

Cllr Ian Robinson. Public Hearing 29/30 Sept. 2014

Appeal by Cllr Robinson to the Conclusion

This is an **Official Appeal** and contains comments that Cllr Robinson would like brought to the attention of the Monitoring Officer, regarding events leading up to and after the Public Hearing.

The references are to the **8 page report** of the Public Hearing, **PH or Agenda Item 8** of the Hearing and hard copies of **(Appeal) Appendices AP** where stated. **Appendix AP 7** is a separate response by Cllr Robinson to the **Submission Statement** by the Investigating Officer and forms part of the Appeal. Appendices 1 to 6 are submitted as hard copies

Comments in **Bold Type** are considered of prime concern by Cllr Robinson

1. NATURE OF THE COMPLAINTS

- a) As stated by the Investigating Officer and the Hearing Panel, Cllr Robinson allegedly breached the Northhill Parish Code of Leadership. Yet, instead of accepting the recommendation of a local resolution by the Investigating Officer, agreed by Cllr Robinson to draw a line under the issue, the complaints moved to a Public Hearing.
- b) According to a document produced by Central Beds in July 2012, the involvement of a Standards Sub Committee will only occur in relation to the more serious complaints, such as those dealing with **potential criminal conduct, Appendix AP 1.**
- c) Cllr Robinson considers that the allegations made are not remotely those of a criminal nature and that to imply criminal conduct, by virtue of holding a Public Hearing, is **beyond justifiable reasoning.**
- d) Furthermore, the **implications of alleged criminal behaviour** leading up to the Hearing, has had a most damaging effect on Cllr Robinson's character and on his family, which remains to this day.
- e) The definition of harassment used in the allegation of harassing the Clerk was one that **cannot be defended.** The definition implies that if the complainant feels harassed, the defendant is guilty of harassment. This definition made in 1997 is possibly outdated and Cllr Robinson considers that a more recent definition used by Parish Councils and ACAS alike, dated 2010, would have been more appropriate.
- f) The individual complaints do not corroborate each other, **5.1** and there was a dispute in a large number of opinions, e.g. some complainants timed the debate as one hour when the **PH Findings of Facts 9.1.12** is at least 10 minutes, Full details of the varied perception and opinions are to be found in Cllr Robinson's Defence Document, **Agenda P 94**

2. NATURE OF REPORTING THE COMPLAINTS ALSO SEE PAGE 7 OF THIS DOCUMENT

- a) Cllr Robinson asks why the Clerk did not follow the **Northhill Parish Council's Standing Orders 26** in dealing with complaints regarding employees. This implies that *The Clerk should have contacted the Chair of the Finance and General Purposes Committee in the respect of a grievance matter.*
- b) Cllr Robinson considers that the failure by the Clerk to follow the Standing Orders, and to send her complaint directly to the Monitoring Officer, then copy her complaint to all Parish Councillors and the Ward Councillor, was inappropriate and hasty.
- c) **Standing Order 31** states that *Councillors should notify the Clerk being the Proper Officer, in the first instance, in respect of an alleged breach of the Code of Conduct.* The Councillors complained to the Monitoring Office directly, and in this respect were not following the Standing Orders.
- d) Furthermore, the Hearing's conclusion demonstrates that the relatively minor alleged breach of the code, could have been dealt with calmly and satisfactorily **within the confines of the Parish Council**, by following the Standing Orders and the recommendation of the Investigating Officer, **Agenda P18 June 2014.**
- e) Cllr Robinson's latter opinions are strengthened by the fact the Clerk admitted she had a **reasonably good relationship with Cllr Robinson prior to the meeting on the 8/4/13, Agenda P 55**

f) The latter comment argues that the issue was blown up out of all proportion. For a debate of at least 10 minutes, during which the Clerk and Councillors either pointed or verbally attacked Cllr Robinson, leading to a Public Hearing usually reserved for potential criminal offences, is beyond comprehension, **Minutes of the meeting 8/4/13, Agenda P 86**

g) Cllr Robinson considers that this unprecedented procedure suggests something **quite alarming** and although no blame is levelled at the Standards Board or to the Hearing itself, the outrageous and unproven allegations would suggest that the Parish Council was behaving in a most disreputable manner.

3. REASONS FOR THE PUBLIC HEARING

Cllr Robinson is not aware of the reasons for the Public Hearing and would ask that these are formally made known to him by the Monitoring Officer.

4. WITNESS STATEMENTS

a) Cllr Robinson had agreed to 3 Defence Witnesses being allowed, plus 1 Character Witness. However on the 24/9/14, the day of exchange of Witness Statements, only 2 statements were given to Cllr Robinson, with the 3rd statement of the Clerk not being received until the 26/9/14.

b) Furthermore, unknown to Cllr Robinson, 2 further Complaint Witnesses, those of Cllr Turner, the Ward Councillor and Lorna McShane, the Investigating Officer, were called on the days of the Hearing. Cllr Robinson had not seen their statements and was unable to prepare his questioning of these witnesses, if allowed by the Panel.

c) The Investigation Complaint Report, stated that the complaints referred to the events of the 8/4/13 and the Parish Council Code of Conduct 4.14, 4.15 & 4.16. The contents of this report and that of the Hearing, referred to many other allegations and alleged breaches of conduct that subsequently **had no bearing on the evening in question. Agenda P 11**

d) Cllr Robinson refers here to his alleged inappropriate association with two parishioners, the APM on the 31/3/14, his involvement with Caldecote Voices, a village residents association, in 2014 and events leading to a Grievance Employment Panel meeting on the 13/5/14, amongst others.

e) Cllr Robinson believes he was disadvantaged in not knowing these issues would be raised at the Hearing and hence did not prepare his defence for these issues, nor did he provide relative Defence Witnesses.

f) The allegations against the [REDACTED] **played a major part in the Hearing**, yet the issue had little to do with the 8/4/13.

g) Cllr Robinson was not asked if he wished to call Jill Parker, a Character witness, although she was present throughout the Hearing.

h) Despite earlier requests, Cllr Robinson was not given a list of all the public attendees at the meeting on the 8/4/13 by Cllr Papworth, the Chair of Northill Parish Council, until the week before the Hearing. He was still not given a copy of the list, but asked to visit Cllr Papworth's home to inspect the list only. As a result of this request delay, Cllr Robinson was unable to provide independent letters of support from any other witnesses before the agreed deadline imposed by the Monitoring Office.

5. THE MANNER AND PROCEDURE OF THE HEARING

a) Cllr Robinson was informed that the Panel had not conducted a Hearing previously and this may explain that the procedure flowchart was not entirely followed as displayed, **Agenda P 9.**

b) The biggest concern was that **Findings of Fact, PH Section 9**, was not established at the beginning of the Hearing as indicated in the Hearing Procedure, **Agenda P 9** and did not provide Cllr Robinson an opportunity to use his defence based upon facts as he had carefully planned, **Agenda P 94**

c) The requests for a definition of harassment and bullying, that the Hearing would only deal with the events of the 8/4/13 with the subsequent breach of the code and a redaction of unrelated issues in the report, were refused by the panel. **Appendix AP 3**

- d) Cllr Robinson was not aware that Cllr Turner, the Ward Councillor, had put in a complaint soon after the 8/4/13 and would subsequently be called as a Complaint Witness.
- e) Cllr Robinson considers that the privileged protection afforded to the Clerk of not being questioned by Cllr Robinson, for fear of being harassed in public, to be a **serious prejudicial matter**.
- f) Cllr Robinson considers that **Cllr Papworth exercised a most blatant and outrageous perception** in this request, by suggesting that the Clerk is not safe from verbal harassment by Cllr Robinson.
- g) Though generally supportive of the Panel's judgement, Cllr Robinson generally believed this action **was well beyond acceptable procedure** at the Hearing.
- h) Cllr Turner, who is well respected within Central Beds, confirmed that she had experienced many heated debates. In Cllr Robinson's opinion Cllr Turner, in her reference to '*Cllr Robinson has crossed the line*', failed to provide serious allegations of poor conduct akin to a criminal offence, warranting a Public Hearing.
- i) Cllr Robinson was not aware of any Witness Statement of the Investigating Officer until the Hearing, nor was he aware that the Investigating Officer would cross examine him, since it was not stated in the **Procedure Flowchart, Agenda P 9**
- j) Although thoroughly unexpected, Cllr Robinson accepted, what he considers to be strong persistent questioning from the Investigating Officer. However, he wishes it to be noted, that in his eyes and in those of many attendees of the Hearing, the harassing manner of the cross examination **was far more severe** than the alleged harassment of the Clerk on the 8/4/13.
- k) The issue above becomes more important when it is considered that if the Clerk was questioned in this manner by the Investigating Officer or anyone else, would she had made a complaint of **alleged harassment at the Hearing?**
- l) Cllr Robinson also considers that the Submission Statement of the Investigating Officer did not keep to the Findings of Fact, **Appendix AP 7**
- m) Also, the opportunity for Cllr Robinson to prepare a suitable defence to cross examine the Investigating Officer as a witness, did not arise.
- n) The Investigating Officer made it very clear that she was questioning Cllr Robinson and any questioning of her as a witness, **was subsequently denied**.
- o) Cllr Robinson was not prepared in his defence to question the Complaint Witnesses on issues unrelated to the 8/4/13, nor did he have Defence Witnesses to call on for the unrelated issues for reasons given above.

6. EVIDENCE NOT APPARENTLY FULLY CONSIDERED AT THE HEARING, INCLUDING FRESH EVIDENCE

- a) The Agenda for the Parish Council Planning meeting on the 25/3/13, where the committee recommended the Biggleswade Road site was issued on the 18/3/13 stated that the site had already been recommended. This suggests that the **decision had already been made before the Planning meeting, Appendix AP 4**
- b) The Chair of the 8/4/13 meeting publicly stated at a subsequent Parish Council meeting that his article in the Biggleswade Chronicle on the 19/4/13 commenting on harassing and bullying the Clerk **did not refer to Cllr Robinson**, who has witness statements to support it, **Appendix AP 5**
- c) The official minutes written by the Clerk, one of the complainants, records that the Chair replied '*no comment*'. However, such wording, even if accurate, does not confirm that Cllr Robinson in the Chair's view, was harassing or bullying the Clerk. At the same time, the Chair, by stating '*no comment*' was allegedly not giving reasons to the Parish Council for his article. This could be described as allegedly breaking the Council's Code of Conduct, **Openness 4.10 Appendix AP 6**
- a) Quite a lot was made regarding the designated powers of the Parish Council Planning committee in having the authority to make a resolution on a planning application.
- d) Cllr Robinson was mildly rebuked for not reading and following his copy of the Standing Orders adopted by the Parish Council on the 21/5/12.

e) Cllr Robinson has subsequently read the latest Standing Orders containing recent revisions and finds there is **no reference to this designated power of the Planning Committee** or any other Committee, www.bedsparishes.gov.uk/northill-parish-council

f) Reference was made at the hearing through the Complaint Witness Statements, to the Employment Grievance Panel as being necessary to prevent Cllr Robinson communicating with the Clerk. However the **legality of the meeting was never questioned** at the Hearing, despite the fact that the panel and Acting Clerk were made up of **four of the complainants** and Cllr Robinson was denied representation, requested documents and allowed only one days notice to attend the panel meeting.

g) One of the documents requested by Cllr Robinson, as a part employer of the Clerk, was the Clerk's **job application form**. The Clerk had complained about extra burden of work due to excessive but lawful FOI requests. Cllr Robinson's request was made in order to determine if all the Clerk's commitments in other areas had been **stated in her application**. Cllr Robinson considers this to be a reasonable request as an elected Councillor and employer of the Clerk, since the previous Clerk had [REDACTED] in her application, and subsequently convicted of fraud.

h) Also, the Clerk had made 14 allegations against Cllr Robinson at the Employment Grievance panel meeting and it seemed quite appropriate to ensure that both the panel of Councillors and Cllr Robinson, all employers of the Clerk, were looking at the allegations, **in the knowledge of the full background of the Clerk, the complainant**.

i) The request for a copy of the application form was considered inappropriate at the Hearing and it was stated that the application was confidential to the Chair only. However, Cllr Papworth, the Chair subsequently stated that **all the applicants' paperwork had been destroyed, Agenda P 115**

j) Cllr Robinson considers that this action is a breach of the **Council's Standing Orders 26**, which states...'*The Council shall keep written records relating to employees secure...*'

k) There is evidence to suggest that the Clerk **was engaged in additional employment at the time of her application**. The destruction of the Clerk's paperwork prohibits confirmation on her application.

7. CONCLUSION OF THE PANEL

a) Cllr Robinson believes holding a Public Hearing for such a minor alleged breach of code of conduct to be totally unnecessary for reasons mentioned above. He recognises that the Panel had a job to do, but he has concerns regarding the procedure and also the issues raised that were unrelated to the 8/4/13.

b) He considers that the conclusion reached was inappropriate, but recognises that the views of the Ward Councillor and the Submission Statement of the Investigating Officer probably played a major part in the decision **and hence Cllr Robinson has responded separately to the latter, Appendix AP 7**

c) However, apart from the comments above, Cllr Robinson had **confidence in the fairness of the Panel and that of its Chair**. He is particularly appreciative of the fact that the greater majority of the allegations made by the complainants were ruled out and for this reason, **Cllr Robinson feels vindicated of the unsubstantiated accusations** regarding his behaviour on the 8/4/13 and beyond.

d) The false allegations, together with a request to review the Standing Orders of the Parish Council are now in the public domain and could bring the Parish Council into disrepute.

e) The denial of these allegations in **PH Section 6 compared with the Findings of Fact in Section 9**, goes a long way in confirming these opinions.

8. ESTABLISHED FACTS

a) **Findings of Fact, PH Section 9.1.6** The Clerk did not have the relevant paperwork as shown in the Minutes of the meeting, **Agenda P 86**

b) Cllr Robinson considers that harassing the Clerk using the definition used by the Panel, **is not a fact, but an opinion, PH Section 9.1.11**. It is Cllr Robinson's understanding that a **fact** must be established, eg, swearing , before an **opinion** can be formed that harassment has occurred.

- c) Cllr Robinson is well aware that the confidential information given to the Council was not for the public domain. However, the failure of the Chair of the meeting on the 8/4/13, to mention the confidentiality of the matter to the meeting, put the Clerk in an awkward position.
- d) The information referred to above remains confidential to this day and although Cllr Robinson appreciates that certain Council matters need to remain confidential, the confidential issues regarding planning decisions involving the whole community, are questionable.
- e) It was also noted that the comment regarding the authority of the **developers having influence on planning decisions**, was not received well at the Hearing, nor at a recent Neighbourhood Planning meeting in Northill Parish.
- f) Cllr Robinson maintains that the majority of the Parish of Northill, and probably including most of the Councillors, many newly elected, are unaware of the power that the developers wield and he considers that such lack of transparency was a major contributory factor to the disorder at the meeting in question on the 8/4/13

9. EVENTS SINCE 29/30 SEPTEMBER 2014

- a) Cllr Robinson considers that the fact that the Hearing dismissed the vast majority of the allegations, including those alleging he had inappropriately supported [REDACTED] influenced Cllr Mandley's decision **not to resubmit her separate complaint** against Cllr Robinson.
- b) This complaint, despite being withdrawn, has made some very serious allegations against both Cllr Robinson [REDACTED]
- c) No public apology has been offered to Cllr Robinson [REDACTED] by Cllr Mandley regarding these allegations.
- d) Despite a full vindication of [REDACTED] of any wrongdoing by a First Tier Tribunal <http://www.informationtribunal.gov.uk/DBFiles/Decision/i1242/EA-2012-0149-170314.pdf> the Parish Council continues to act towards both Cllr Robinson [REDACTED] in a manner that **can only be described as a Vendetta**.
- e) No public apology has been made by any of the complainants to Cllr Robinson for publicly making false allegations against him. **Findings of Fact, PH Section 9**, omitted the majority of the allegations.
- e) [REDACTED]
- f) Despite the Investigating Officer finding no inappropriate activities by Caldecote Voices, Cllr Papworth continues to publicly malign this Village Resident's Association.
- g) This attitude of Cllr Papworth continues into Parish Council Neighbourhood Planning meetings where sadly, there appears to be no let up in Cllr Papworth challenging the integrity of Cllr Robinson or [REDACTED] who Cllr Robinson justifiably supports.
- h) At the Full Council meeting following the Hearing, several complainants failed to acknowledge Cllr Robinson's greeting. The video recording of the meeting demonstrates the way he was treated differently by the Chair compared with another Councillor, when raising a question. However the draft minutes of the meeting gives a different version, presumably to comply with fair play.
- i) Cllr Robinson has noted that the Monitoring Office has requested that the 8 pages of the details and findings of the report of the Hearing is confidential during the time of the Appeal and that Central Beds is the official authority for any detailed publication of the findings.
- j) However, despite advice to the contrary, Cllr Papworth, the Chair, made a public **statement regarding the findings of the Hearing at a Full Parish Council meeting on the 13/10/14**.
- k) Draft minutes containing a record of the statement were produced by the Clerk soon after the meeting and if approved at the next Council meeting on the 24/11/14, will appear on the Parish Council web site and notice boards.
- l) Although it is understood that the press may report on Council meetings, Cllr Robinson is seeking assurance that **his Public Apology will only be publicised by Central Beds and not by the Council**.

m) [REDACTED]
[REDACTED]
[REDACTED]

n) [REDACTED]
[REDACTED]

o) There have been attempts by Northhill Parish Council to allegedly prevent lawful filming of the Full Parish Council meeting on the 13/10/14.

p) At a meeting of the Northhill Parish Council Finance and General purposes Committee on the 23/10/14, a parishioner has reported that the meeting was allegedly unlawfully closed to the public due to public filming. This closure was resolved by the above committee, following a request by the Clerk that she considered **the filming of the meeting was causing her harassment.**

10. SUMMARY

a) Cllr Robinson considers that making a repeated apology, albeit in public, would appear to be a straightforward way forward in complying with the request of the Standards Board and partly with the wishes of the Parish Council.

b) However, carrying out such a request could only further **mask the true events of the disorderly evening and falsely hold Cllr Robinson totally responsible for the disorder**, together with his alleged bad behaviour, allegedly bringing the Council into disrepute and allegedly harassing the Clerk.

c) Cllr Robinson considers that **none of these accusations are true** and that to publicly apologise for such matters is not being truthful to himself nor to such people with an honest and reasonable judgement that witnessed the events on the evening in question. He feels that a public apology would be taken as an admission of unsubstantiated guilt.

d) If an Appeal were to be made, it would be for the reason of **bringing public awareness to the behaviour of Northhill Parish Council**

e) The Parish Council will give no guarantee that an apology will be an end to the matter as it will not confirm that fresh complaints will not be made by the Clerk or Councillors against Cllr Robinson.

f) The conclusion was understandably formed by the Panel that was not able to witness the proceedings. Cllr Robinson is of the opinion that had more Defence Witnesses been agreed to balance the 5 complaint witnesses, **then a different conclusion might have been reached.**

g) The majority of the allegations were not substantiated in the **Findings of Fact Section 9**. However, all the statements of the 5 letters of support and the 3 Defence Witness Statements were established in the **Findings of Fact Section 9**

h) Cllr Robinson considers that the unproven allegations of the complainants were therefore **unreliable in reaching a just conclusion**. The frequency of the unsubstantiated and outrageous comments could be seen as an effort to **protect the Clerk at all costs and the removal of Cllr Robinson from office**, a desire clearly stated in the official complaint forms.

i) Cllr Robinson and the majority of the public attending the meeting on the 8/4/13, have no doubt in their minds, that no breach of any Councillor Code of Conduct was breached by Cllr Robinson.

j) Cllr Robinson considers that the **continuing claims of alleged harassment and grievance issues** made by the Clerk, is in danger of creating a Council stifling free speech and healthy debate.

However, once again to demonstrate cooperation, good will and to carry out the requests of the Sub Committee, Cllr Robinson agrees to publicly apologise to the Clerk and Councillors of Northhill Parish Council. A written apology is sent as a separate attachment.

If the apology is approved, then the appeal will be withdrawn. If the apology is not agreed by Cllr Robinson and the Monitoring Officer, Cllr Robinson wishes the appeal to remain in force.

STANDING ORDERS USED AT THE TIME OF THE COMPLAINTS

PLEASE NOTE. THIS NEEDS TO BE READ IN CONJUNCTION WITH 2a ON PAGE 1 OF THIS DOCUMENT

a) At the time of the complaints by the Clerk and the 6 Councillors, i.e. soon after the 8/4/13, the existing **Standing Orders** had not been revised.

b) For that reason the Clerk and the Councillors should have followed the Standing Orders at that time which was No. **30 Allegations of breaches of the code of conduct, Appendix AP 2**