domain and the air needed to be cleared.

Mr Darsley understood that the stalking issue had been a rumour amongst a group of people since early 2009 when Miss Young was a Councillor. Mr Darsley considered that there was no particular reason why Cllr Evans needed to raise it again eight months later.

Mr Darsley noted that the Miss Young, the subject of the alleged stalking, had not complained to the Police. In fact in her interview with Mr Moulard she had denied that anyone was stalking her. She also denied the stalking claims to Cllr Tough. She also denied to Ms Hoskins the parking allegations. Mr Groves emphatically denies that he stalked Miss Young or anyone else.

Mr Darsley therefore concluded that there was no evidence of any substance which suggested that the Clerk had been stalking Miss Young. He therefore concluded that Cllr Evans had no evidence of any substance which suggested that the Clerk had been stalking Miss Young. Stemming from this he considered that Cllr Evans was not justified in accusing Mr Groves that he stalked women.

Even if Cllr Evans believed that he had some justification for raising the matter, the question arises as to what would be an appropriate way of doing so. If Cllr Evans had genuinely wanted to inform the Clerk of what he had heard and to ask his response to it, he would have expected Cllr Evans to do this in a completely private setting. Since Cllr Evans had no individual responsibility for dealing with members of staff, he might have sought the involvement of the Chairman in this matter.

If he was genuinely concerned that Miss Young was being stalked, but was faced with her not wanting to go to the Police, he could have reported the matter to the Police himself.

Cllr Evans did not take such options. Instead, he chose to challenge the Clerk, bluntly and without warning, in a Council meeting room with most of the Councillors present. Mr Darsley considered this to be a wholly inappropriate time, place and manner in which to raise the issue.

In summary, Mr Darsley considered that Cllr Evans accused Mr Groves of a serious and sensitive matter, for which he had no real evidence, in a wholly inappropriate way. This was hurtful and upsetting to Mr Groves. In view of this, he finds that Cllr Evans was grossly disrespectful to Mr Groves and therefore failed to follow paragraph 3 (1) of the Bramshott & Liphook Parish Council's Code of Conduct.

#### Paragraph 3 (2) (b) – You must not bully any person

Standards for England guidance says that three elements must be present for bullying to occur. He referred the Committee to paragraph 7.19 of the report which listed the Standards for England guidance.

One of the elements had to be on the list of behaviours as listed in paragraph 7.19 of the report. Secondly, the person showing that behaviour had or believed they had a position of strength or influence over the other. Thirdly, there was an attempt to undermine an individual.

Mr Darsley concluded that during the meeting Cllr Evans' comments were concerned with Council business and were not personal criticisms of the Clerk. Because of this, he found that Cllr Evans was not disrespectful and, for the same reasons, Cllr Evans was not bullying at this time.

However, Cllr Evans' comments to Mr Groves at the end of the meeting were different. The comments were certainly aimed at Mr Groves personally. Given the nature of the allegation, and that Cllr Evans had no proper justification for making it, Mr Darsley considered that Cllr Evans' accusation to behaviours listed by Standards for England and therefore the first element of its definition of bullying was present.

Councillors are almost always in a position of influence over their official. Councillors decide on employment matters, performance management and disciplinary issues. In fact, Cllr Evans had recently decided upon a grievance raised by Mr Groves. As such, Mr Darsley considered that Cllr Evans was in a stronger position than and had influence over, the Parish Clerk. Therefore the second element of definition was present.

The third requirement for bullying was that the behaviour in question attempted to undermine an individual. Being accused of stalking women, in the presence of Councillors, immediately put Mr Groves in a very difficult position. Regardless of whether there was anything in the accusation, Mr Groves' role as Parish Clerk and principal advisor to the Council was immediately impaired. In fact, Mr Groves' position was seen as so compromised that the Chairman felt it best that he did not attend the Parish Office for several weeks.

Mr Darsley believed that in making his accusation, Cllr Evans intended to discredit and undermine Mr Groves. Therefore the third and final element in the definition of bullying was also present. Mr Darsley also took account of the judgement of witnesses of Cllr Evans' behaviour. All the witnesses who expressed a view felt that his conduct was clearly bullying. This was part of an ongoing campaign to undermine the Clerk.

Taking all of this into account Mr Darsley concluded that Cllr Evans' behaviour at the end of the meeting was bullying and therefore failed to follow paragraph 3 (2) (b) of the Bramshott & Liphook Parish Council's Code of Conduct.

Paragraph 5 – You must not conduct yourself in manner which could reasonably be regarded as bring your office or authority into disrepute.

Disrepute means lacking of good reputation or respectability, or discredited. The question was whether Cllr Evans' conduct diminished or discredited the reputation of the Parish



Council. The test was what a reasonable member of the public in possession of all the information would have thought.

There was widespread press and website coverage of what Cllr Evans had said after the Council meeting on 28<sup>th</sup> September 2009. Mr Darsley concluded that this was damaging to the reputation of the Parish Council.

At his interview, Cllr Evans accepted that the Council had been brought into disrepute. However, he said it was not because of what he had done but because others had gone to the press about it.

Mr Darsley had concluded from his inquiries that no one party had taken the matter to the press. Instead, information had leaked out over a period of weeks through Councillors and their acquaintances. This was inevitable, given the sensitivity, significance and implications of what Cllr Evans had said.

Whatever the process of reaching the press, the facts were that the subject matter of the coverage was what Cllr Evans had said to Mr Groves after the Council meeting of 28<sup>th</sup> September 2009. Mr Darsley considered that there was a direct and causal link between what Cllr Evans said and the subsequent damage to the reputation of the Parish Council.

Taking all of this into account, Mr Darsley found that Cllr Evans' conduct brought the Parish Council into disrepute and therefore he failed to follow paragraph 5 of the Bramshott & Liphook Parish Council's Code of Conduct.

In summary Mr Darsley's findings were that:

- Cllr Evans was disrespectful to Mr T Groves and therefore failed to follow 3 (1) of the Bramshott & Liphook Parish Council's Code of Conduct;
- Cllr Evans was bullying towards Mr T Groves and therefore failed to follow 3 (2) (b) of the Bramshott & Liphook Parish Council's Code of Conduct; and
- Cllr Evans brought the Parish Council into disrepute and therefore failed to follow 3 (1) of the Bramshott & Liphook Parish Council's Code of Conduct.

The Sub-Committee had no questions for the Investigator.

Cllr Evans had no questions for the Investigator.

The Sub-Committee invited Cllr Evans to make his representations and introduce his witnesses.

Cllr Evans explained that the channels for reporting issues within the Parish Council were difficult. Colleagues also found it difficult to raise issues or concerns. He believed that it was a dysfunctional Council with different groups and individuals. There was frustration. He had been frustrated over a long period of time and had looked for other ways to solve the problems. He had sought advice and it had been suggested that there should be mediation between the different parties at the Council. However this had been refused despite a Motion at a Council meeting approving this approach. Cllr Evans believed he had tried all reasonable means.

Cllr Evans said that it had been a question he posed to Mr Groves after the meeting; not a statement or an accusation. There had been a number of individual witnesses in the room to County Councillor level and had affidavit of witnesses could and had been taken.

Cllr Evans agreed that he had asked Mr Groves the question in private but that he would not have gone into a room alone with the Clerk. He believed that the question was asked in private and the question was "There are rumours, is it true you've been stalking women?" He had said women in general as he did not want to name the person.

Cllr Evans believed that there was no other way to tackle the problem and again he said that he believed the conversation to be in private. Cllr Evans said that Mr Groves then turned and broadcast to the rest of the people in the room what he had said in a very theatrical way. Cllr Evans may have smirked but he felt that the behaviour of the Clerk was ridiculous.

Cllr Evans disagreed with the Investigators findings that the information had been leaked to the press slowly. He felt that it had been orchestrated to deliberately discredit Councillors. One journalist lived next door to one of the Councillors.

Cllr Evans explained that there had been threats of legal action over the years against Councillors. He had taken advice on what to do and there had been a suggestion of mediation between the parties. However, everything was 'swept under the carpet'. Councillors over the years had asked for help as individuals and in groups.

Ms Dawn Hoskins – witness for Cllr Evans addressed the Sub-Committee.

She explained that she lived very close to Miss Nikki Young and she had been her friend prior to Miss Young becoming a Councillor. She believed that Miss Young was not a stable person emotionally and was vulnerable to pressure and a breakdown.

When events were unfolding at the Council as a colleague and friend Miss Young had confided in her in confidence. Miss Young, in tears, had spoken openly about Mr Groves

making things unbearable for her, by parking at the end of her road. Miss Young had found this intimidating. Miss Young had indicated that she did not want to go to the Police as she lived in the area and was worried about the nature of Mr Groves and other repercussions. She was on her own and a single parent with two young children. Ms Hoskins had advised her that the only way to deal with this was to take out a restraining order, but Miss Young was not prepared to do this.

Miss Young in the end had decided to resign as a Parish Councillor and deny everything as she was afraid of repercussions. Miss Young had wanted support at this time and Ms Hoskins and tried to give her that support. Miss Young was susceptible to pressure, which was why she said the things she said, she would do anything to protect herself and not be in the spotlight.

Ms Hoskins remembered an incident when she had to go to the shops for some last minute groceries and noticed Mr Groves parked in his car at the end of the drive.

The Chairman advised Ms Hoskins that this was not a concern of the Sub-Committee; the Committee were not considering the accusations of stalking, only the behaviour of Cllr Evans at the meeting with Mr Groves.

Ms Hoskins reconfirmed that Miss Young had confided in her and various Councillors and residents. She had been asking them for help to support her. Because she had spoken widely it had been the talk of the village at the time. She was aware of it being discussed on street corners. It had got to the position of the Parish Council being brought into disrepute way before the Parish Council meeting on 28<sup>th</sup> September 2009.

Ms Hoskins had not been at the meeting where Cllr Evans spoke to the Clerk afterwards. She did not think it unreasonable for Cllr Evans to have challenged the Clerk. The matter was being discussed openly in the village and all Cllr Evans had tried to do was bring the matter to 'a head' and ask for an independent investigation into the actions of the Clerk.

Mr Darsley had no questions of the witness.

Mr Darsley said that the Sub-Committee were not here to consider the Clerk's action. It was hearsay about Miss Young's position, and if it was the talk of the village at the time, why wait nine months?

Ms Hoskins said that what she saw was with her own eyes, not hearsay. What Miss Young says is hearsay as she will not go on record and say what really happened. What Ms Hoskins saw and heard had been in confidence and when she breached this confidence she asked Miss Young to give her copies. The Police came to arrest Cllr Evans at the behest of the Clerk in collusion with Cllr Mrs James.

The Sub-Committee asked a number of questions including: (*answers are in italics*):

- Why had Cllr Evans waited nine months before confronting the Clerk? and

*Cllr Evans said it was because it was getting to the point where Councillors could not approach the Chairman of the Parish Council. Cllr Evans said he had asked a direct question to the Clerk out of ear shot of everyone else in the room; he could not go into a separate room.*

*Cllr Evans believed he had been doing the right thing for the Council in trying to stop the Council being brought into disrepute of the whispers and 'drip drip' of information coming out into the public. He had witnessed other colleagues being bullied by Mr Groves and it had been swept under the carpet.*

- There appears to have been a gradual build up of information?

Cllr Barbara Easton, witness for Cllr Evans addressed the Sub-Committee.

Cllr Easton confirmed that she had been at the Parish Council meeting on 28<sup>th</sup> September 2009. She said that the complainant, who was also a member of the EHDC Standards Committee, was a relative of Mr Groves, the Parish Clerk.

The Head of Legal Services advised the Sub-Committee that she had spoken to those concerned and the relationship was a distant one. They were not close relatives and they did not socialise. She had been reassured by these responses and saw no problem. The Code of Conduct says that it was how the public perceived it to be and the relationship had no relevance to the hearing today.

Cllr Easton said that the conversation between Cllr Evans and Mr Groves was not overheard by other people in the room. The first thing anyone knew of the conversation was when Mr Groves turned and announced to everyone present what had allegedly been said. Mr Groves' announcement made the matter public. Cllr Easton said that it had been kept private, there was no point in bringing the matter to the Chairman's attention as he already knew. Cllr Easton said that she had been subjected to bullying and had brought it to the attention of the previous Chairman, Cllr Tough, who had dismissed it. She had submitted a complaint to EHDC's Standards Committee that Cllr Tough had not replied to her letters and this complaint had been upheld.

Cllr Easton had not seen what had happened after Mr Groves had made his announcement as he had gone into another room with a number of the other Councillors present. She had been outraged that the Police had been contacted under the Public Order Act to deal with the matter.

The Sub-Committee asked the witness a number of questions including (*answers are in italics*):

- Did Mr Groves appear visibly shaken and upset by what had been said?

*No, his first reaction had been to stand and announce to all those present what had been said. Other people had to turn around to hear Mr Groves' announcement.*

The Head of Legal Services asked for clarification on when the Police had been called and why. Had it been the result of the confrontation between Cllr Evans and Mr Groves?

*No, it had been the result of the allegation made under a public order offence.*

- Was there any attempt to use the normal channels to resolve the problems?

*Yes, Cllr Easton had sent a private email to Cllr Tough when he had been Chairman of the Council. Cllr Easton said that she had also been told not to be stupid or she might be subject to a smear campaign. She also referred to a letter threatening legal action. She had not given permission for her private email to Cllr Tough to be reproduced in the report on page 74 of the agenda.*

*Cllr Evans reiterated that it had not been an allegation but a direct question and asked when does a question turn into an allegation?*

Mr Darsley said that the main issue was, what was the wording of the question or accusation made on that night? Mr Groves was clear that the accusation was "I've been told that you have been stalking women". From the evidence provided by Cllr Wilson who had asked Cllr Evans "Have you just accused the Clerk of stalking?" Cllr Evans had replied "Yes, absolutely".

Cllr Evans in reply said that his statement had been taken out of context, He had said "Yes, absolutely" flippantly. He said that the whole thing had been a farce; the Clerk had acted theatrically, like clockwork. He could not believe what had happened. This was a man who had been a Lieutenant Colonel in charge of an infantry regiment, who breaks down in tears! Can you really see a man of that rank breaking down in tears at the sound of a gun? He had asked a genuine question in private, he might, though have been smirking at the behaviour of the Clerk as he left.

- The Chairman referred to the statement completed by the Clerk immediately after the discussion. This matter goes directly to a person's integrity. This statement had been recorded immediately after the event. Personal integrity matters, deeply. The statement was plainly recorded as an allegation and not a question.

*Cllr Evans in reply said that it was a question. The Clerk's immediate behaviour had not been one of distress, but had been theatrical in a cold calculated way.*

Mr Darsley referred the Sub-Committee to the Clerk's written statement which was document 2 of his report on page 66 of the agenda. This evidence showed what Mr Groves had said, which was "I have just been accused".

Cllr Evans replied that this was based on vexatious evidence; it had definitely been a question and not an accusation.

- Parish Cllr Linsley understood that the situation had been going on for some time. Words had been used that were either a very serious accusation or even a question. He asked Cllr Evans if it had not occurred to you to seriously think about how the Clerk might react in the short and long term and done things differently? If Cllr Evans needed to talk to the Clerk in confidence why was it not elsewhere?

*Cllr Evans replied that he would not go into a room alone with the Clerk. He talked to him in a quiet corner where others were present. The Clerk had reacted very quickly to his question. In respect of the situation, there had been a gradual drip of information, and it was not in the best interests of the Council for it to continue. The press had quickly heard about what had happened and Cllr Evans had been harassed by the press.*

- Did the press attend Council meetings?

*Yes, they attended some Council meetings.*

- Did the press pick up 'vibes' that something was wrong and investigate and listen to rumours?

*The press had not been at that meeting. The whole thing was in the press within eight days.*

- Can you please explain why you will not be in a room alone with the Clerk?

*Cllr Evans not trust the Clerk. Cllr Evans referred to a statement letter of Cllr Croucher, a witness. This was an example of the disfunction of the Council. Many Councillors could not use the normal channels because of the bullying and intimidation they suffered. He would be looking at legal action after this hearing as he found it intolerable and stressful.*

Cllr M Croucher, witness addressed the Sub-Committee. He had been a Councillor for 24 years, he now sat as a back bencher on the Parish Council and saw one of his roles as encouraging new Councillors. He could confirm aspects of the situation in respect of Miss Young. It had been going on for a considerable time and he had treated in confidence what Miss Young had told him. He had always encouraged her to write down what was happening. Miss Young had an inherent fear, perhaps it was something in her personal life, she could not bear it to come out in the public domain.

He was frustrated at the running of the Parish Council, the huge correspondence, there were parts of Standing Orders that were illegal, and had been investigated. They had been changed to extend the power of the Committees and Sub Committees. He had written three letters to the Chairman but had given up. Cllr Evans was one of a number of highly frustrated Councillors whose concerns were brushed aside with questions.

The problems at the Council had been building up over a period of time. Cllr Evans spoke to the Clerk as he saw it as the only way it would ever come out, if he did not do something it would all be buried.

The issue with Miss Young was that during her time as a Councillor she suffered abuse by Council staff, including the Assistant Clerk and Cllr Tough, when he was Chairman. In the end she had resigned. Once she had resigned it was difficult to do anything.

Mr Darsley had no questions for the witness.

The Sub-Committee asked the following question: (*answers are in italics*)

- From what you have said there appears to have been a breakdown in the relationship between Councillors and staff.

*Yes, the Clerk accused us of being liars, it was very frustrating as Councillors a collective body, but run their way as opposed to the Councillors way.*

The Sub-Committee invited Mr Darsley to make a final statement to the Sub-Committee.

Mr Darsley had nothing to add.

The Sub-Committee invited Cllr Evans to make a final statement to the Sub-Committee.

Mr Evans read out an email from Miss Young to Dawn Hoskins dated 19<sup>th</sup> May 2009, just after she resigned, which said "I hear from Barbara that Nigel Newman is Chairman". It went on to say "it is so corrupt I must say I am glad to be out if it". He had encouraged Miss Young to stay. What is stated is not what I said, it is biased, I definitely asked a question not an allegation.

The Sub-Committee adjourned at 12.07pm

The Sub-Committee reconvened at 1.52pm

The Committee Services Co-ordinator read out the findings of the Sub-Committee.

“The Standards Hearing Sub-Committee has considered the Investigators report and the representations of the Subject Councillor and his witnesses.

The Sub-Committee have concluded that Cllr Evans has contravened paragraph 3 (1) of Bramshott & Liphook Parish Council's Code of Conduct in relation to his comment to Mr Tony Groves on 28<sup>th</sup> September 2009.

The Sub-Committee accepted the definition given by the Investigator in paragraphs 7.2 and 7.3 of his report on page 59 of the agenda.

The Sub-Committee are satisfied that the remark made by Cllr Evans failed those tests. They noted Cllr Evans' argument that it had been posed as a question rather than an accusation. They also noted Mr Groves' written and contemporaneous statement on page 66 of the agenda that Cllr Evans “turned to me and said – I have been told that you have been stalking women”.

The Sub-Committee considered that either way the statement amounted to a breach of paragraph 3 (1) of Bramshott & Liphook Parish Council's Code of Conduct.

The Sub-Committee further concluded that Cllr Evans was in breach of paragraph 3 (2) (b) of Bramshott & Liphook Parish Council's Code of Conduct.

Their reasons were that they accepted the Investigator's statements on bullying in paragraphs 7.19 and 7.20 of his report on page 60 of the agenda.

The Sub-Committee considered the remark was offensive, insulting and humiliating towards Mr Groves who was an employee of the Council and therefore under the influence of Councillors.

The Sub-Committee therefore considered this was bullying behaviour. The Sub-Committee therefore concluded that Cllr Evans was in breach of paragraph 3 (2) (b) of Bramshott & Liphook Parish Council's Code of Conduct.

The Sub-Committee further concluded that Cllr Evans was in breach of paragraph 5 of Bramshott & Liphook Parish Council's Code of Conduct.

The reasons were that they accepted the Investigators statements in paragraph 7.32 of the report on page 62 of the agenda.

The reason was that they considered that although rumours of Mr Groves' alleged stalking had been in circulation for some months, they considered that Cllr Evans' method of approach to the issue was not appropriate and that there was a direct and causal link between what Cllr Evans said and the subsequent damage to the reputation of the Parish



Council arising from press reports shown on pages 79 to 84 of the agenda. Had Cllr Evans not made the remarks there would not have been anything to report.

The Committee therefore concluded that Cllr Evans brought the Parish Council into disrepute and therefore failed to follow paragraph 5 of Bramshott & Liphook Parish Council's Code of Conduct."

The Chairman sought the advice of the Head of Legal Services on whether to adjourn the decision and hear the next report and make the decision at the end.

The Head of Legal Services advised that they should ask the Subject Councillor how he wished to proceed.

Cllr Evans asked that this hearing continue.

The Sub-Committee invited Mr Darsley to make a final statement.

Mr Darsley said that in his view this was a relatively serious matter and that it was important that a firm message should be sent out that this type of action would not be tolerated. He believed that a period of suspension was appropriate.

The Sub-Committee asked Cllr Evans if he understood what sanctions could be given, including suspension. Cllr Evans indicated that he did not. The Sub-Committee agreed to give him some time to study them.

The Sub-Committee adjourned at 1.57pm.

The Sub-Committee reconvened at 2.03pm

Cllr Evans asked if there were any functions he could undertake as a Councillor if he were suspended.

The Head of Legal Service explained that there were two types of suspension, partial and full.

A partial suspension meant that the Councillor would be barred from attending certain meetings or entering the Council building.

A full suspension meant that the Councillor could not take part in any activity of the Council or enter the Council building.

The Sub-Committee adjourned at 2.05pm.

The Sub-Committee reconvened at 2.10pm

The Sub-Committee invited Cllr Evans to make a final statement.

Cllr Evans had nothing really to add, he asked the Sub-Committee to consider the mitigating circumstances and the witness statements. He had been frustrated at the dysfunction of the Council. He had tried to do it the proper way and been threatened with legal action. This was a very frustrating situation.

The Chairman asked how often the Council met.

Cllr Evans said that the full Council met monthly and other Committees either monthly or quarterly.

Parish Cllr Linsley asked which Committees Cllr Evans sat on.

Cllr Evans replied, Council and Planning monthly, Highways and Byways quarterly and other special meetings in between.

Cllr Smith asked Cllr Evans if he would be prepared to write a letter of apology to Mr Groves.

Cllr Evans replied "no".

The Sub-Committee adjourned at 2.14pm

The Sub-Committee reconvened at 2.35pm

The Committee Services Co-ordinator read out the final decision of the Sub-Committee.

"The Sub-Committee considered the representations by the Investigator and Cllr Evans including his refusal to contemplate a possibility of an apology.

The Sub-Committee agreed that sanctions were appropriate and considered the sanctions available to them and have decided as follows:

- That Cllr R Evans is suspended as a Parish Councillor for a period of three months commencing on Saturday 19<sup>th</sup> June 2010.“

The Sub-Committee adjourned at 2.37pm to allow for the Principal Solicitor to replace the Head of Legal Services.

The Sub-Committee reconvened at 2.48pm.

## **22. EXCLUSION OF PRESS AND PUBLIC**

The Chairman asked Cllr Evans if he had any good reasons for excluding the press and public from the next part of the meeting.

Cllr Evans said “that yes he had”, under categories 1, 2, 3 7 and 7a which were:

Category 1 – Information relating to an individual;

Category 2 – Information which was likely to reveal the identity of an individual;

Category 3 – Information relating to the financial or business affairs of any particular person;

Category 7 – information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime; and

Category 7A – information which was subject to any obligation of confidentiality

The Principal Solicitor read out advice from Standards for England.

“When assessing whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information, Monitoring Officers similarly need to consider the effect of Regulation 20(2). This allows the subject member to prohibit normal publication of the Committee’s notice of the finding of no failure to comply with the Code of Conduct.

As before, despite the ability of the subject member to prohibit the publication of a notice, the decision as to whether to maintain an exemption does not always have to result in the public being excluded from a hearing.

It also does not always have to result in excluding details of the complaint from the report sent out in advance of the hearing. In most cases, the public interest in transparent decision-making by the standards committee will outweigh the subject member’s interest limiting publication of an unproven allegation that has not yet been determined.”

The Chairman acknowledged that when the first item on the agenda had been considered the press had not been present at the beginning of the meeting. He did not believe that

there were any circumstances to exclude the press and public under paragraphs 1, 2, 3 7 and 7A of Part 1 of Schedule 12A (as amended) as set out in the agenda. He believed that the public interest outweighed that of the subject member in disclosing the information.

Cllr Croucher on behalf of Cllr Evans said that the papers meant nothing to most people and the exemption would have had more relevance during the first hearing.

The Chairman agreed that the meeting would be held in public.

## **23. STANDARDS INVESTIGATION REPORT – SC 118.**

The Sub-Committee considered the report of the Head of Legal Services, LS.62/2009, which had been previously circulated.

The Chairman invited Mr T Darsley, External Investigator to present his report.

it was alleged that Cllr Evans at a public consultation meeting of the Parish Council on the 18<sup>th</sup> September 2009 confronted Cllr N Newman in an aggressive and threatening manner using profanities and smelling of alcohol.

This was in breach of paragraphs 3 (1) – treating others with respect, and 5 bringing your office or authority into disrepute of Bramshott & Liphook Parish Council's Code of Conduct.

During the course of his investigation he had taken into account the complaint form and the four enclosures, the Code of Conduct of Bramshott & Liphook Parish Council. He had also taken account of the oral evidence of Cllr Newman, the Complainant, Cllr Mrs James, Mr Groves, Kate Hunt all witnesses and Cllr Evans, the Subject Councillor. The accounts of the witnesses are attached to the report on pages 27 to 37 of the agenda.

The agreed facts were that Cllrs Newman, Mrs James and Mr T Groves, the Parish Clerk were 'on duty' assisting with the event. At around 8.45pm, Cllr Newman was standing in the foyer. Cllr Mrs James and Mr Groves were standing near the door of the Canada Room. Kate Hunt a member of the public and a friend of Cllr Newman was also in the foyer.

At about 8.45pm Cllr Evans came into the foyer. He wanted to speak to Cllr Newman about a letter that Cllr Newman had written to him.

After speaking to him for a short time in the middle of the foyer, the two Councillors moved to a table in the corner of foyer and sat down. They continued their conversation for about ten minutes. After this time, Cllr Evans left the building.

Mr Darsley referred the Sub-Committee to paragraph 7 of the report and the reasoning as to whether there had been a failure to comply with the Code of Conduct. He looked at the two breaches in turn.

### Paragraph 3 (1) – You must treat others with respect

Treating people with respect involves having regard for them and their feelings and showing courtesy and politeness towards them.

Cllr Evans argued with Cllr Newman for around ten minutes, swearing frequently and raising his voice at times.

Mr Darsley considered that Cllr Evans had chosen a wholly inappropriate time and place for his confrontation with Cllr Newman. Cllr Newman was on duty as Chairman at an important public consultation event, arranged by the Parish Council. It was at 8.45 in the evening and in the foyer of a public hall where members of the public were present or passing through.

If the discussion had been at a more suitable time and in private, Cllr Newman would have been able to respond more freely or walk away from the argument.

As it was, Cllr Newman was subjected to an angry and heated altercation, including being sworn at, as Chairman of the Council in full public gaze. Cllr Newman said he was acutely embarrassed, both for himself and the Council.

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

Dispute means lacking of good reputation or respectability, or discredited. The question is whether Cllr Evans' conduct diminished or discredited the reputation of his office or the Parish Council.

It seems that the majority of the exchange between Cllrs Evans and Newman was not clearly audible in the foyer. Cllr James and Mr Groves were both standing in the foyer but could not hear the words that were said. Kate Hunt said she could not hear what they were saying, except when Cllr Evans' voice was raised.

With Cllr Evans sitting at a table in the corner of the foyer, it would probably not be apparent to others that he was a Councillor.

In view of these facts, Mr Darsley did not consider that Cllr Evans conduct was sufficiently apparent to have brought his own office into disrepute.

Regarding the reputation of the Parish Council, Mr Darsley had concluded that around 10 to 15 people passed through the foyer while the exchange was taking place. Witness accounts do not mention that any paused in the foyer and therefore it seems likely that each person would only have been present for a small proportion of the exchange.

The same factors as applied to Cllr Evans own reputation also apply to the reputation of the Council as a whole. Most of the exchange was not audible to others and only a small number of people were present for a part of the exchange.

There was no report of the matter in the local newspaper and Mr Darsley has seen no evidence of any other external feedback or comment.

In view of this, Mr Darsley did not consider that Cllr Evans' conduct had a significant impact on the reputation of the Council in the community.

In summary, Mr Darsley's findings were:

- Cllr Evans did not treat Cllr Newman with respect and therefore failed to follow paragraph 3 (1) of the Bramshott & Liphook Parish Council's Code of Conduct; and
- Cllr Evans did not bring his office or his authority into disrepute and therefore did not fail to follow paragraph 5 of the Bramshott & Liphook Parish Council's Code of Conduct.

The Sub-Committee had no questions for the Investigator.

The Sub-Committee invited Cllr Evans to make his presentation.

Cllr Evans said that he had looked at the evidence and was staggered at what he had read. He did not swear and there was no way he would have used the language attributed to him. He believed that it had been made up and exaggerated.

Cllr Evans explained that he had received a letter that evening from Cllr Newman, it had been late after he had returned from work at about 8pm. The letter had referred to an anonymous communication Cllr Newman had received about him. It had also suggested that he had some responsibility for Jackie Poole, a resident of Liphook.

Cllr Evans went to the hall to talk to him about the contents of the letter. He stated he did not swear or show any disrespect to Cllr Newman. It was Cllr Newman who raised his voice. He said "I expect Councillors to be honest". Our conversation was not over heard except by Cllr Mrs James.

Cllr Evans was upset by the contents of the letter, particularly about his possible responsibility for another Councillor, namely Jackie Poole. He had asked Cllr Newman what his sources were for the allegations. Cllr Newman would not provide him with the information and even now Cllr Evans does not know who wrote to Cllr Newman.

Cllr Evans believed that there was a proper way to have dealt with the allegations that should not have required Cllr Newman to write the letter. The issues in the letter could have been discussed in a private meeting.

The Sub-Committee asked a number of questions including: (*answers are in italics*)

- If you look at enclosure two on page 9, of the agenda which is the letter written to you by Cllr Newman in the third paragraph – was that why you did not declare an interest?

*With all that was happening at the time I had not thought it was a major issue. This was obviously an oversight.*

- Was Jackie Poole your tenant?

*Yes, she was my tenant. But what that has to do with declaring on her behalf, I do not know. Why should I take responsibility for someone else's declaration? Cllr Evans attacked my integrity and said that I was dishonest. This was why I went to see him and ushered him to one side. It was an open and honest discussion I wanted to hold nothing back. I still do not understand why it was my responsibility to tell the Council how long the Councillor had lived in Liphook.*

*Cllr Evans believed that Cllr Newman should have written to Jackie Poole herself about how long she had been resident in Liphook.*

*Cllr Evans had accepted the mistake he had made in relation to British Telecom (BT).*

- Do you think you over reacted to the letter?

*"The account of what happened that evening is vexatious and offensive. I did not know about the evening and presumed it was some other event in the hall."*

- When you went to the hall and realised that there was a public function with members of the public still present did you not think it might be an inappropriate time to tackle the issue?

*No, the main event had finished and people were just chatting in groups. I ushered Cllr Newman to a corner of the room away from people. My integrity had been put into question. During the discussion Cllr Newman said in a booming voice "I expect Councillors to be honest".*

The Sub-Committee invited Mr Darsley to make a final statement to the Sub-Committee.

Mr Darsley said that it was true to say that Cllr Evans disagrees with the accounts of the witnesses who were present in the foyer. Kate Hunt, a member of the public had observed the meeting and said that Cllr Evans swore and used a raised voice.

At this point Cllr Croucher asked Mr Darsley if he was aware of the relationship between Cllr Newman and Kate Hunt.

Mr Darsley understood they were friends.

The Sub-Committee invited Cllr Evans to make a final statement to the Sub-Committee.

Cllr Evans found it offensive to be accused of swearing as he seldom swore, however, he agreed that he may have been overassertive. The hall itself was nearly empty and the discussion occurred away from other people. He said that to refer to Kate Hunt as a friend of Cllr Newman was stretching the point. She was Cllr Newman's girlfriend and clearly the Investigator was not aware of the close relationship. The whole thing was contemptuous.

The Sub-Committee adjourned at 3.44pm

The Sub-Committee reconvened at 4.25pm

The Committee Services Co-ordinator read out the findings of the Sub-Committee.

“The Sub-Committee agreed with the findings of fact made by the Investigating Officer in his evidence.

The Standards Sub-Committee have considered the Investigators report and the representations of Cllr Evans.

They have concluded that Cllr Evans has contravened paragraph 3 (1) of the Bramshott & Liphook Parish Council Code of Conduct in relation to his encounter with Cllr Newman on 18<sup>th</sup> September 2009 in the Foyer of Liphook Millennium Hall.

The Committee considered the evidence before them on the test of the balance of probability or what is more likely than not.



The Committee considered that on balance the evidence showed that Cllr Evans had approached Cllr Newman at a time when Cllr Newman was engaged on official Council business when the public was present. They considered this approach was inappropriate, being both at the wrong place and time and in an unreasonably belligerent manner.

Having done so they concluded that Cllr Evans did not treat Cllr Newman with respect and therefore failed to follow paragraph 3 (1) of the Bramshott & Liphook Parish Council's Code of Conduct.

The Committee accepted the Investigating Officer's view that Cllr Evans' conduct was not sufficiently obvious to the public to bring his office or his authority into disrepute and therefore he did not fail to follow paragraph 5 of the Bramshott & Liphook Parish Council's Code of Conduct."

The Sub-Committee invited Mr Darsley to make a final statement.

Mr Darsley said that clearly this was a less serious matter, never the less it was still a serious breach of the code. He believed that an apology was required and if this was not forthcoming then a modest suspension was required.

The Sub-Committee invited Cllr Croucher to make a final statement on behalf of Cllr Evans.

Cllr Croucher said that there was no more to say. He had worked with Cllr Evans for three years in the Council. He advised the Sub-Committee that Cllr Evans would not wish to write a letter of apology.

The Sub-Committee adjourned at 4.29

The Sub-Committee reconvened at 4.42pm

The Committee Services Co-ordinator read out the final decision of the Sub-Committee.

"The Sub-Committee having considered the representations by the Investigator and Cllr Croucher, Cllr Evans' representative, including Cllr Croucher's indication that Cllr Evans would not write a letter of apology.

The Sub-Committee agreed that sanctions were appropriate and considered the sanctions available to them and have decided as follows:

- That Cllr Rob Evans is censured."

## **The Right of Appeal**

A Councillor subject to a Standards Committee finding may apply in writing to the First-Tier Tribunal of the Tribunal Service for permission to appeal against that finding.

The Tribunal must receive the Councillor's written application within 28 days of the Councillor receiving notice of the Standards Committee's decision. The Appellant must outline the reasons for the proposed appeal and apply for any sanction imposed to be suspended, if appropriate. They must also indicate whether they want the appeal carried out in writing or in person.

More information about the appeal's process can be found through the Committee Services Team or [www.tribunals.gov.uk](http://www.tribunals.gov.uk)

The meeting closed at 4.43pm

Signed.....

Chairman

During the course of the Hearing there were 1 member of the press and 4 members of the public present.

