



Audit & Governance Hearing Subcommittee

Date: Friday, 26 February 2021

Time: 11.00 am

Venue: MS Teams Meeting

Membership: (Quorum 3)
Rod Adkins, Mike Parkes and Bill Trite

Chief Executive: Matt Prosser, South Walks House, South Walks Road,
Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

**For more information about this agenda please telephone Democratic Services -
susan.dallison@dorsetcouncil.gov.uk**



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A G E N D A

Page No.

1 APOLOGIES

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

To receive any declarations of interest.

3 MINUTES

5 - 10

To receive the minutes of the meeting on 9 December 2020 and 2 February 2021.

4 HEARING SUB-COMMITTEE TERMS OF REFERENCE AND DORSET COUNCIL MEMBER COMPLAINT PROCESS

To note the Sub-Committee's terms of reference:-

Audit and Governance (Hearing) Sub-Committees for the consideration of Code of Conduct Issues

- (a) The Audit and Governance Committee shall arrange that, to the extent it is called upon to determine any allegation relating to a Member Code of Code (including that of a Town Council or a Parish Council), the determination shall be made by a Sub-Committee of the Audit and Governance Committee. An Audit and Governance Sub-Committee with such responsibility may include non-Members. An Audit and Governance Sub-Committee that has non-Members forming part of it shall not have any power relating to the regulation and/or control of the finances of the Council.
- (b) Substitutes may only be appointed to an Audit and Governance Sub-Committee from the membership of the Audit and Governance Committee. There shall be no power to appoint non Member substitutes.

To note the Dorset Council Member Complaint Process:

[CLICK HERE](#)

- 5 SHAFTESBURY TOWN COUNCIL CODE OF CONDUCT AND BULLYING AND HARASSMENT POLICY 11 - 26**

WITNESS STATEMENTS

The opinions expressed within witness statements on this agenda are the witnesses own opinions and do not reflect the view of Dorset Council.

- 6 CODE OF CONDUCT COMPLAINT HEARING 1 08/20 27 - 80**

Documents attached:

Complaint

Report by the Investigating Officer

Shaftesbury Town Council minutes 18 February 2020

Email chain relating to complaints 08/20, 013/20, 023/20

- 7 CODE OF CONDUCT COMPLAINT HEARING 2 - 013/20 81 - 144**

Documents attached:

Complaint by Cllr M Welch;

Report by Investigating Officer;

Email from Cllr Welch dated 04/06/20;

Apology from Cllr K Tippins;

Email chain relating to complaints 08/20; 013/20 and 023/20;

Affidavit regarding the actions of Cllr A Hollingshead in baiting and bullying Cllr Mrs K Tippins;

Witness statement from Mr R Thomas.

- 8 CODE OF CONDUCT COMPLAINT HEARING 3 - 023/20 145 - 196**

Documents attached:

Complaint by Mr J Thrift;

Report by the Investigating Officer;

Email chain relating to complaints 08/20; 013/20; 023/20.

- 9 URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for urgency shall be recorded in the minutes.

- 10 EXEMPT BUSINESS**

To move the exclusion of press and the public for the following items in view of the likely disclosure of exempt information within the meaning of paragraph 1 of schedule 12A to the Local government act 1972 (as amended).



DORSET COUNCIL - AUDIT AND GOVERNANCE (HEARING) SUB-COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 9 DECEMBER 2020

Present: Cllrs Richard Biggs (Chairman), Barry Goringe and Susan Cocking

Also present: Cllr Matthew Hall

Officers present (for all or part of the meeting):

Jacqui Andrews (Service Manager for Democratic and Electoral Services), Grace Evans (Head of Legal Services and Deputy Monitoring Officer) and Fiona King (Democratic Services Officer)

18. Election of Chairman

Decision

That Cllr Richard Biggs be elected Chairman for the meeting of the Sub Committee.

19. Apologies

There were no apologies for absence.

20. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

21. Hearing Sub-Committee Terms of Reference and Dorset Council Member Complaint Process

All present noted the Hearing Sub-Committee Terms of Reference and Dorset Council Member Complaint process.

22. Exempt Business

Decision

That the hearing for all of the complaints being considered be held in an open meeting.

23. Code of Conduct Complaint 1

The Sub-Committee received the Investigating Officer's report in respect of a complaint against a councillor from Shaftesbury Town Council that had been received by the Monitoring Officer.

The Investigating Officer highlighted her background and the reasons why she had been approached to investigate complaints about elected members on behalf of Dorset Council. All the complaints on this agenda were concerned with members from Shaftesbury Town Council.

The Investigating Officer highlighted that a number of the points that had been raised by Cllr Tippins and Cllr Yeo prior to this meeting of the Sub-Committee were not relevant to the investigation that she had been asked to conduct.

The meeting the complainant referred to was held in February 2020, and the minutes from that had been shared with the members.

The officer suggested that the first 2 parts of the complaint be dismissed. as the complainant could not recall relevant information about the complaints due to the time that had lapsed.

However, the Investigating Officer believed that Cllr Tippins had been in breach of the Code of Conduct as a result of her disrespect towards members of the public and bringing the office into disrepute.

The Chairman highlighted to members the actions that could arise from this meeting; whether to accept the conclusion of the Investigating Officer, to refer for informal resolution or decide if a full hearing was warranted.

He agreed with the Investigating Officer that there was a lack of evidence regarding any aggressive behaviour in the first two parts of the complaint but felt there was a case to be heard around respect. He highlighted there had been some mitigation offered by Cllr Tippins.

Cllr Cocking agreed that there was a lack of evidence on the aggressive behaviour part of the complaint and also agreed that there was a case made around respect. She felt the councillor should have asked to move to a more comfortable position when she had realised that where she was sat was so uncomfortable. Cllr Cocking made reference to the principles of public life which all councillors should adhere to.

Cllr Goringe also felt there was a lack of respect shown towards a guest of the Council and other councillors.

Decision

That the Sub-Committee unanimously agreed to accept the investigator's findings and conclusion of the report and that no further action be taken in respect of the first two parts of the complaint. In respect of the third part of the complaint members found that Cllr Tippins had breached the Code of Conduct and agreed that a full hearing on a future date should be arranged. The Complainant and Councillor would be invited and would have the opportunity to speak at this meeting. If there was a need to call witnesses for this, this would be addressed.

24. Code of Conduct Complaint 2

The Sub-Committee received the Investigating Officer's report in respect of a complaint against Cllr Yeo from Shaftesbury Town Council that had been received by the Monitoring Officer.

The Investigating Officer highlighted the details in her report and drew members' attention to Cllr Yeo's extensive amendments that were also appended to her report. In her view the changes made were additional/expanded points made in hindsight following the circulation of her record of the interview.

The Chairman advised members they were not tasked to assess the governance of Shaftesbury Town Council or any other Town Council but purely to look at Code of Conduct matters. In his view the facts were clear and he was surprised to see the challenges to the investigator's report.

Cllr Cocking had watched videos of the meeting and felt the words used could be clearly heard. She felt as councillors they needed to adhere to the principles of public life and that fellow councillors should not be spoken to in this regard. To sum up she felt that Cllr Yeo had breached the Code of Conduct.

Cllr Goringe felt that Cllr Yeo had been disrespectful and had clearly used aggressive behaviour. To this end he agreed that Cllr Yeo had breached the Code of Conduct.

Decision

That the Sub-Committee unanimously agreed to accept the investigator's findings and conclusion of the report and that a full hearing be arranged for a future date.

25. Code of Conduct Complaint 3

The Sub-Committee received the Investigating Officer's report in respect of a further complaint against Cllrs Yeo and Tippins from Shaftesbury Town Council that had been received by the Monitoring Officer.

The Investigating Officer highlighted the details in her report and drew members' attention to the references made to Shaftesbury Town Council's Code of Conduct and to their Bullying and Harassment policy. The officer confirmed she had watched the videos of the meeting and noted the extensive changes made by Cllr Yeo to his statement which she felt did not reflect the discussions of the meeting. She felt that both councillors had breached the Code of Conduct and should treat other councillors with respect. However, the issue of bullying was less clear. Cllr Tippins had issued an apology in August 2020. This was not referred to in the report as it was received after the report had been finalised and circulated but had been circulated to members prior to this meeting.

The Chairman noted the apology and mitigating circumstances in respect of the complaint against Cllr Tippins.

Cllr Cocking advised that at council meetings, both virtual and face to face, councillors needed to be mindful of what was said. She had watched the recording and felt it was uncomfortable to watch. She felt both councillors were in breach of the Code of Conduct and she would have expected councillors to adhere to this and not make flippant comments. In her view their behaviour was not professional at all.

Cllr Goringe agreed and felt that both councillors had been completely disrespectful and had not adhered to the Code of Conduct.

The Chairman added that despite an apology being issued, albeit late, there was still a case to be heard.

Decision

That the Sub-Committee unanimously agreed to accept the investigator's findings and conclusion of the report and that a full hearing be arranged for a future date.

26. Urgent Items

There were no urgent items of business.

Duration of meeting: 2.00 - 2.48 pm

Chairman

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DORSET COUNCIL - AUDIT AND GOVERNANCE (HEARING) SUB-COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 2 FEBRUARY 2021

Present: Cllrs Rod Adkins, Mike Parkes and Bill Trite

Apologies: There were no apologies for absence

Also present: Mr M Powell, Cllr K Tippins, Mr J Thrift, Mr R Thomas, Mr M Welch and Ms E Whatley

Officers present (for all or part of the meeting):

Grace Evans (Head of Legal Services and Deputy Monitoring Officer), Susan Dallison (Democratic Services Team Leader) and Jacqui Andrews (Service Manager for Democratic and Electoral Services)

27. Election of Chairman

It was proposed by Cllr W Trite, seconded by Cllr R Adkins

Decision

That Cllr M Parkes be elected as Chairman.

On being elected Chairman Cllr Parkes read out the following statement:

The Council received an email yesterday at 4.20 pm raising a concern that the correct procedure for the hearings has not been followed as the Councillors who are the subject of allegations have not been provided with the contact details of the Independent Persons for them to consult with.

This is right. Those contact details should have been given.

Therefore, today's hearings will be adjourned to give each Councillor who is the subject of allegations the opportunity to consult with the Independent Person. We will aim to arrange a new date for these hearings in February. The Clerk will write to everyone shortly with details of a new hearing date and the Councillors will be provided with the details of the Independent Persons.

We apologise for any inconvenience caused by the adjournment but we want to ensure the correct procedure is followed and be fair to everyone.

Duration of meeting: 11.00 - 11.02 am

Chairman

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Shaftesbury Town Council MEMBERS' CODE OF CONDUCT

The Code of Conduct, as set out below, was adopted by Shadow Dorset Council with effect from 1 April 2019.

1. Introduction

- 1.1 Shaftesbury Town Council has a duty to promote and maintain high standards of conduct by its councillors. This Code of Conduct sets out the conduct that is expected of councillors when carrying out Council business or representing the Council.
- 1.2 The Code of Conduct is to be interpreted in a way that is consistent with the following principles:

Selflessness	Councillors should act solely in terms of the public interest.
Integrity	Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Councillors should be truthful.
Leadership	Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. General Obligations

- 2.1. A Councillor must

- (a) comply with this Code of Conduct and any other of the Council's policies, protocols and other procedures relating to the conduct of councillors;
- (b) treat others with respect;
- (c) when using or authorising the use by others of the Council resources act in accordance with the Council's reasonable requirements;
- (d) take into account any relevant advice provided by the Proper Officer or Interim/Appointed Monitoring Officer, when reaching decisions on any matter
- (e) inform the Proper Officer of the receipt of any gifts and hospitality that they estimate has a value of more than £50 and the name of person providing the gift or hospitality.

2.2 A Councillor must not –

- (a) do anything which may cause the Council to breach the Equality Act 2010;
- (b) bully any person;
- (c) 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 to an allegation that a councillor (including them) has failed to comply with this Code of Conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- (e) disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) they have the consent of a person authorised to give it;
 - (ii) they are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is reasonable and in the public interest; and is made in good faith and in compliance with the Council's reasonable requirements;
- (f) prevent another person from gaining access to information to which that person is entitled by law; or
- (g) behave in a way which could reasonably be regarded as bringing their office or the Council into disrepute;
- (h) use or attempt to use their position improperly to confer on or secure for them or any other person, an advantage or disadvantage; or
- (i) use the Council's resources improperly for political purposes (including party political purposes).

3. **Disclosable Pecuniary Interests**

- 3.1 A Councillor must register any disclosable pecuniary interest (see Appendix A) that they or their husband or wife, civil partner or any person that they are living with as husband or wife or civil partner, as if they are their own interests, when they know about them.
- 3.2 A Councillor must register any disclosable pecuniary interests with the Monitoring Officer within 28 days of:
- (a) being elected or appointed to office;
 - (b) this Code of Conduct being adopted;
 - (c) declaring an unregistered interest at a meeting of the Council; and
 - (d) becoming aware of any new interests or changes in those interests
- 3.3 A Councillor who is aware or ought reasonably to be aware that they have a disclosable pecuniary interest in any business of the Council who attends a meeting of the Council at which that business is discussed, must disclose to the meeting the existence and nature of the interest at the beginning of the meeting or when it becomes apparent that they have such an interest. Where information about an interest has been agreed with the Monitoring Officer to be sensitive, the Councillor need only declare the existence of the interest.
- 3.4 A Councillor who has a disclosable pecuniary interest in any business of the Council must not take part in the consideration of that business and must withdraw from the room where the meeting is being held unless they have been granted a dispensation by the Proper Officer

4. **Sensitive interests**

Where you have an interest (whether or not it is a disclosable pecuniary interest) and the nature of the interest is such that you and the Monitoring Officer consider the disclosure could lead to you or a person connected with you being subject to violence or intimidation, special rules apply to registration of the interest. The elements of the Register of Interests that are in the public domain must not include details of the interest but will instead refer to the details being withheld in accordance with section 32 of the Localism Act. You need to disclose the interest at a meeting, but the disclosure is limited to a statement that you have a disclosable pecuniary interest which falls within an exemption in the Act without further details being given.

5. **Gifts and Hospitality**

The Council will maintain a public Register of Gifts and Hospitality to you. This is for Gifts and Hospitality which exceed an estimated £50 in value at any one time. You are asked to keep this Register up to date by notifying (in writing) the Proper Officer within 28 days of any receipt of such a gift or hospitality so that this can be entered in the Register. Such matters are not included in the Regulations for

disclosable pecuniary interests and therefore will not require a disclosure and withdrawal at a business meeting.

6. Monitoring and review

This Code will be kept under review by the Council.

APPENDIX A

Disclosable Pecuniary Interests

1. For the purposes of this Appendix

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act; and

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

2. The following are disclosable pecuniary interests.

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment of financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority–

	<p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	Any beneficial interest in securities of a body where- <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either-</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or;</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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2017

SHAFTESBURY TOWN COUNCIL

Bullying & Harassment Policy



Draft

STC

28/02/2017

BULLYING & HARASSMENT POLICY

1 Policy Statement

1.1 Shaftesbury Town Council believes that all of its employees have the right to be treated with dignity and respect and that harassment and bullying is totally unacceptable. It will deal effectively with any form of harassment or bullying and take any steps it sees fit to either stop or prevent it.

2 Introduction

2.1 This policy should be read in conjunction with other Council policies and procedures such as: the Equal Opportunities Policy, Disciplinary Rules and Procedures, Grievance Procedure and the Elected Members Code of Conduct.

2.2 Employees are the Council's most valuable and important resource and it has a legal, moral and ethical duty to ensure that the environment in which they work enables them to contribute to their fullest potential and that they feel confident and comfortable about that working environment.

2.3 As well as considering the welfare of its employees, there is a strong business case for ensuring the elimination and prevention of harassment and bullying such as; the financial impact (e.g. cost of reduced performance), health and safety (e.g. physical and emotional effects on employees) and recruitment and retention (e.g. people will not wish to join us or to remain with us).

3 Scope of the Policy

3.1 This policy covers harassment and bullying by Officers and Members of the Council. It does not cover harassment and bullying from the public or contractors and in these cases employees should report any such behaviour to their manager who will take appropriate action depending upon the incident concerned.

4 Aims of the Policy

4.1 The information given below shows how harassment and bullying can affect both individuals and the Council and demonstrates the need for a policy. The aims of having a harassment and bullying policy are as follows:

- To ensure that all of the Council's employees are treated with dignity and respect;
- To ensure that harassment and bullying is prevented and, if it does occur, that action is taken to stop it;
- To ensure that the working environment is such that each employee feels confident and comfortable about the way they will be treated whilst at work;
- To ensure that all of the Council's employees know what harassment and bullying is and what the Council's policy is;
- To explain the responsibilities of Members, management and employees;
- To explain the procedures for dealing with harassment and bullying.

5 What is Harassment and Bullying?

5.1 Definitions

5.1.1 There are various definitions of harassment all of which are valid but there are two key questions which help to define 'Harassment?' they are, 'is the behaviour unwanted?' and 'does it undermine the dignity of the individual?' A definition of bullying is given below but harassment and bullying are closely linked and in fact, bullying itself is a sustained form of psychological harassment.

5.1.2 A general definition could be 'conduct which is unwanted and offensive and affects the dignity of an individual or group of individuals'.

a. Sexual Harassment

A definition of sexual harassment is 'unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of men and women at work'.

The following are examples of inappropriate behaviour:

- Physical - unwanted physical contact including unnecessary touching, patting, pinching or deliberately brushing against another employee's body.
- Verbal - unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive flirtations, suggestive remarks, innuendoes or lewd comments.
- Non verbal - the display of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling, or making sexually suggestive gestures.
- Sex based conduct - that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his/her sex, such as derogatory or degrading abuse or insults which are gender related and offensive comments about appearance or dress.

b. Racial Harassment

A definition of racial harassment is 'racially motivated actions and behaviour which are directed at people because of their race, colour, ethnic origin, cultural differences, creed and/or nationality and which are unwanted and/or cause offence and distress'.

As with sexual harassment described above, racial harassment can be expressed in a range of behaviours such as: physical or verbal conduct (e.g. assault, derogatory name calling, malicious comments, jokes, hostile attitudes), non verbal racist conduct (e.g. graffiti, display of racial insignia or material), damage to personal property, denial of opportunities and exclusion from social activities.

c. Harassment of Disabled People

Research shows that Society still views disabled people as 'victims' or 'sufferers' and this is a view which should be challenged. Any difficulties faced by disabled people are not due to their impairment but to society which fails to acknowledge their rights, access requirements and abilities.

Again, as with sexual and racial harassment described above, there are a range of behaviours which are unacceptable such as; staring and/or uninvited touching, exclusion from social events, speaking to others rather than to the disabled person directly, asking intimate questions about a person's impairment, making assumptions about disabled people (e.g. that they do not have a social, sexual or private life), physical abuse or intimidation, unreasonably questioning a disabled person's work capacity and/or ability by making inappropriate demands or requirements (e.g. over zealous scrutiny of sickness records), making assumptions about a person's impairment, jokes and mimicking the particular disability.

d. Intentional Harassment

Many forms of intentional harassment are potentially criminal offences (see legislation below) and a person may commit such an offence when they intentionally cause a person harassment, alarm or distress, where they use threatening, abusive or insulting language or behaviour or disorderly behaviour or display any writing, sign or other visible representation which is threatening, abusive or insulting causing that other person harassment, alarm or distress.

e. Bullying

It must be clearly understood that it is a manager's responsibility to set targets and review work performance. It is also the manager's role when individuals do not reach targets to ensure that corrective processes are put in place. These discussions are sometimes difficult for both parties but need to take place to ensure employees work competently. In this context bullying will only occur when a manager abuses his or her authority. Bullying can be defined as offensive, intimidating, malicious, insulting or humiliating behaviour, abuse of power or authority which attempts to undermine an individual or group of employees and which may cause them to suffer stress.

Bullying behaviour can include:

- all forms of harassment;
- aggressive, insulting and unco-operative attitude;
- destructive innuendo and sarcasm;
- constant unjustified criticism, unjustifiably removing responsibilities, and replacing them with trivial tasks to do instead;
- shouting at employees;
- a manager insisting that his or her way of doing things is always right without discussion;

- unreasonable use of disciplinary/competence procedures;
- unreasonable refusal of requests (e.g. leave or training) ;
- deliberately ignoring or excluding individuals from activities;
- imposing unreasonable workloads and/or unjustifiably reducing deadlines;
- constantly undermining an employee in terms of their professional or personal standing;
- undervaluing an employees efforts;
- seeking to make a person appear incompetent, or intentionally creating an unacceptable working environment, with the object of either achieving a dismissal or of making them resign;
- making someone the butt of jokes;
- 'flame-mail' (i.e. aggressive e-mail) can also be a source of bullying;

It should be noted that bullying does not just occur in manager/subordinate relationships, it can occur when there is unacceptable peer pressure or pressure by others in a position of "authority" e.g. Members.

6. The Legal Framework

6.1 Having a harassment and bullying policy is not a question of being 'politically correct', there is a legal framework which supports having such a policy. Harassment and bullying are unlawful on a number of grounds and the key legislation is as follows:

Sex Discrimination Act 1975 and Race Relations Act 1976

Where there is a sexual or racial element to harassment or bullying, employees may be able to take their case to an Employment Tribunal.

Health and Safety at Work Act 1974

Under this Act employers are responsible for providing a healthy and safe working environment. Harassment and bullying undermines that and is included in the Health and Safety Executive's definition of violence. It is also clear that managing working relationships is important and bullying and harassment may cause stress. Failure to take action to prevent or deal with any known occurrences could amount to a breach of the Act.

Employment Rights Act 1996

An employee could take a case to an Employment Tribunal and complain of 'constructive dismissal' where they felt that they had to resign because they were being harassed or bullied and their employer was taking no action either to stop or prevent it.

Criminal Justice and Public Order Act 1994

As described under intentional harassment above, harassment of this nature is a criminal offence and, if found guilty, could lead to a fine and/or imprisonment.

Disability Discrimination Act 1995

It is unlawful to victimise disabled people who make use of, or try to make use of, their rights under the Act. People who help disabled people complain about discrimination are also protected.

7 Effects of Harassment and Bullying

7.1 There are two ways of looking at the effects of harassment and bullying, from the employer's point of view and from the employee's point of view. As mentioned above there is a strong business case for having this policy and the effects of harassment and bullying on the organisation could include; poor morale, low productivity, high absenteeism and increased staff turnover. However, the effects on individuals is of greater concern.

7.2 The effects of harassment and bullying on individuals are similar to those of stress and could include: isolation, anxiety, distress, depression, palpitations and panic attacks, headaches, nausea, ulcers, sleeplessness, skin rashes, irritable bowel syndrome, high blood pressure, and loss of self confidence.

8. Responsibilities

8.1 To be undertaken by all Managers.

Managers will have the following responsibilities:

- Compliance with the Policy;
- Creating/ensuring that there is a supportive working environment;
- Making sure that their employees know the details of this policy and ensuring compliance with it;
- Making sure that their employees know what standards of behaviour are expected of them;
- Taking allegations of harassment and/or bullying seriously and dealing with them as quickly as possible;
- Ensuring that recipients of harassment and/or bullying receive appropriate support which might include counselling, (note: consideration should be given as to whether the harasser/bully should be given access to counselling);
- Dealing with complaints under the Informal or Formal procedure (see below);
- Ensuring that matters are dealt with confidentially and impartially;
- Ensuring that their employees attend any training requirement;

- Liaising with the Head of Personnel on how to deal with cases that arise.

8.2 Employees

Employees will have the following responsibilities:

- Compliance with the policy;
- For treating their colleagues with dignity and respect;
- Having an awareness of their own standards of behaviour;
- Making it clear that they find harassment and bullying unacceptable;
- Reporting harassment and supporting management with the investigation of complaints;
- Intervening to stop harassment and/or bullying and give support to recipients.

8.3 Members

Members will have the following responsibilities:

- Compliance with the Policy
- Treating employees with dignity and respect

Those who are recipients of harassment and/or bullying

Those who consider that they are being harassed or bullied have the right to seek redress through either the informal or formal procedure. Only if the matter is brought to the attention of the harasser/bully or manager can action be taken to stop the behaviour.

9 Action - The procedure for dealing with harassment and/or bullying

9.1 The decision as to how any case of harassment and bullying should be pursued will, in the first instance, rest solely with the person being harassed or bullied. He/she must not feel pressurised to deal with the matter informally just because it might appear to be easier for Management to deal with. However, if the harassment or bullying is serious (e.g. alleged assault or rape) then the matter should be dealt with formally and will be reported to the Police since a criminal act may have taken place.

9.2 Whilst all types of harassment or bullying are serious, it has to be recognized that there are varying degrees of such behaviour. In order to help the recipient assess the seriousness of the problem and to help and guide them, there are a number of people within the Council who can act as a 'listener'. A 'listener' is a person you feel you can trust who is not directly involved in the issue, which could include your Line Manager, a member of the Management Team or a Member of the Council.

9.3 A 'listener' will operate in complete confidence and will know how to access specialised help. Alternatively, recipients may, if they prefer, contact their line manager, trade union representative or any colleague for advice and guidance.

9.4 Whatever the circumstances of the case, it is very important that a written record is kept of any incidents of harassment or bullying in case there is a need for subsequent action.

9.5 Informal Action

If it is possible and appropriate to do so, recipients should ask the person who is harassing or bullying them to stop such behaviour making it clear that it is offensive and unwelcome. This can be done face to face or in writing.

If the recipient feels that they cannot approach the harasser/bully themselves then this initial approach can be made by a friend, colleague, trade union representative or manager.

It is important that notes are kept of the incidents of harassment or bullying complained of and the harasser/bully's response.

It is possible that some people may not have realised that their behaviour was offensive and alerting them to it will alter their behaviour.

9.6 Formal Action

i. The formal procedure can be invoked if the recipient wishes and must be followed when the particular 'offence' is so serious, that criminal prosecution may result, or when informal procedures have failed to resolve the problem. The recipient must make a formal written complaint to his/her manager.

ii. At this stage the matter will be investigated as part of and under the Council's Grievance Policy and Disciplinary Rules and Procedures. An Investigating Officer who will not be the complainant's Line Manager, will thoroughly investigate the complaint which will involve gathering evidence, obtaining statements, interviewing the recipient and the alleged harasser/bully.

iii. The usual representation will apply to the alleged harasser/bully and the recipient can be supported throughout the process by a colleague or trade union representative.

iv. If, at the conclusion of the investigation, there is a case to answer, the case matter will be considered at a Disciplinary hearing. The recipient should be given feedback after the conclusion of the hearing. If it is decided after the investigation or the hearing that there is no case to answer, an explanation must be given to the recipient. It should be noted that the recipient does not have a formal right of

appeal or the right to raise a grievance against any decision affecting the harasser/bully following a disciplinary hearing or investigation.

v. If elected Members are bullying or harassing employees, contractors, fellow councillors, others then a referral through the Standards process in place at the time reported as a contravention of the Member's Code of Conduct could be an appropriate measure. If an employee is experiencing bullying or harassment from a third party the council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, often available from the council's insurer, if such a matter arises.

vi. If the recipient has made a malicious and unfounded complaint then this may constitute harassment in itself and be dealt with under the disciplinary procedure.

vii. If the matter involves a complaint against a Member, the Town Clerk must be informed and, following investigation, a report should be submitted to the Human Resources Committee.

viii. If the matter involves a complaint against the Town Clerk the Chairman of the Human Resources Committee will determine the most appropriate means of dealing properly with the complaint.

10. Counselling

If requested by either party (i.e. the recipient or harasser/bully), the Council will consider the provision of formal counselling.

11. Penalties

11.1 Employee: Bullying and harassment by any employed persons can be considered examples of gross misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the council.

11.2 Councillor: If elected Members are bullying or harassing employees, contractors, fellow councillors, others then a referral through the Standards process in place at the time reported as a contravention of the Member's Code of Conduct could be an appropriate measure. If an employee is experiencing bullying or harassment from a third party the council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, often available from the council's insurer, if such a matter arises.

11.3 Disciplinary Action - Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

i. For an **Employee** found to have been bullying/harassing others this will follow the council's Disciplinary procedure under the ACAS Code of Practice and would normally be treated as Gross Misconduct.

ii. For **Members** who the council reasonably believe have been bullying or harassing another person(s) whilst undertaking council activities the range of sanctions available to the council, are limited and must be reasonable, proportionate and not intended to be punitive. In some cases counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc. may be more appropriate than a penalty. Sanctions may include; admonishment, issuing an apology or giving an undertaking not to repeat the behaviour, removal of opportunities to further harass/bully such as removal from a committee(s) where direct contact with the employee or decision-making about that employee will take place, or removing the right to representation on any outside bodies where there will be contact with the employee who has raised the complaint. A referral under the Code of Conduct to the relevant reviewing body is usually an appropriate step and there may be further disciplinary sanctions available as a result of the relevant Standards Committee reviewing the evidence under the Code in place at the time.

A referral to the Police under the Protection from Harassment Act 1997 may also be appropriate or a claim to an Employment Tribunal for Third Party harassment (for harassment relating to one of the protected characteristics under the Equality Act) in the most extreme cases.

This list is not exhaustive.

iii. False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/Member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure or a referral to the Standards process.

12. Useful Contacts

- ACAS www.acas.org.uk tel: 0845 7 47 47 47
- Local Government Ombudsman for England www.lgo.org.uk 0300 061 0614
- Equalities and Human Rights Commission www.equalityhumanrights.com
- SLCC www.slcc.co.uk
- DirectGov website
www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/DiscriminationAtWork/DG_1_0026670
- DirectGov website www.GOV.uk

13. This policy was adopted by Shaftesbury Town Council on xxx xxx xxx
This policy was updated on xxx xxx xxx

Agenda Item 6

What would you like to contact us about?: Make a complaint

What department does your complaint relate to?: Councillors and electoral services

Please select a category: Councillors

Your name:

Your Email Address:

Your telephone number:

Your address:

Postcode	Select the address
----------	--------------------

subform 1:

First name of Councillor	Last name of Councillor	Please select if the complaint relates to a Councillor elected to:	Town or Parish
Peter	Yeo	a Town or Parish Council	Shaftesbury Town Council
Karen	Tippins	a Town or Parish Council	Shaftesbury Town Council

Please provide us with the details of your complaint: I along with 4 other members of my committee attended the full town council meeting last night in Shaftesbury. We were disgusted and embarrassed by Peter Yeo and Karen Tippins behaviour, Peter Yeo was conducting himself very aggressively towards the acting chair. Karen Tippins repeatedly was very aggressive and in fact bullying towards the town clerk. We did a presentation and at no time did Karen Tippins look up at the presentation she just sat with her back towards it.
I do not require a personal apology but I do not think this is a way councillors should conduct themselves in public.

Please select 'Yes' if you are willing to accept an apology from the councillor who you are complaining about : no

If you are not willing to accept an apology what would you like to happen as a result of you making a complaint: I would like a senior to listen to the meeting and take steps so that they do not conduct themselves like they did in public again as I live in Shaftesbury and Shaftesbury has had in previous years a very bad name for there town council. Since the councillors have changed things in Shaftesbury and at council meetings have greatly improved until these newly elected councillors came on and I would hate for the staff and fellow councillors to have to experience what the numerous town clerks and fellow councillors have had to experience previously.

Please tell us which of the following type of person best describes you:: Member of the public

Do you wish to request that your identity is kept confidential: Yes

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:: I do wish to make this personal, but seeing the way these 2 councillors conduct themselves they certainly would as they are already against anything we try to do for the community now.

Dorset Council – Complaint No. 008/20

Investigation in respect of alleged breaches of the Shaftesbury Town Council Code of Conduct adopted on 18 June 2019

Investigation undertaken by Jacqui Andrews, Service Manager, Democratic and Electoral Services, Dorset Council

Background

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members of the authority and, under section 28 of the Localism Act 2011, to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct.

On 3 June 2020, complaint number 008/20 was considered by an assessment meeting, together with the views of Dorset Council's Independent Person. It was agreed that on the information provided they were satisfied that the complaint should be investigated further.

Introduction

In order to be able to carry out a thorough investigation of the complaint raised, I took the opportunity to view, in detail, the following:

- Shaftesbury Town Council's Code of Conduct adopted on 18 June 2019.
- Shaftesbury Town Council's Bullying and Harassment Policy dated 28 February 2017.
- Minutes of the Shaftesbury Town Council's Full Council meeting dated 18 February 2020

To supplement the information provided to me and available in the public domain on the Shaftesbury Town Council website, I also met virtually with the following people in order to seek their comments on a number of issues:

- Mrs X– 11 June 2020
- Councillor Karen Tippins – 18 June 2020

A record of our discussions is attached at Appendices A and B. Both Mrs X and Councillor Tippins have agreed the content of their own statement.

It is not my intention to set out everything said in the interviews, a record of which can be found in the appendices, but I refer to any issues within the main body of the report that I believe are pertinent to this investigation.

Complaint 008/20

The complaint by Mrs X alleges aggression by Councillor Yeo and rudeness by Councillor Tippins as follows:

“I along with 4 other members of my committee attended the full town council meeting last night in Shaftesbury. We were disgusted and embarrassed by Peter Yeo and Karen Tippins behaviour, Peter Yeo was conducting himself very aggressively towards the acting chair. Karen Tippins repeatedly was very aggressive and in fact bullying towards the town clerk. We did a presentation and at no time did Karen Tippins look up at the presentation she just sat with her back towards it.

I do not require a personal apology but I do not think this is a way councillors should conduct themselves in public.”

At a meeting of the assessment sub-committee on 3 June 2020, it was agreed that the complaint warranted investigation.

Undisputed facts

The undisputed facts of this case are that:

The meeting referred to by Mrs X was the meeting of Full Council on 18 February 2020, when Champions Football Academy on behalf of Shaftesbury Football Club were invited to give a presentation to Full Council.

Facts/statements not agreed and the conflicting evidence

Mrs X states that Councillor Tippins did not face the screen during the presentation. Councillor Tippins states that she did turn round on a number of occasions during the presentation. However, to face the screen or the presenter she had to twist (which she did 3 times during the meeting) but she experienced a jarring pain in her back so she stopped twisting.

Findings

Mrs X's complaint relates to 3 separate issues and I have set these out individually below:

1. Peter Yeo was conducting himself very aggressively towards the acting chair

Mrs X was unable to recall the precise details of this incident, but recalled a sense of aggression towards the Acting Chairman on the part of Councillor Yeo.

2. Karen Tippins repeatedly was very aggressive and in fact bullying towards the town clerk

Mrs X was unable to recall the precise details of this incident, but recalled a sense of aggression and bullying towards the Town Clerk on the part of Councillor Tippins

3. We did a presentation and at no time did Karen Tippins look up at the presentation she just sat with her back towards it.

Mrs X said that the presentation was being given by an organisation called Champions Football Academy, on behalf of Shaftesbury Football Club. She alleges that whilst all other Councillors who had their backs to the screen turned around so they could view the presentation, Councillor Tippins did not and kept her back to the screen for the duration of the presentation. Mrs X said that she witnessed Councillor Tippins rolling her eyes at Councillor Yeo on a number of occasions.

Due to the time that had passed since the meeting on 18 February 2020, Mrs X was unable to recall the specific detail of what was said by Councillor Yeo and Councillor Tippins in respect of the first 2 parts of her complaint set out at 1. and 2. above, although she recalled a sense of aggression and bullying. As Mrs X was unable to give precise details of the allegation, I do not consider it appropriate to take these complaints further.

With regard to the presentation given by Champions Football Academy, Councillor Tippins expressed the view in both her emails to me (copied at Appendix C) and in our meeting that she didn't believe that the presentation was Town Council business, but was merely for information. Councillor Tippins also expressed the view that the presentation should not have been scheduled in the middle of a Full Council agenda, and that it should have been scheduled to take place in the Guild Hall where there was more room and a different layout could have been achieved making it easier for all Councillors to be able to easily view the screen.

Whilst I agree that the Town Council may wish to consider the scheduling of informative presentations outside of a committee meeting, and also whether a different venue may be more appropriate in the future, this is not actually relevant to the complaint.

Councillor Tippins states that she did "twist" to view the presentation on 3 occasions but this caused her pain in her back so she stopped turning towards the screen.

Whilst I accept that Councillor Tippins was in a seat that made viewing the screen difficult, I do not believe it is credible that Councillor Tippins didn't feel able to raise her hand to the Chair prior to the start of the presentation to indicate that she wished to move so that she could view the screen. Councillor Tippins states "the presentation was during Full Council official meeting proceedings where you are not really allowed to move or speak unless it is your turn to do so or you have a need to move eg toilet". I would suggest that Councillor Tippins had a "need to move" in order to be able to view the presentation, and I am certain that she would not feel unable to raise this point if she had wanted to.

Councillor Tippins also suggested that it was the presenter's responsibility to ensure that everyone could view the presentation. I am of the view that when a guest is invited to address a Council meeting, it is normal practice for them to "do their best" with the facilities provided. Whilst I am not aware of the organisation making the presentation and do not know if the presenter is experienced at public speaking, I do not agree that it is always a guest presenter's "responsibility" to ensure everyone is able to see the presentation. In an ideal world, it might have been helpful if the presenter or the chairman had invited anyone to move who was unable to view the screen, but equally, and particularly for elected Councillors, I would expect them to exercise some personal responsibility and indicate that they need to move to view the screen or, if unable to move, indicate that whilst they couldn't view the screen they would be listening to the presentation.

Councillor Tippins said on more than one occasion that the presentation was nothing to do with the Town Council and was not Town Council business, and from this I perceived a disinterest in the topic.

Member Code of Conduct

The Shaftesbury Town Council's Members' Code of Conduct was adopted on 18 June 2019. I believe that the paragraphs of the Code that are relevant to the Complaint are set out in the general obligations at 2.1 (a) and (b), and 2.2 and (g):

2. General Obligations

2.1 A Councillor must:

- (a) comply with this Code of Conduct and any other of the Council's policies, protocols and other procedures relating to the conduct of councillors;
- (b) treat others with respect;

2.2 A Councillor must not –

- (g) behave in a way which could reasonably be regarded as bringing their office or the Council in to disrepute.

Conclusion

Following my interview with the complainant, due to the lack of precise detail in respect of the allegation of aggressive behaviour by Councillor Yeo towards the Acting Chairman, and the allegation of aggressive and bullying behaviour by Councillor Tippins towards the Town Clerk, these 2 elements of the complaint should not be taken any further.

However, in respect of the 3rd complaint alleging that Councillor Tippins did not engage with a presentation being given to the Town Council at the meeting on 18 February 2020, I am of the view that Councillor Tippins was in breach of the Code of Code as follows:

2. General Obligations

A Councillor must

- 2.1 (a) - comply with this Code of Conduct and any other of the Council's policies, protocols and other procedures relating to the conduct of councillors;

Conclusion: Councillor Tippins failed to comply with the Code of Conduct, specifically paragraphs 2.1(b) and 2.2 (g)

- (b) – treat others with respect.

Conclusion: By failing to turn around to view the whole presentation, I am of the view that Councillor Tippins' actions were disrespectful to the presenter who had been invited to attend the meeting to provide information. I would conclude that Councillor Tippins' conduct was not only disrespectful but also passively aggressive in that she appeared to be sharing her negative feelings through her actions, demonstrating aggression in an unassertive way. Had this not been Councillor Tippins' intention, I would have expected her to have indicated prior to the start of the presentation that she needed to move to be able to view the screen, or to have stated that whilst she was unable to turn to view the screen she would be listening to what was being said – neither of these actions were taken.

In her statement, Councillor Tippins "felt that it was difficult to see how not paying attention to a particular item on the agenda could ever be regarded as a Breach of the Code of Conduct". By way of this statement, Councillor Tippins is inferring that she recognised that she was not paying attention and, in my view, this is very disrespectful to a guest of the Council.

A Councillor must not

- 2.2 (g) - behave in a way which could reasonably be regarded as bringing their office or the Council in to disrepute.

Conclusion: Councillor Tippins behaved in such a way which could reasonably be regarded as bringing their office or the Council in to disrepute. The presenter, as an invited guest of the Town Council, had the right to expect a level of respect and attention from all members, and if one fails to demonstrate recognition of their work or appears to display disinterest in the presentation, this is likely to result in a negative reflection on the Council as a whole.

Jacqui Andrews
Service Manager, Democratic and Electoral Services
21 August 2020

Meeting with complainant, Mrs X

Date: 2.00pm Thursday 11 June 2020

I explained to Mrs X that the purpose of the meeting was to gather information to enable me to understand that facts as she saw them, and to explore the issues raised in her complaint to enable me to formulate my report and any conclusions.

Mrs X's complaint was as follows:

"I along with 4 other members of my committee attended the full town council meeting last night in Shaftesbury. We were disgusted and embarrassed by Peter Yeo and Karen Tippins' behaviour. Peter Yeo was conducting himself very aggressively towards the acting chair. Karen Tippins repeatedly was very aggressive and in fact bullying towards the town clerk. We did a presentation and at no time did Karen Tippins look up at the presentation she just sat with her back towards it."

Mrs X confirmed that the meeting of Full Council she was referring too took place on 18 February 2020, and she was attending with other representatives of Shaftesbury Football Club and Champions, an organisation working with the Club.

I asked Mrs X about her comments in respect of Councillors Yeo's conduct towards the Acting Chair. Mrs X said that Councillor Yeo was very abrupt and short towards the Acting Chair and the people who were attending the meeting with her commented that it made them feel very awkward. Mrs X said that she couldn't recall the specifics of what was said as the meeting was nearly 4 months ago but she could recall feeling that his conduct was very aggressive and sharp. Mrs X said that, of course, everyone can express a different opinion but Councillors Yeo's conduct was more aggressive than simply expressing a different view.

I then asked Mrs X to tell me more about her comments that Councillor Tippins was aggressive towards the Town Clerk and that she felt her actions were bullying. Mrs X felt that in the meeting Councillor Tippins took any opportunity to criticise the Town Clerk and Mrs X felt that she used any chance she had to undermine Mrs Commons. Mrs X said that she and her Committee were very shocked at Councillor Tippins' behaviour, and she said that she felt sad for the Town Council as it reflected badly on them as a whole, and she suggested that in an ordinary place of work such behaviour wouldn't be allowed to happen. Mrs X commented that at no point did the Town Clerk act aggressively in response.

I asked Mrs X if any of the other Councillors in attendance intervened and she said that the Acting Chair, Councillor Hollingshead, tried to step in and others did when they could. Mrs X was very surprised that an elected representative could act in such an aggressive way when they are supposed to be working together with the community for the benefit of Shaftesbury.

I asked Mrs X about her comment regarding Councillor Tippins' conduct when giving the presentation to Council. Mrs X said that the presentation was being given by an organisation called Champions, on behalf of Shaftesbury Football Club. Whilst all

other Councillors who had their backs to the screen turned around so they could view the presentation, Councillor Tippins did not and kept her back to the screen for the duration of the presentation. Mrs X said that she witnessed Councillor Tippins rolling her eyes at Councillor Yeo on a number of occasions. Mrs X said that Councillors were invited to ask questions of Champions – Councillor Tippins did not ask any questions.

Mrs X said that the presenters from Champions commented that they couldn't believe Councillor Tippins' behaviour, and that they'd never experienced a reaction like this before.

Mrs X explained to me that some time ago, when Councillor Tippins was previously a member of Shaftesbury Town Council, Mrs X had submitted a complaint after Councillor Tippins had posted some personal remarks about Mrs X and her family on social media. As a result of this complaint and subsequent investigation, Councillor Tippins was required to apologise to Mrs X for her conduct.

Mrs X was keen to emphasise that her complaint was not as a result of a personal vendetta, but because she felt that Councillor Tippins shouldn't conduct herself the way she does. Mrs X said that felt that everyone should respect that others have a different opinion but she didn't feel that Councillor Tippins did and that this reflected badly on the Town Council.

Jacqui Andrews
Service Manager, Democratic and Electoral Services

11 June 2020

Statement agreed by Mrs X via email at 15:57, 11 June 2020

Meeting with Councillor Karen Tippins

Date: 9.30 am, Thursday 18 June 2020

I explained to Councillor Tippins that the purpose of the meeting was to enable me to understand that facts as she saw them, and to explore the issues raised in the complaints and gather information to enable me to formulate my report and any conclusions for consideration by the assessment meeting.

Councillor Tippins confirmed that she had received copies of complaint number 008/20 (Mrs X) and 013/20 (Councillor Welch).

Complaint 008/20

As set out in my email of 15 June 2020, I reminded Councillor Tippins that I had decided not to progress an investigation in respect of the allegation of aggression/bullying towards the Town Clerk raised in Mrs X's complaint as there was insufficient detail to pursue this allegation. However, I advised that I did wish to discuss an allegation in respect of Councillor Tippins' conduct when a presentation was given to the Town Council by Champions Football Academy to the Full Council meeting on 18 February 2020.

I advised Councillor Tippins that I had read her 2 emails in respect of this issue (dated 16 June – copies appended to the report) where she set out her response to the allegation. Councillor Tippins confirmed that she had nothing further to add to the response given in her email.

When I asked if other Councillors who were sat with their backs to the screen turned to view the presentation, Councillor Tippins confirmed that she could not remember, but added that the Councillors either side of her were young so were perhaps more comfortable to twist in their seats that she was. Councillor Tippins confirmed that she did not move from her seat nor turn the chair around. She explained that the chairs were very heavy high back chairs that could not easily be moved. Councillor Tippins said that usually presentations to Council were given in the Guild Hall where seats could be arranged in a "U" shape enabling all Councillors to view the presentation, and for a two-way dialogue to take place. Councillor Tippins was shocked that a presentation was put in the middle of a Full Council agenda, particular when, in her view, the presentation was nothing to do with the Council but was a presentation about a Football Academy being run for training children. It was an information presentation that required no debate or vote on a resolution.

Councillor Tippins confirmed that no other Councillor got up to move, and that she was in the worst position of any Councillor to be able to view the screen.

When I asked why Councillor Tippins didn't move to one side of the room leaving her laptop, notepad etc on the table, she explained that she had all her valuables with her and that there was nowhere for her to move as the table was full and the public gallery was also full. Councillor Tippins said that she would never leave her possessions unattended, even when other Councillors were present – taking her valuables with her it's something that is "built in".

Councillor Tippins said that it wasn't possible for her to turn around, but she was able to sit and listen to the presentation without disrupting the meeting.

I asked Councillor Tippins if she had thought how the presenter may feel about her sitting with her back to them, and whether she thought of raising her hand and telling them she was listening even if unable to view the presentation?

Councillor Tippins said that the presenter was right behind her shoulder. She said that she had experience of presenting before, and felt that the responsibility to ensure everyone could view the presentation was down to the presenter. She felt it was very poorly organised by the Town Council staff and said that whenever there were presentations, especially things like planning applications, it was key that everything is shown. Councillor Tippins felt that the Town Council should have ensured that all councillors could see the screen – it was their responsibility and she said that it should have been downstairs and that the organisers should have ensured that the Councillors were all comfortable.

I asked whether anyone invited the Councillors to move so that they could view the screen before the presentation started? Councillor Tippins confirmed that no-one invited Councillors to move. She said that there were four councillors with their backs to the presentation, and again reiterated the point that she disagreed with the presentation being given as part of a Full Council meeting suggesting that it should have been presented to a recreational committee. Councillor Tippins didn't indicate to move as she said that Councillors are not supposed to turn their backs to the public gallery in Full Council and they're not supposed to speak unless they put their hand up and speak through the Chair.

Councillor Tippins felt that it was difficult to see how not paying attention to a particular item on the agenda could ever be regarded as a Breach of the Code of Conduct.

Councillor Tippins confirmed that she had nothing further to add in respect of complaint number 008/20.

Jacqui Andrews
19 June 2020

Statement agreed as amended by Councillor Tippins by email – 08.07.2020

Email received 10.30 – 16 June 2020

Dear Ms Andrews

Thank you for your response. Please will you reconsider discussing Mrs X's complaint with me this Thursday:- *"We did a presentation and at no time did Karen Tippins look up at the presentation she just sat with her back towards it."*

I would like to make you aware that **I did not chose the seat where I sat on 18th Feb 2020**. The seats councillors sit in, are high-backed, heavy wooden chairs, and the seating arrangements formally allocated to Town Councillors by Town Council staff with seating – we have our 'table named cards' on our pre-allocated positions around the main table and this is where we have to sit during council proceedings.

On Feb 18th, I was placed by Town Council staff on the main council table with my back towards the screen.

The Football Club presentation was item #5 in the formal proceedings and therefore, we had formally debated and voted on Agenda Items 1-4 prior to the projector being switched on shining the slides right over my head.

Added to this the Football Club agenda (#5) for the Football Club was about their Training Academy was not Town Council business and there **was no resolution nor vote**.

The presentation on 18th Feb involved a football trainer from Bournemouth speaking and showing slides about his 'new' academy – nothing to do with the Town Council. To see the football trainer speaking that evening I had to twist fully to my left and to see the slides he was referring to (that were projected directly over my head) I had to twist fully to my right. I did this three times during the presentation and experienced a jarring pain in my back and so I stopped twisting.

The public gallery was packed with Football club members and other members of the public on 18th Feb and there was no-where else to move to on the table for reserved for councillors and staff. If I'd stood up to try and get a better view during the presentation I would have completely interrupted the football club presentation and Full Council proceedings.

To attempt to move I would have completely blocked out the projector and I would have had to take my Full Council papers/notepad/handbag/briefcase/valuables with me and this would have interrupted Full Council proceedings for at least 5 minutes. I therefore, stayed in my seat and didn't twist around to see the speaker and twist the other way to see the slides.

Please would you let me know what **Code of Conduct breach this falls into**, where I had no choice of seating, the presenter and projected slides were right behind me, the presentation was during Full Council official meeting proceedings where you are not really allowed to move or speak unless it is your turn to do so or you have a need to move eg toilet?

Kind regards
Cllr K Tippins

Email received 13.52 – 16 June 2020

Dear Ms Andrews

Thank you for your response.

Prior to tomorrow's meeting please will you specify which aspect of the Code of Conduct I have breached regarding the presentation allegation by Mrs X, Director of the Football Club.

In order for me to prepare my responses, I would be most grateful if you could let me know on what grounds I'm being investigated.

What is the breach to merit an investigation by Dorset Council Monitoring Officer:-
www.shaftesbury-tc.gov.uk/wp-content/uploads/2019/08/Code-of-Conduct-Members-Adopted-18th-June-2019.pdf

Also, I did turn around in the presentation. To say I didn't is factually incorrect. I looked at both the presenter and the slides. But the presentation went on for 20 minutes and I was wedged in between two other councillors sat around the table – I could not stand up, lift the chair and change the chair arrangement.

Kind regards

Cllr K Tippins

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SHAFTESBURY TOWN COUNCIL

Full Council

Minutes of the Full Council held in the Council Chamber, Town Hall, High Street, Shaftesbury Dorset SP7 8LY on Tuesday, 18 February 2020 commencing at 7:32pm.

Members Present

Councillor Hollingshead (Chair)
 Councillor Chase
 Councillor Lewer
 Councillor Hall
 Councillor Tippins

Councillor Loader
 Councillor Prichard
 Councillor Yeo
 Councillor Welch

Absent:

Councillor Proctor, Cook and Brown

Officers Present:

Claire Commons, Town Clerk
 Brie Logan, Business Manager
 Zoe Moxham, Office Administrator

In Attendance:

8 members of the public
 1 member of the press

MINUTES**F80 Election of Chairman**

It was **PROPOSED** and **RESOLVED** that Councillor Hollingshead would Chair this meeting in the absence of the Chair and Vice Chair.

Proposed by Cllr Chase		
Seconded by Cllr Loader		
In Favour	5	Cllrs Lewer, Welch, Loader, Prichard and Chase
Against	2	Cllrs Yeo and Tippins
Abstentions	1	Cllr Hollingshead
MOTION CARRIED		

Public Participation

Members of the public were invited to make representations to the Council on any matters relating to the work of the Council or to raise any issues of concern.

- Zero Carbon Future Event – Details for a talk regarding the climate emergency were detailed and all were invited to attend.

Meeting Commenced: 7.35 pm

Councillor Yeo requested that all voting be recorded by names for the minutes of this meeting.

F81 Apologies

Apologies were received and accepted from Councillor Proctor due to personal commitments and from Councillors Brown and Cook for commitments with Dorset Council. It was noted Councillor Hall would be late arriving due to work commitments.

Proposed by Cllr Welch		
Seconded by Cllr Lewer		
In Favour	5	Cllrs Lewer, Welch, Loader, Prichard and Chase
Against	2	Cllrs Yeo and Tippins
Abstentions	1	Cllr Hollingshead
MOTION CARRIED		

F82 Declarations of Interest and Dispensations

All members were invited to declare any interests throughout the meeting if the need arose. Councillor Yeo declared an interest in Item 18, Member Motion- East Shaftesbury Spine Road as a resident on the Eastern Development.

F83 Minutes

Minutes of the 14th January 2020 were received. Subject to the amendments below it was **RESOLVED** to approve the minutes from the Full Council meeting held on Tuesday, 14 January 2020 and the minutes were duly signed.

Amendments:

Ref F69 - Change Pritchard to Prichard

Ref F73d – Remove Cllrs Prichard, Brown and Welch from the voting record.

Ref F76c – Amend the number of votes to the correct count

Proposed by Cllr Lewer		
Seconded by Cllr Prichard		
In Favour	5	Cllrs Lewer, Welch, Loader, Prichard and Chase
Against	2	Cllrs Yeo and Tippins
Abstentions	1	Cllr Hollingshead
MOTION CARRIED		

Councillor Tippins requested that the following statement she made be formally minuted.

‘I have a complaint against the Town Clerk for delegating the approval of the salary budget line to the Human Resources committee. The HR committee has got no authority to sign off the salary budget line.’

F84 Reports

Officer report 0220FC4 was received and noted.

F85 Shaftesbury Football Club

Officer report 0220FC5 was received and noted.

F86 Payments

Officer report 0220FC6 was received and it was **RESOLVED** to approve the payments and transfer £70,000 from CCLA to the Town Council's current account and the resulting bank balance were noted.

Proposed by Cllr Lewer		
Seconded by Cllr Chase		
In Favour	7	Cllrs Lewer, Tippins, Welch, Yeo Loader, Prichard and Chase
Against	0	
Abstentions	1	Cllr Hollingshead
MOTION CARRIED		

F87 Meeting Start Time

Officer report 0220FC7 was received and it was **RESOLVED** to amend the start time of all Council meetings to 7pm with immediate effect.

Proposed by Cllr Yeo		
Seconded by Cllr Lewer		
In Favour	3	Cllrs Yeo, Lewer and Loader
Against	2	Cllrs Chase and Welch
Abstentions	3	Cllr Hollingshead, Tippins and Prichard
MOTION CARRIED		

F88 Human Resources Outsource

Officer report 0220FC8 was received and it was **RESOLVED** to award the contract for HR provision to Peninsula. (*Delegated to the Town Clerk all aspects in awarding and managing this contract. Financial Implication £2,581.20 per annum.*)

Proposed by Cllr Chase		
Seconded by Cllr Welch		
In Favour	4	Cllrs Lewer, Welch, Loader and Chase
Against	2	Cllrs Yeo and Tippins
Abstentions	2	Cllr Hollingshead and Prichard
MOTION CARRIED		

F89 Asset Review

Officer report 0220FC9 was received and it was **RESOLVED**:

F89a To purchase 2 Kabota ride on mowers and part exchange the redundant and unsuitable equipment as described in section 1 of this report.

F89b To select EG Coles as the preferred supplier; based on cost (including discount) and part-exchange value committing to a total spend of £20,286

Proposed by Cllr Prichard		
Seconded by Cllr Welch		
In Favour	7	Cllrs Lewer, Welch, Loader, Prichard, Chase, Yeo and Tippins
Against	0	
Abstentions	1	Cllr Hollingshead
MOTION CARRIED		

F90 Southern Slopes

Officer report 0220FC10 was received and it was **RESOLVED**:

F90a To delegate to the Town Clerk expenditure up to £5,000 for this project (within budget lines for this project) to allow swift progress of securing contracted works and ordering of materials.

F90b To adopt the Southern Slopes Management Plan and delegates all decisions for its implementation to the Town Clerk and the ROSE Committee in accordance with the Council's Financial Regulations and any specific delegations resolved upon. *(Delegated to the Town Clerk all aspects in delivering this project including expenditure up to £5,000 within budget lines.)*

Proposed by Cllr Prichard		
Seconded by Cllr Chase		
In Favour	7	Cllrs Lewer, Welch, Loader, Prichard, Chase, Yeo and Tippins
Against	0	
Abstentions	1	Cllr Hollingshead
MOTION CARRIED		

8.25pm – Councillor Hall arrived at this point.

F91 Coppice Street Land Adjacent to Tesco

Officer report 0220FC11 was received and it was **RESOLVED** that Councillor Chase as lead councillor, with the support of Councillors Brown and Hall, support the development of the Coppice Street Carpark project plan with the Business Manager. *(Delegated to the Town Clerk all aspects in developing this project plan, to be brought back to the Council or delegated Committee for adoption at the appropriate point.)*

Proposed by Cllr Chase		
Seconded by Cllr Welch		
In Favour	4	Cllrs Lewer, Welch, Prichard and Chase
Against	2	Cllrs Yeo and Tippins
Abstentions	3	Cllr Hollingshead, Hall and Loader
MOTION CARRIED		

F92 Civic Role

Officer report 0220FC12 was received and it was **RESOLVED** to adopt the Civic Role protocol and amend Standing Orders to reflect the voting arrangements.

Proposed by Cllr Chase		
Seconded by Cllr Lewer		
In Favour	7	Cllrs Lewer, Welch, Hall, Loader, Prichard, Chase and Tippins
Against	1	Cllrs Yeo
Abstentions	1	Cllr Hollingshead
MOTION CARRIED		

F93 Brand Identity Tender

Officer report 0220FC13 was received and it was **RESOLVED**:

F93a To approve the content of the Branding Proposal tender document.

F93b To approve the sum of £5,000 allocated from the £50,000 budget (line 4912) to manage the branding process as part of the tourism marketing strategy.

- F93c That a panel of representatives will recommend the contractor from the tenders received to Full Council. The panel will include the Town Clerk and Business Manager in collaboration with the Lead Councillor and Chair of Visitor Experience Advisory Committee.

Proposed by Cllr Hall		
Seconded by Cllr Lewer		
In Favour	7	Cllrs Lewer, Welch, Loader, Prichard, Chase, Yeo and Hall
Against	1	Cllrs Tippins
Abstentions	1	Cllr Hollingshead
MOTION CARRIED		

F94 Digital Marketing SLA Tender Document

Officer report 0220FC14 was received and it was **RESOLVED**:

- F94a To approve the content of the SLA Digital Marketing tender document.
- F94b To approve the sum of £8,000 allocated from the £22,000 budget (line 4352) to manage the Digital Marketing SLA as part of the tourism marketing strategy.
- F94c That a panel of representatives will recommend the contractor from the tenders received to Full Council. The panel will include the Town Clerk and Business Manager in collaboration with the Lead Councillor and Chair of Visitor Experience Advisory Committee.

Proposed by Cllr Hall		
Seconded by Cllr Chase		
In Favour	7	Cllrs Lewer, Welch, Loader, Prichard, Chase, Yeo and Hall
Against	1	Cllrs Tippins
Abstentions	1	Cllr Hollingshead
MOTION CARRIED		

F95 VE day

Officer report 0220FC15 was received and it was **RESOLVED** to provide 2 free sessions of Hall Hire to the Silver Band and the Choir in lieu of performing at the VE Day celebrations.

Proposed by Cllr Hall		
Seconded by Cllr Prichard		
In Favour	7	Cllrs Lewer, Welch, Loader, Prichard, Tippins, Yeo and Hall
Against	0	
Abstentions	2	Cllr Hollingshead and Chase
MOTION CARRIED		

F96 Terms of Reference

Officer report 0220FC16 was received and it was **RESOLVED** that this item be deferred to the next Full Council meeting to allow the Chairman of this Council to sit with the Chairs of all the committees along with the Town Clerk, to review and amend where necessary the existing Terms of Reference.

Proposed by Cllr Hollingshead		
Seconded by Cllr Lewer		
In Favour	7	Cllrs Lewer, Hollingshead, Welch, Loader, Prichard, Chase and Hall
Against	2	Cllrs Tippins and Yeo

Abstentions	0	
MOTION CARRIED		

F97 Member Motion – LEP Funding

Officer report 0220FC17 was received and it was **RESOLVED** that Shaftesbury Town Council considers submitting a LEP funding bid equivalent in value to the Gillingham LEP funding of £3.4m, subject to seeking clarification from Dorset Council and from Dorset LEP on funding sources and submission process.

Proposed by Cllr Tippins		
Seconded by Cllr Loader		
In Favour	7	Cllrs Lewer, Welch, Loader, Prichard, Chase, Tippins, Yeo and Hall
Against	0	
Abstentions	1	Cllr Hollingshead
MOTION CARRIED		

F98 Member Motion – East of Shaftesbury Spine Road

Officer report 0220FC18 was received;

- F98a It was **PROPOSED** that Shaftesbury Town Council approves of spending £5,000 out of General Reserves for the engagement of a private consultant to look into the spine road.

Proposed by Cllr Yeo		
Seconded by Cllr Tippins		
In Favour	2	Cllrs Yeo and Tippins
Against	3	Cllrs Lewer, Welch and Chase
Abstentions	4	Cllr Hollingshead, Loader, Prichard, and Hall
MOTION FELL		

- F98b It was **RESOLVED** to delegate to the Town Clerk to find an appropriate professional to seek advice on the spine road, to initially approach the two planning consultants known by Councillor Tippins, to request a schedule of works and quotes and bring back to Full Council for a decision.

Proposed by Cllr Welch		
Seconded by Cllr Hall		
In Favour	7	Cllrs Lewer, Welch, Loader, Tippins, Prichard, Chase, Yeo and Hall
Against	0	
Abstentions	1	Cllr Hollingshead
MOTION CARRIED		

ACTION: FINANCE AND SERVICES OFFICER

ACTION: TOWN CLERK

With remaining business confirmed for inclusion on the next Full Council agenda, the meeting was closed at 9.32 pm

Signed

Date

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Dear Cllr Yeo

Complaint 08/20 remains on the Agenda for the Hearing Sub-committee meeting tomorrow as the investigation was requested by the Assessment Sub-Committee and it relates to complaints about both you and Cllr Tippins.

The Investigating Officer's report makes it clear that as the Complainant could not recall details the Investigating Officer did not think it appropriate to take the complaint against you any further. That report still needs to be received by the Hearing Sub-Committee to formally conclude the complaint.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: Cllr Peter Yeo <>
Sent: 08 December 2020 15:13
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; Cllr. Barry Goringe <cllrbarry.goringe@dorsetcouncil.gov.uk>; Cllr. Richard Biggs <cllrrichard.biggs@dorsetcouncil.gov.uk>; Cllr. Susan Cocking <cllrsusan.cocking@dorsetcouncil.gov.uk>;
Stephen Pearson FREETHS Solicitor
<Stephen.Pearson@freeths.co.uk>
Subject: Fwd: Complaint Nos. 008/20, 013/20 and 023/20

Dear Ms Evans,

With regards to the meeting tomorrow and its agenda, I am surprised to see that 008/20 is still on the agenda as Mrs C v Cllr Yeo seeing as Mrs J Andrews of DC emailed me on 15 June 2020 (see below) and told me that "I have concluded that I do not intend to proceed with an investigation into the allegation".

Can you please confirm that this is an error and that it should not be on the agenda tomorrow with regards to me?

regards,

Peter Yeo

Begin forwarded message:

From: Jacqui Andrews <jacqui.andrews@dorsetcouncil.gov.uk>

Date: 15 June 2020 at 09:20:56 BST

To: "

Subject: FW: FW: Complaint Nos. 008/20, 013/20 and 023/20

Dear Councillor Yeo

Since having had an opportunity to speak to the complainant in respect of complaint No. 080/20 late last week, I have concluded that I do not intend to proceed with an investigation into the allegation that you acted aggressively towards the Acting Chair.

I would like to meet with you in respect of the allegations contain in complaint Nos 013/20 and 023/20 and look forward to hearing from you at your earliest convenience in respect of your availability on the dates set out below albeit slightly amended now to Tuesday 16 June – from 9.30 am to 4.30pm or Thursday 18 June, 1.00pm to 4.30pm. If these dates/times are not convenient, please do let me know when you might be able to meet this week and I will try to make space in my diary so that I can meet when convenient with you.

If we are not able to meet this week, I shall be on annual leave from 19 June, not returning until 6 July so will need to book a time with you after these dates.

If you do not wish to take the opportunity to meet with me, please do let me know.

Kind regards

Jacqui Andrews
Service Manager, Democratic & Electoral Services
Legal and Democratic Services

Dorset Council

01258 484325

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From: Jacqui Andrews

Sent: 12 June 2020 09:31

To: >

Subject: Complaint Nos. 008/20, 013/20 and 023/20

Dear Councillor Yeo

You will have been advised by Mr Jonathan Mair, Monitoring Officer for Dorset Council, that a number of complaints have been received alleging aggressive behaviour by yourself and also breaches of the Members' Code of Conduct.

In order that I can consider all the facts of the case, I would be pleased to meet with you "virtually" in order that you can explain in your own words the circumstances around the allegations, together with any mitigating factors.

Whilst I would ordinarily seek to meet people "in person", the current government guidance is that we should continue to work remotely where this is possible. If you are happy to meet via a video meeting, I am happy to provide you with a link (you don't need to have any specific software on your machine as you can access the meeting through the link I will provide).

I would like to be able to discuss this matter with you as soon as possible, and have availability on the dates set out below. I'd be grateful if you could give me a number of options so that I can ensure I am to give you my full attention without having to rush off to other meetings. The dates I am currently available are:

- Monday 15 June – from 11.30am to 4.30pm
- Tuesday 16 June – from 9.30 am to 4.30pm
- Thursday 18 June – from 9.30am – 11.00am and from 1.00pm to 4.30pm

If none of the dates are suitable, please let me know when you could meet and I will do my best to make arrangements so I can meet with you at your convenience.

I will be accompanied at the meeting by one of the Members PAs so that they can take notes of our discussions to enable me to draft a record of our meeting that I will share with you for your agreement after the meeting. They will have no role at the meeting other than to take notes of our discussions.

I'd be grateful if you could get back to me as soon as possible so I can put the necessary arrangements in place.

Kind regards

Jacqui Andrews
Service Manager, Democratic & Electoral Services
Legal and Democratic Services

Dorset Council

01258 484325

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EMAIL CHAIN 013/20

Dear Mr Pearson

The Sub-Committee have been copied in to some but not all of the emails from Councillors Tippins and Yeo. To ensure they all have the same information I have arranged for all the emails received since Councillor Tippins email of 1 December, to be provided to Sub-Committee in advance of their meeting tomorrow.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)

dorsetcouncil.gov.uk



From: Stephen Pearson <Stephen.Pearson@freeths.co.uk>

Sent: 08 December 2020 14:12

To: Grace Evans <grace.evans@dorsetcc.gov.uk>;-

Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; 'Cllr Peter Yeo' < >

Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Grace

As I think you are aware I have been assisting Mrs Tippins.

As I understand she will not be able to present her comments at this stage in the procedure, could you confirm whether you will be sharing any of the correspondence received (for example her email of 14.04 today) with the sub-committee tomorrow in order that the members are fully informed ? I ask because there are clearly fundamental issues of fact which are disputed.

regards

Stephen Pearson

Partner

T: 0845 274 6900

F: 0845 050 3255

M: 07810 034 917

FREETHS

Freeths LLP
Cumberland Court, 80 Mount Street
Nottingham NG1 6HH



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From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 07 December 2020 16:38

To:

Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; Stephen Pearson <Stephen.Pearson@freeths.co.uk>; 'Cllr Peter Yeo' < >

Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Councillor Tippins

I do not feel there is a breach or failure to follow process. I have set out the process and compliance already in detail but will address the points you raise.

As I have set out in my earlier emails, the Code makes it very clear that a decision to investigate is for the assessment sub-committee and not Mr Mair. The assessment sub-committee took that decision which is in accordance with the Code.

The code states that you should receive a copy of the complaint and summary of the Assessment Sub-Committee. You were provided with a copy of the complaint on 29th April and Mr Mair gave the summary on 4th June; that the an investigation had been asked for and was being arranged.

You state that the process states that you "should be told on what basis I'm to be investigated and why the Committee didn't want to take the informal Section 4b route as per the Code of Conduct form 013/20.". The Code does not contain this wording, this is your interpretation of it.

Cllr Welch's email confirming he would not accept an apology came after the assessment sub-committee meeting and so did not form part of their decision to request an investigation.

It is entirely for the complainant whether they will accept an apology. However, as an investigation has been requested and carried out the decision about whether the apology is acceptable is one for the Hearing Sub-Committee and not Cllr Welch.

There have been no breaches of the Code or failure to follow process. This matter will progress for initial consideration by the Hearing Sub-Committee on 9th December where they will take account of your apology and decide whether or not to (a) dismiss the complaint, (b) refer the complaint to the Monitoring Officer to seek an informal resolution, (c) hold a hearing of the Sub-Committee.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 03 December 2020 20:43
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk; 'Cllr Peter Yeo' <
Subject: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Ms Grace

Thank you for highlighting to me that Dorset Council are in breach of their own process regarding Complaint #013/20. The emails you have sent to me prove that there has been a breach of process as per 'Hearing Sub-Committee Terms of Reference and Dorset Council Member Complaint Process.

Therefore, the process for 013/20 needs to be re-started by Dorset Council.

Breach of Process Number 1. Process 4.5b Ignored:- Mr Mair can't just jump to 'investigation' when an informal option has been requested by the Complainant; as the person whose been

complained about I want to know why Mr Mair is not following what the Complainant wanted as a resolution in 013/20 version I received from Dorset Council. The meeting where Mr Mair determined 'formal investigation' without stating why to either myself or Cllr Yeo, was held and decided on the 1st June 2020. (The fact that Cllr Welch changed his mind after this meeting has held on the 4th June, 3 days after Mr Mair met with the Committee members on the 29th Apr 2020 013/20 version). The process states that I should have had a summary of that meeting, and I should be told on what basis I'm to be investigated and why the Committee didn't want to take the informal Section 4b route as per the Code of Conduct form 013/20. Based on the complaint form, there should not have been an formal investigation, it was not necessary.

I do not know on what basis I was found to be formally investigated and why the informal options (as found on the Code of Conduct form 29th Apr 2020 013/20) was deemed not the correct course of resolution. Section 4.6 from the process stipulates that I should have:- A copy of the complaint and a summary of the Audit and Governance (Assessment) Sub-Committee will be sent to the Councillor and to the complainant by the Monitoring Officer or the deputy Monitoring Officer.

I will re-iterate, I have never called Cllr Welch a name before the 14th Apr 2020 and never called him a name since. My mother had died two weeks beforehand and the meeting on the 14th Apr 2020 was 3 days before her burial. I stated v clearly and several times to the investigator J Andrew that I've been traumatised. I also told her that I could not remember being asked to retract my statements during the Full Council as I felt physically sick. I have re-read J Andrew report on 18th June 2020 and I can see, incredibly, J Andrew doesn't believe I have any mitigating circumstances. (I will be sending a separate complaint about this as discussed in earlier emails).

If you look at how A Raynor Labour MP was treated in the Houses of Commons in Oct 2020, she called a Conservative MP scum. The speaker stated only that that was not acceptable language and the debate continued. In the next number of day, A Raynor MP was requested to write an apology, which she did. In her apology she stated her aunt had died 2 weeks beforehand and that the debate was 'emotional'. The matter surrounding the complaint was closed. Bullying is not a 'one off' out of character situation due to frustration, especially when someone has suffered a trumatic bereavement, there is a known right of reasonable adjustment to be applied. (And I have a right of reasonable adjustment, and this currently has not been taken into account and I have a right to know why). Council's operate as per the intentions of Parliament. Like A Raynor MP, she apologised and the matters closed, and I have apologised to Cllr Welch and the matter now should be closed. The fact it isn't and I'm receiving these 'fresh' unknown emails to try and change the course of the Code of Conduct complaint is highlighting a lack of governance and breaches in process.

Breach of Process Number 2. This email you have sent to me, where Cllr Welch changed his mind on the 4th June is not acceptable. The Sub-Committee made a decision on the 1st June, he can't change his mind 3days later because he has another 'fresh' issue with us. The only way Cllr Welch can change is mind based on his 'new' or 'latest' issue is for him to re-submit a new Code of Conduct. This new Code of Conduct needs to evidence the Facebook postings, and he needs to state where the breach of the Code of Conduct is. This is what the form states if the complainant says 'no':- **If you are not willing to accept an apology what would you like to happen as a result of you making a complaint**

Dorset Council should have informed both Cllr Yeo and myself of Cllr Welch's 'change of mind' and we were not informed, and at that point the process should have been restarted with a new Code of Conduct form stating what Cllr Welch would accept as a resolution. We just can't have a situation where neither Cllr Yeo nor myself know what the resolution is to be after we've gone through an investigation and I've made an apology to Cllr Welch personally.

Because the process has not been followed, as the attached. Dorset Council must restart the process.

(I haven't tried this on the form, but I'm fairly sure when putting the Code of Conduct form in online you can't leave a blank area after putting in 'N' for not accepting an apology because it is a **fundamental part of the process**)

Kind regards

Cllr K Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 03 December 2020 16:22

To:

Cc: Cllr. Matt Hall <cllmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk

Subject: RE: Members Conduct Process - Section 4.5 - Complaint # 013/20

Dear Councillor Tippins

The sections of the Code of Conduct that you refer to apply to the Assessment Sub-Committee stage of the complaints process.

The Monitoring Officer emailed you on 29th April with a copy of the complaint and informed you that it the Assessment Sub-Committee would decide how to proceed (copy attached). That Sub-Committee met on 3 June 2020. That Sub-Committee have the option, under section 4.5 of the Code, to seek informal resolution, including seeking an apology. They did not decide to pursue informal resolution or an apology but required the complaint to be investigated. The Monitoring Officer informed you of this on 4th June, but did not provide a further copy of the complaint, as you already had this (copy attached).

The Monitoring Officer appointed Mrs Andrews as Investigating Officer to investigate and prepare a report which was concluded and emailed to you on 21 August.

An apology could have been offered at any time. Your apology was given after the report was concluded and so does not appear in it. Your apology does not automatically conclude the complaint process.

Councillor Welch stated in his original complaint that he would accept an apology, but in an email to the Monitoring Officer on 4th June he confirmed that was no longer the case; he was

not willing to accept an apology. The email is attached and will be supplied to the Hearing Sub-Committee.

As the Assessment Sub Committee asked for an investigation, the Investigating Officer is required to report to the Hearing Sub-Committee. The Hearing Sub-Committee have been supplied with a copy of Mrs Andrews report, a copy of your apology and Cllr Welch's email of 4th June. It will be for the Hearing Sub-Committee to decide how it wishes to proceed.

This approach complies with the Code of Conduct and is consistent with the approach taken in all complaints, including ones where apologies have been given during or following an investigation.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 02 December 2020 15:04
To: Grace Evans <grace.evans@dorsetcc.gov.uk>; Cllr. Matt Hall
<cllrmatt.hall@dorsetcouncil.gov.uk>
Cc: stephen.pearson@freeths.co.uk
Subject: Members Conduct Process - Section 4.5 - Complaint # 013/20

Dear Ms Evans

Thank you for your response. However, the process has not been followed and I consider this to be serious.

The Complaint 013/20 states that Cllr Welch will accept an apology for this complaint and I have apologised. Therefore, Section 4.5b has been achieved as per the Members Code of Conduct process published by Dorset Council and stated within Dorset Council's constitution.

I have not received a copy of the report as per section 4.6 therefore, I should never have been investigated by J Andrew considering that I was always willing and wanting to apologise. I have never been asked to apologise by the Monitoring Officer or the Standards Sub-Committee and I absolutely would have apologised. Now I find out I have apologised and the investigation is still continuing! 4.5b has been achieved by myself and not from any assistance from Dorset Council.

Why have I had to endure this investigation, where, and I'm sure Ms Andrews will confirm, I spent most of the interview crying because it was too close timewise to my mothers death and I can prove this fact! But why put me through this investigation, how has section 4.5 & 4.6 from the published process been missed out completely by Dorset Council?

4.5 The Standards (Assessment) Sub-Committee may:

(a) reject the complaint or to decide to take no action – in which case the Sub-Committee will give their reasons for doing so;

*(b) seek an informal resolution (including, for example, **an apology**, or mediation); or*

(c) ask the Monitoring Officer to investigate the complaint.

4.6 A copy of the complaint and a summary of the Standards (Assessment) SubCommittee will be sent to the Councillor and to the complainant by the Monitoring Officer.

I look forward to hearing from you in your capacity as Deputy Monitoring Officer, why I have not received a copy of report 4.6 and why I was not contacted under 4.5 as I would have always apologised, how come Dorset Council are stipulating I must be investigated, when I believe I have significant mitigating circumstances to the situation on the 14th Apr 2020 that Dorset Council appear to not be taking into account or appear not to want to reach a resolution.

Kind regards

Cllr Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 02 December 2020 12:29

To: ÷ Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>

Cc: stephen.pearson@freeths.co.uk

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Councillor Tippins

Thank you for your email. I have nothing further to add to my explanation of process and note your intention to complain.

Kind regards

Grace Evans
Head of Legal Services
Legal Services

Dorset Council

[01305 225021](tel:01305225021)

dorsetcouncil.gov.uk



From:

>

Sent: 01 December 2020 18:29

To: Grace Evans <grace.evans@dorsetcc.gov.uk>; Cllr. Matt Hall
<cllrmatt.hall@dorsetcouncil.gov.uk>

Cc: stephen.pearson@freeths.co.uk

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Ms Evans

Thank you for your response.

The apology I wrote to Cllr Welch in Aug 2020 was not included in the Sub-Committee papers sent out to the Committee members. I phoned up and checked today. This is just not acceptable.

The form is clear to me, if a person apologises no further action is required. The complaint should have been closed in August 2020. I find no justification for your actions. This is heavy-handed.

Added to this, the complaint 013/20 is about my conduct on the 14th April Full Council, which was 2 weeks after my mother died in a Care Home (I was not allowed to see her) and days before her burial (I could have a church service) and I spoke in frustration at Cllr Welch for less than 1 minute. It was not a pre-meditated act by myself. I have not called Cllr Welch a name before and I haven't called him a name since and I have since apologised to him personally for my inappropriate language.

There appears to be a lack of impartiality.

I will be writing a complaint tomorrow.

Kind regards
Cllr Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 01 December 2020 16:42

To: stephen.pearson@freeths.co.uk;

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Councillor Tippins and Mr Pearson

Your emails have been forwarded to me, as Deputy Monitoring Officer and legal adviser to the Sub-Committee.

The complaint is being dealt in accordance Dorset Council's Code of Conduct. This matter is correctly listed on the Agenda for the Sub-Committee on 9th December. The Assessment Sub-Committee had previously requested an investigation and report and although an apology has been made the Hearing Sub-Committee will need to receive that report. They have been supplied with the report and the subsequent apology and will take this into account at their meeting.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)

dorsetcouncil.gov.uk



Stephen Pearson [<mailto:Stephen.Pearson@freeths.co.uk>]

Sent: 01 December 2020 15:42

To: ÷ Cllr. Matt Hall

Cc: Jacqui Andrews; Fiona King (Democratic Services)

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Thank you Karen

What I am slightly confused about is whether you are being expected to comment on a report which you have not seen. Could that be confirmed please as I would feel that the requirements of Natural Justice and ECHR demand this.

regards

Stephen Pearson
Partner

T: 0845 274 6900

F: 0845 050 3255

FREETHS

Freeths LLP

M: 07810 034 917

Cumberland Court, 80 Mount Street
Nottingham NG1 6HH



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From:

>

Sent: 01 December 2020 15:22

To: 'Cllr. Matt Hall' <cllmatt.hall@dorsetcouncil.gov.uk>

Cc: Stephen Pearson <Stephen.Pearson@freeths.co.uk>; jacqui.andrews@dorsetcouncil.gov.uk;
'Fiona King (Democratic Services)' <f.d.king@dorsetcc.gov.uk>

Subject: FW: Apology - Code of Conduct - Complaint # 013/20

Dear Cllr Hall

I feel I am now again in a position to complain about the Dorset Council Code of Conduct process.

I made an apology to M Welch on 25th Aug 2020 (see below) and I was not pleased to see I'd been called into an Assessment Meeting regarding this Complaint 013/20; which should have been dropped and closed after I'd made the full apology to Cllr Welch. After discussions with Ms King, Democratic Services, I understand that the report containing Cllr Welch Code of Conduct 013/20 submitted to the Assessment Committee does not include the apology I made – Dorset Council appear to be acting as if I haven't apologised.

To re-stress the situation, I have not called Cllr Welch a name before the meeting on the 14th Apr 2020 and have not called him a name since. The meeting on the 14th April was 2 weeks after my mum had died in a Care Home and 2 days before her burial. I was not in a good place. Any organisation would have taken this into account as significant

mitigating factors. I called Cllr Welch these names out of sheer frustration, there was no pre-meditated action on my part. I can't see how this be defined as 'bullying' and continued to be called 'bullying' especially after I've apologised.

The Code of Conduct complaint from Cllr Welch stated that he'd accept an apology from me and that no further action would be required. Considering I have apologised, I am really concerned that this now is going to an Assessment Committee without any record of my apology.

Kind Regards

Cllr K Tippins

From: Karen Tippins <Karen.Tippins>
Sent: Tuesday, August 25, 2020 11:46 AM
To: jonathan.mair@dorsetcouncil.gov.uk <jonathan.mair@dorsetcouncil.gov.uk>;
mwelch@shaftesbury-tc.gov.uk <mwelch@shaftesbury-tc.gov.uk>;
jacqui.andrews@dorsetcouncil.gov.uk <jacqui.andrews@dorsetcouncil.gov.uk>;
stephen.pearson@freeths.co.uk <stephen.pearson@freeths.co.uk>
Subject: Apology - Code of Conduct - Complaint # 013/20

Dear Cllr Welch

I am writing to you to apologise about the use of inappropriate language I directed towards you at a Full Council meeting 14th April 2020 where I referred to you as being 'Thick' and an 'Idiot'. I hope you accept my apology.

The Council meeting on 14th April 2020 was an awful meeting to attend, it was poorly run and extremely nasty. My stress was compounded at the meeting on the 14th April 2020 because of the bereavement I was suffering over the recent loss of my mother under unbelievably difficult circumstances, who died on the 28th Mar 2020.

I understand you are leaving Shaftesbury next month, in September to live in Bristol to go to university and I wish you every success in your endeavours.

Kind regards

Cllr K Tippins

Email chain 008/20

Dear Councillor Tippins

I acknowledge receipt of your email the contents of which are noted.

As I have previously explained, the decision to proceed with an investigation was not taken by Mr Mair, but by the Assessment Sub-Committee.

A copy of this email has been provided to the Hearing Sub-Committee in advance of tomorrow's meeting.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 08 December 2020 13:50
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk; 'Cllr Peter Yeo' >
Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 008/20 - Mrs C

Dear Ms Evans

I fail to see how Dorset Council has followed The Members Complaint Process regarding the second complaint 008/20 on the agenda tomorrow pm. I would like to know state that we (Cllr Yeo and myself) have been treated unfairly by Dorset Council due to non-compliance of process, with the aim to cause us both reputational damage. I am fairly sure that this process is currently being abused and its purpose is to undermine our role as elected councillors.

3 Month Delay. The complaint was sent in by an individual (not an organisation as implied) to Mr Mair on **19th Feb 2020**. Mr Mair forgot to tell us (Cllr Yeo and myself) about this complaint until **3rd June 2020**, this was when more than three months had elapsed since the event (it should have been rejected on this reason alone). Neither Cllr Yeo or myself received the output

from the Sub-Assessment Committee held regarding on what grounds that the committee determined we were to be formally investigated.

When looking at the complaint 008/20, it is clear to me that it was vexatious because:-

- Allegations of Bullying and Harassment by Cllr Yeo and myself were unspecified, unsubstantiated and generic.
- False statement made by complainant – ‘We did a presentation and a no point did Karen Tippins look up at the presentation she just sat with her back towards it’. The presenter didn’t complain. This was a complaint by an observer only.

Breach Process # 1 – 4.1d was not followed - Bullying and Harassment allegations vexatious and not evidenced. When we (Cllr Yeo and myself) were contacted by J Andrews as assigned investigator, she was unable to state what the Bullying and Harassment allegations were and she was unable to proceed with this investigation on these grounds. Therefore, my challenge to you is that this is clear evidence of non-compliance with the Members Complaint Process. Once the complaint gets to the Councillors they must be clear on what the allegations are, or the complaint needs to go to Step 4.2 – ‘no further action’. This step was not taken by the sub-committee and consequently, months after the event, needless emails were bounced back and fore to agree that this aspect of the complaint couldn’t proceed due to the allegation not being evidenced.

Breach Process # 2 – 4.1d not followed – Back towards a Presentation. The report written by J Andrews has not kept to the facts of the presentation given to Full Council on 14th Feb, the facts are:-

1. Third Party Complaint. The complainant in Complaint #008/20 was not the presenter. The presenter was from Bournemouth Football Academy and did not say anything about councillors having their backs to the screen due to space restrictions. The statement by the complainant saying ‘we gave a presentation’ is not correct, the complainant was sat in the public gallery and the complainant was an observer only during the presentation.
2. Manipulation of Facts. J Andrews report does not emphasis that due to space restrictions I was placed with my back to the presentation by staff, I did not voluntarily have my back to the presentation
3. Complaint is Trivial. There have been many presentation given at Town Council meetings where staff have placed councillors with their backs to the screen and there have been no complaints. Councillors fall asleep during presentations and no complaints are lodged.

I fail to see how Mr J Mair can justify proceeding with a formal investigation without notifying councillors 1) after delaying telling us about the complaint until 3 months after the event 2) no evidence of Bullying and harassment allegations 3) vexatious complaint due to being placed by staff with back to a screen due to space restrictions.

The report by J Andrews has found that I’ve breached the code because I was placed in a seat by staff with my back to a screen. Mrs Andrews conclusion is that I’ve not shown respect to the presenter (the presenter didn’t complain) and that I brought the Town Council into disrepute

beggars believe. And the fact that this has now moved into a committee hearing has now validated my concerns that the system is being abused.

It is not for a Principal Authority to investigate councillors on any slight mis-demeanour; and yet all my reported Code of Conducts have been ignored or rejected.

So again, the process is not being followed. I would say that the process is being abused.

At some point the above needs addressing so the whole process needs re-calibrating so councillors like myself get treated fairly and the process is followed with sensible and reasoned judgements that everyone can understand and the electorate can have confidence that the Code of Conduct process is not being abused to undermine councillors who do not belong to the controlling party.

Kind regards

Cllr K Tippins

EMAIL CHAIN 013/20

Dear Cllr Yeo

Your comments on the decision to proceed to investigation are noted.

You copied your email to the Sub-Committee so they are aware of your disputed facts. I have arranged for them to be provided with all emails between us.

The recording of 14th April meeting is no longer available, as it is removed from the Town Council website when minutes are approved. I am attempting to obtain a copy/link to the recording and if this is provided I will make it available to the Sub-Committee.

In my view the process has been correctly followed and I make no comment on the facts as this is a matter for the Hearing Sub-Committee tomorrow.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: Cllr Peter Yeo <>
Sent: 07 December 2020 21:48
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: ; Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>;
stephen.pearson@freeths.co.uk; Cllr. Richard Biggs <cllrrichard.biggs@dorsetcouncil.gov.uk>;
Cllr. Susan Cocking <cllrsusan.cocking@dorsetcouncil.gov.uk>;
< >; Cllr. Barry Goringe <cllrbarry.goringe@dorsetcouncil.gov.uk>
Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Ms Evans

I fail to see how Dorset Council has followed The Members Complaint Process.

Cllr Welch's Code of Conduct statement against myself is a false allegation.

In his Code of Conduct statement, Cllr Welch falsely states that:

"I was then called an 'idiot' by both Karen and Peter".

This is totally untrue. I did not call him an idiot at any point. I did not call him any names at all. This meeting is all available to see in its entirety on YouTube. I hope that you and all Cllrs and Officers involved in the Dorset Council Code of Conduct Committees dealing with this have actually watched this recording in its entirety. If you and they have, it will have been noted that at no point either before, during or after this meeting, did I say Cllr Welch was an "idiot".

I did speak at Full Council, as is my right as a councillor, and I am allowed to speak.

Cllr Welch's complaint against myself is vexatious. Cllr Welch should be investigated for making a false and vexatious statement under Code of Conduct submission 013/20.

The report written by Mrs J Andrews totally fails to point out that Cllr Welch made a false allegation against me. Mrs Andrews's report is claiming that I breached the Code of Conduct when I have not done anything wrong. I am allowed to speak at Full Council.

The Dorset Council Members Complaint Process states:

Section 4.1d 'the matters giving rise to the complaint would, if proven, be capable of breaching the code' -

to establish whether a complaint is vexatious or trivial.

This Section 4.1d test has been totally ignored.

The allegation made in Cllr Welch's code of Conduct Statement is false (I did not call him an "idiot" at any point) therefore it should have immediately failed the Section 4.1d test and therefore Section 4.2 of The Members Complaint Process should have been acted upon.

Section 4.2 states: 'If the complaint fails one or more of these tests, *(and it failed 4.1d)* **no further action will be taken.**'

No Further action should have been taken and therefore this is a breach of the Dorset Council Code of Conduct/Dorset Council Members Complaint Process.

There should not have been a formal investigation by Mrs J Andrews regarding myself on the basis of a false allegation made by Cllr Welch. This false allegation should have been thrown out at initial failure of the section 4.1d assessment.

I should not have been investigated by Mrs J Andrews **for something that I did not do.**

I cannot apologise for something I did not do.

Can you please confirm that both you and all of the Assessment Sub-Committee members have viewed the recording of this Shaftesbury Town Council meeting in its entirety?

Can you and all members of the Assessment Sub-Committee also please acknowledge that at no point in this meeting did I say that Cllr Welch was an “Idiot”?

Can you also please acknowledge that the correct process has not been followed?

Please note that my (and Cllr Tippins’s) solicitor, a specialist in these matters, is copied in to this email.

I look forwards to receiving your responses before Wednesday’s meeting.

Regards,

Cllr Peter Yeo

Sent from [Mail](#) for Windows 10

From: [Grace Evans](#)

Sent: 07 December 2020 16:38

To

Cc: [Cllr. Matt Hall](#); stephen.pearson@freeths.co.uk; '[Cllr Peter Yeo](#)'

Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Councillor Tippins

I do not feel there is a breach or failure to follow process. I have set out the process and compliance already in detail but will address the points you raise.

As I have set out in my earlier emails, the Code makes it very clear that a decision to investigate is for the assessment sub-committee and not Mr Mair. The assessment sub-committee took that decision which is in accordance with the Code.

The code states that you should receive a copy of the complaint and summary of the Assessment Sub-Committee. You were provided with a copy of the complaint on 29th April and Mr Mair gave the summary on 4th June; that the an investigation had been asked for and was being arranged.

You state that the process states that you “should be told on what basis I’m to be investigated and why the Committee didn’t want to take the informal Section 4b route as per the Code of Conduct form 013/20.”. The Code does not contain this wording, this is your interpretation of it.

Cllr Welch’s email confirming he would not accept an apology came after the assessment sub-committee meeting and so did not form part of their decision to request an investigation.

It is entirely for the complainant whether they will accept an apology. However, as an investigation has been requested and carried out the decision about whether the apology is acceptable is one for the Hearing Sub-Committee and not Cllr Welch.

There have been no breaches of the Code or failure to follow process. This matter will progress for initial consideration by the Hearing Sub-Committee on 9th December where they will take account of your apology and decide whether or not to (a) dismiss the complaint, (b) refer the complaint to the Monitoring Officer to seek an informal resolution, (c) hold a hearing of the Sub-Committee.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 03 December 2020 20:43
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk; 'Cllr Peter Yeo' <>
Subject: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Ms Grace

Thank you for highlighting to me that Dorset Council are in breach of their own process regarding Complaint #013/20. The emails you have sent to me prove that there has been a breach of process as per 'Hearing Sub-Committee Terms of Reference and Dorset Council Member Complaint Process.

Therefore, the process for 013/20 needs to be re-started by Dorset Council.

Breach of Process Number 1. Process 4.5b Ignored:- Mr Mair can't just jump to 'investigation' when an informal option has been requested by the Complainant; as the person whose been complained about I want to know why Mr Mair is not following what the Complainant wanted as a resolution in 013/20 version I received from Dorset Council. The meeting where Mr Mair determined 'formal investigation' without stating why to either myself or Cllr Yeo, was held and

decided on the 1st June 2020. (The fact that Cllr Welch changed his mind after this meeting has held on the 4th June, 3 days after Mr Mair met with the Committee members on the 29th Apr 2020 013/20 version). The process states that I should have had a summary of that meeting, and I should be told on what basis I'm to be investigated and why the Committee didn't want to take the informal Section 4b route as per the Code of Conduct form 013/20. Based on the complaint form, there should not have been an formal investigation, it was not necessary.

I do not know on what basis I was found to be formally investigated and why the informal options (as found on the Code of Conduct form 29th Apr 2020 013/20) was deemed not the correct course of resolution. Section 4.6 from the process stipulates that I should have:- A copy of the complaint **and a summary of the Audit and Governance (Assessment) Sub-Committee will be sent to the Councillor and to the complainant by the Monitoring Officer or the deputy Monitoring Officer.**

I will re-iterate, I have never called Cllr Welch a name before the 14th Apr 2020 and never called him a name since. My mother had died two weeks beforehand and the meeting on the 14th Apr 2020 was 3 days before her burial. I stated v clearly and several times to the investigator J Andrew that I've been traumatised. I also told her that I could not remember being asked to retract my statements during the Full Council as I felt physically sick. I have re-read J Andrew report on 18th June 2020 and I can see, incredibly, J Andrew doesn't believe I have any mitigating circumstances. (I will be sending a separate complaint about this as discussed in earlier emails).

If you look at how A Raynor Labour MP was treated in the Houses of Commons in Oct 2020, she called a Conservative MP scum. The speaker stated only that that was not acceptable language and the debate continued. In the next number of day, A Raynor MP was requested to write an apology, which she did. In her apology she stated her aunt had died 2 weeks beforehand and that the debate was 'emotional'. The matter surrounding the complaint was closed. Bullying is not a 'one off' out of character situation due to frustration, especially when someone has suffered a trumatic bereavement, there is a known right of reasonable adjustment to be applied. (And I have a right of reasonable adjustment, and this currently has not been taken into account and I have a right to know why). Council's operate as per the intentions of Parliament. Like A Raynor MP, she apologised and the matters closed, and I have apologised to Cllr Welch and the matter now should be closed. The fact it isn't and I'm receiving these 'fresh' unknown emails to try and change the course of the Code of Conduct complaint is highlighting a lack of governance and breaches in process.

Breach of Process Number 2. This email you have sent to me, where Cllr Welch changed his mind on the 4th June is not acceptable. The Sub-Committee made a decision on the 1st June, he can't change his mind 3days later because he has another 'fresh' issue with us. The only way Cllr Welch can change is mind based on his 'new' or 'latest' issue is for him to re-submit a new Code of Conduct. This new Code of Conduct needs to evidence the Facebook postings, and he needs to state where the breach of the Code of Conduct is. This is what the form states if the complainant says 'no':- **If you are not willing to accept an apology what would you like to happen as a result of you making a complaint**

Dorset Council should have informed both Cllr Yeo and myself of Cllr Welch's 'change of mind' and we were not informed, and at that point the process should have been restarted with a new Code of Conduct form stating what Cllr Welch would accept as a resolution. We just can't have

a situation where neither Cllr Yeo nor myself know what the resolution is to be after we've gone through an investigation and I've made an apology to Cllr Welch personally.

Because the process has not been followed, as the attached. Dorset Council must restart the process.

(I haven't tried this on the form, but I'm fairly sure when putting the Code of Conduct form in online you can't leave a blank area after putting in 'N' for not accepting an apology because it is a **fundamental part of the process**)

Kind regards

Cllr K Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 03 December 2020 16:22

To:

Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk

Subject: RE: Members Conduct Process - Section 4.5 - Complaint # 013/20

Dear Councillor Tippins

The sections of the Code of Conduct that you refer to apply to the Assessment Sub-Committee stage of the complaints process.

The Monitoring Officer emailed you on 29th April with a copy of the complaint and informed you that it the Assessment Sub-Committee would decide how to proceed (copy attached). That Sub-Committee met on 3 June 2020. That Sub-Committee have the option, under section 4.5 of the Code, to seek informal resolution, including seeking an apology. They did not decide to pursue informal resolution or an apology but required the complaint to be investigated. The Monitoring Officer informed you of this on 4th June, but did not provide a further copy of the complaint, as you already had this (copy attached).

The Monitoring Officer appointed Mrs Andrews as Investigating Officer to investigate and prepare a report which was concluded and emailed to you on 21 August.

An apology could have been offered at any time. Your apology was given after the report was concluded and so does not appear in it. Your apology does not automatically conclude the complaint process.

Councillor Welch stated in his original complaint that he would accept an apology, but in an email to the Monitoring Officer on 4th June he confirmed that was no longer the case; he was not willing to accept an apology. The email is attached and will be supplied to the Hearing Sub-Committee.

As the Assessment Sub Committee asked for an investigation, the Investigating Officer is required to report to the Hearing Sub-Committee. The Hearing Sub-Committee have been supplied with a copy of Mrs Andrews report, a copy of your apology and Cllr Welch's email of 4th June. It will be for the Hearing Sub-Committee to decide how it wishes to proceed.

This approach complies with the Code of Conduct and is consistent with the approach taken in all complaints, including ones where apologies have been given during or following an investigation.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 02 December 2020 15:04
To: Grace Evans <grace.evans@dorsetcc.gov.uk>; Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>
Cc: stephen.pearson@freeths.co.uk
Subject: Members Conduct Process - Section 4.5 - Complaint # 013/20

Dear Ms Evans

Thank you for your response. However, the process has not been followed and I consider this to be serious.

The Complaint 013/20 states that Cllr Welch will accept an apology for this complaint and I have apologised. Therefore, Section 4.5b has been achieved as per the Members Code of Conduct process published by Dorset Council and stated within Dorset Council's constitution.

I have not received a copy of the report as per section 4.6 therefore, I should never have been investigated by J Andrew considering that I was always willing and wanting to apologise. I have never been asked to apologise by the Monitoring Officer or the Standards Sub-Committee and I absolutely would have apologised. Now I find out I have apologised and the investigation is still continuing! 4.5b has been achieved by myself and not from any assistance from Dorset Council.

Why have I had to endure this investigation, where, and I'm sure Ms Andrews will confirm, I spent most of the interview crying because it was too close timewise to my mothers death and I

can prove this fact! But why put me through this investigation, how has section 4.5 & 4.6 from the published process been missed out completely by Dorset Council?

4.5 The Standards (Assessment) Sub-Committee may:

- (a) reject the complaint or to decide to take no action – in which case the Sub-Committee will give their reasons for doing so;*
- (b) seek an informal resolution (including, for example, **an apology**, or mediation); or*
- (c) ask the Monitoring Officer to investigate the complaint.*

4.6 A copy of the complaint and a summary of the Standards (Assessment) SubCommittee will be sent to the Councillor and to the complainant by the Monitoring Officer.

I look forward to hearing from you in your capacity as Deputy Monitoring Officer, why I have not received a copy of report 4.6 and why I was not contacted under 4.5 as I would have always apologised, how come Dorset Council are stipulating I must be investigated, when I believe I have significant mitigating circumstances to the situation on the 14th Apr 2020 that Dorset Council appear to not be taking into account or appear not to want to reach a resolution.

Kind regards

Cllr Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 02 December 2020 12:29

To: ÷ Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>

Cc: stephen.pearson@freeths.co.uk

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Councillor Tippins

Thank you for your email. I have nothing further to add to my explanation of process and note your intention to complain.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305 225021)





From: >
Sent: 01 December 2020 18:29
To: Grace Evans <grace.evans@dorsetcc.gov.uk>; Cllr. Matt Hall
<cllrmatt.hall@dorsetcouncil.gov.uk>
Cc: stephen.pearson@freeths.co.uk
Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Ms Evans

Thank you for your response.

The apology I wrote to Cllr Welch in Aug 2020 was not included in the Sub-Committee papers sent out to the Committee members. I phoned up and checked today. This is just not acceptable.

The form is clear to me, if a person apologises no further action is required. The complaint should have been closed in August 2020. I find no justification for your actions. This is heavy-handed.

Added to this, the complaint 013/20 is about my conduct on the 14th April Full Council, which was 2 weeks after my mother died in a Care Home (I was not allowed to see her) and days before her burial (I could have a church service) and I spoke in frustration at Cllr Welch for less than 1 minute. It was not a pre-meditated act by myself. I have not called Cllr Welch a name before and I haven't called him a name since and I have since apologised to him personally for my inappropriate language.

There appears to be a lack of impartiality.

I will be writing a complaint tomorrow.

Kind regards

Cllr Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>
Sent: 01 December 2020 16:42
To: stephen.pearson@freeths.co.uk
Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Councillor Tippins and Mr Pearson

Your emails have been forwarded to me, as Deputy Monitoring Officer and legal adviser to the Sub-Committee.

The complaint is being dealt in accordance Dorset Council's Code of Conduct. This matter is correctly listed on the Agenda for the Sub-Committee on 9th December. The Assessment Sub-Committee had previously requested an investigation and report and although an apology has been made the Hearing Sub-Committee will need to receive that report. They have been supplied with the report and the subsequent apology and will take this into account at their meeting.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



Stephen Pearson [<mailto:Stephen.Pearson@freeths.co.uk>]

Sent: 01 December 2020 15:42

To: ÷ Cllr. Matt Hall

Cc: Jacqui Andrews; Fiona King (Democratic Services)

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Thank you Karen

What I am slightly confused about is whether you are being expected to comment on a report which you have not seen. Could that be confirmed please as I would feel that the requirements of Natural Justice and ECHR demand this.

regards

Stephen Pearson

Partner

T: 0845 274 6900

F: 0845 050 3255

M: 07810 034 917

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Cumberland Court, 80 Mount Street
Nottingham NG1 6HH



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From:

>

Sent: 01 December 2020 15:22

To: 'Cllr. Matt Hall' <cllrmatt.hall@dorsetcouncil.gov.uk>

Cc: Stephen Pearson <Stephen.Pearson@freeths.co.uk>; jacqui.andrews@dorsetcouncil.gov.uk;

'Fiona King (Democratic Services)' <f.d.king@dorsetcc.gov.uk>

Subject: FW: Apology - Code of Conduct - Complaint # 013/20

Dear Cllr Hall

I feel I am now again in a position to complain about the Dorset Council Code of Conduct process.

I made an apology to M Welch on 25th Aug 2020 (see below) and I was not pleased to see I'd been called into an Assessment Meeting regarding this Complaint 013/20; which should have been dropped and closed after I'd made the full apology to Cllr Welch. After discussions with Ms King, Democratic Services, I understand that the report containing Cllr Welch Code of Conduct 013/20 submitted to the Assessment Committee does not include the apology I made – Dorset Council appear to be acting as if I haven't apologised.

To re-stress the situation, I have not called Cllr Welch a name before the meeting on the 14th Apr 2020 and have not called him a name since. The meeting on the 14th April was 2 weeks after my mum had died in a Care Home and 2 days before her burial. I was not in a good place. Any organisation would have taken this into account as significant mitigating factors. I called Cllr Welch these names out of sheer frustration, there was no

pre-meditated action on my part. I can't see how this be defined as 'bullying' and continued to be called 'bullying' especially after I've apologised.

The Code of Conduct complaint from Cllr Welch stated that he'd accept an apology from me and that no further action would be required. Considering I have apologised, I am really concerned that this now is going to an Assessment Committee without any record of my apology.

Kind Regards

Cllr K Tippins

From: Karen Tippins <Karen Tippins>
Sent: Tuesday, August 25, 2020 11:46 AM
To: jonathan.mair@dorsetcouncil.gov.uk <jonathan.mair@dorsetcouncil.gov.uk>;
mwelch@shaftesbury-tc.gov.uk <mwelch@shaftesbury-tc.gov.uk>;
jacqui.andrews@dorsetcouncil.gov.uk <jacqui.andrews@dorsetcouncil.gov.uk>;
stephen.pearson@freeths.co.uk <stephen.pearson@freeths.co.uk>
Subject: Apology - Code of Conduct - Complaint # 013/20

Dear Cllr Welch

I am writing to you to apologise about the use of inappropriate language I directed towards you at a Full Council meeting 14th April 2020 where I referred to you as being 'Thick' and an 'Idiot'. I hope you accept my apology.

The Council meeting on 14th April 2020 was an awful meeting to attend, it was poorly run and extremely nasty. My stress was compounded at the meeting on the 14th April 2020 because of the bereavement I was suffering over the recent loss of my mother under unbelievably difficult circumstances, who died on the 28th Mar 2020.

I understand you are leaving Shaftesbury next month, in September to live in Bristol to go to university and I wish you every success in your endeavours.

Kind regards

Cllr K Tippins

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Agenda Item 7

What would you like to contact us about?: Make a complaint

What department does your complaint relate to?: Councillors and electoral services

Please select a category: Councillors

Your name: Matthew David Welch

Your Email Address: mwelch@shaftesbury-tc.gov.uk

Your telephone number:

Your address:

Postcode	Select the address
----------	--------------------

subform 1:

First name of Councillor	Last name of Councillor	Please select if the complaint relates to a Councillor elected to:	Town or Parish
Karen	Tippins	a Town or Parish Council	Shaftesbury
Peter	Yeo	a Town or Parish Council	Shaftesbury

Please provide us with the details of your complaint: To whomever this may concern,

Normally I would never consider this an option, filing a complaint about fellow councillors when issues should be able to be sorted in house. But after the meeting on the 14th April EFC I feel that this is necessary. Two councillors broke many policies during a meeting. Below I will list those that are relevant;

Bullying and Harassment Policy 5.1.2 D (Intentional Harassment) E (Bullying)

https://www.shaftesbury-tc.gov.uk/images/Data_Transparency/2017_05_09_-_STC_Bullying_and_Harassment_Policy.pdf

Members Code Of Conduct 2.2 B,C,G <https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2019/08/Code-of-Conduct-Members-Adopted-18th-June-2019.pdf>

These policies were breached in a meeting discussing the Town Councils reaction and community response to COVID-19 in which I made a statement about the town council being an independent body and should protect our community how we see fit. I was then called an "Idiot" by both Karen and Peter, the Chairman asked if Karen would be willing to retract her remark but she was not.

The meeting was recorded so there is video evidence of this occurring and myself, the Clerk or the Chairman would be willing to share this information. Personally I feel like this type of behaviour is unacceptable at public meetings and that I feel like there is a complete lack of respect for myself as an individual.

I completely understand that this is a very busy period for Dorset Council as you are also coordinating a response to COVID-19. Therefore I would like to state that I understand if more vital work needs to be completed first and that this complaint can be pushed back to however long you

need for the more pressing matters.

Many Thanks,

Councillor Welch
Shaftesbury East Ward

Please select 'Yes' if you are willing to accept an apology from the councillor who you are complaining about : Yes

Please tell us which of the following type of person best describes you:: An elected or co-opted member of an authority

Do you wish to request that your identity is kept confidential: No

Dorset Council – Complaint No. 013/20

Investigation in respect of an alleged breach of the Shaftesbury Town Members' Council Code of Conduct adopted on 18 June 2019

Investigation undertaken by Jacqui Andrews, Service Manager, Democratic and Electoral Services, Dorset Council

Background

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members of the authority and, under section 28, to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct.

On 3 June 2020, complaint number 013.20 was considered by an assessment meeting, together with the views of Dorset Council's Independent Person. It was agreed that on the information provided they were satisfied that the complaint should be investigated further.

Introduction

In order to be able to carry out a thorough investigation of the complaint raised in respect of Councillor Karen Tippins and Councillor Peter Yeo, I took the opportunity to view, in detail, the following:

- Shaftesbury Town Council's Code of Conduct adopted on 18 June 2019
- Shaftesbury Town Council's Bullying and Harassment Policy dated 28 February 2017
- A video recording of Shaftesbury Town Council's Full Council meeting dated 14 April 2020 (NB – In accordance with the Town Council Standing Orders, the recording of this meeting has now been removed from the website following the signing of the minutes)

To supplement the information provided to me and available in the public domain on the Shaftesbury Town Council website, I also met virtually with the following people in order to seek their comments on a number of issues:

- Cllr Welch – 12 June 2020
- Cllr Karen Tippins – 18 June 2020
- Cllr Peter Yeo – 9 July 2020

A record of our discussions is attached at Appendices A, B and C – Councillors Welch and Tippins have agreed the statements attached as a true reflection of our discussion.

Councillor Yeo was given the opportunity to agree the notes as an accurate record of what was said during the interview but has, instead, chosen to rewrite the interview record. Councillor Yeo's extensive changes are shown in red on the second version attached at Appendix D. During all the interviews I was accompanied by a note taker and I am satisfied that the original version of the interview with Councillor Yeo was an accurate record of what was actually said. The changes made by Councillor Yeo are additional points or expanded points which he has made in hindsight.

It is not my intention to set out everything said in the interviews, a record of which can be found in the appendices, but I refer to any issues within the main body of the report that I believe are pertinent to this investigation.

Details of Complaint 013/20

A complaint was made by Cllr Welch alleging unacceptable behaviour towards an individual, namely himself, at a meeting of the Shaftesbury Town Council on 14 April 2020. The complaint stated as follows:

“Normally I would never consider this an option, filing a complaint about fellow councillors when issues should be able to be sorted in house. But after the meeting on the 14th April EFC I feel that this is necessary. Two councillors broke many policies during a meeting. Below I will list those that are relevant;

Bullying and Harassment Policy 5.1.2 D (Intentional Harassment) E (Bullying)
https://www.shaftesbury-tc.gov.uk/images/Data_Transparency/2017_05_09_-_STC_Bullying_and_Harassment_Policy.pdf

Members Code Of Conduct 2.2 B,C,G <https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2019/08/Code-of-Conduct-Members-Adopted-18th-June-2019.pdf>

These policies were breached in a meeting discussing the Town Councils reaction and community response to COVID-19 in which I made a statement about the town council being an independent body and should protect our community how we see fit. I was then called an "idiot" by both Karen and Peter, the Chairman asked if Karen would be willing to retract her remark but she was not.

The meeting was recorded so there is video evidence of this occurring and myself, the Clerk or the Chairman would be willing to share this information. Personally I feel like this type of behaviour is unacceptable at public meetings and that I feel like there is a complete lack of respect for myself as an individual.

I completely understand that this is a very busy period for Dorset Council as you are also coordinating a response to COVID-19. Therefore I would like to state that I understand if more vital work needs to be completed first and that this complaint can be pushed back to however long you need for the more pressing matters.”

At an assessment meeting on 3 June 2020, it was agreed that the complaint warranted investigation.

Undisputed facts

The undisputed facts of this case are that:

- At 42 minutes and 40 seconds Councillor Tippins says “What an idiot, Welch you’re an idiot, Councillor Welch, you’re an idiot”.
- At 42 minutes and 50 seconds the Chairman asks Councillor Tippins to retract her comments, to which she responded “No, he’s thick”.
- At 42 seconds, Councillor Yeo says “She’s got a point”.

Findings

Councillor Welch’s complaint suggests there has been a breach of the Shaftesbury Town Council’s Bullying and Harassment Policy. However, having read the Policy, it is clearly aimed at protecting employees of the Town Council, and does not, therefore directly apply to members. However, if this has been adopted by the Town Council (it is headed on the website as “draft”) it might be anticipated that the spirit of the Policy would apply to members in their interactions with one another. However, although the Bullying and Harassment Policy does not appear to apply to this complaint, paragraph 2.2 (b) of the General Obligations of the Members’ Code of Conduct states that a Members “must not bully any person”.

Councillor Welch also alleges that there has been a breach of the Shaftesbury Town Council’s Members’ Code of Conduct that was adopted on 18 June 2019 (specifically 2.2 (b), (c) and (g) set out below). I would suggest that paragraphs 2.1 (a) and (b) should also be considered:

2. General Obligations

2.1 A Councillor must:

- (a) comply with this Code of Conduct and any other of the Council’s policies, protocols and other procedures relating to the conduct of councillors;
- (b) treat others with respect;

2.2 A Councillor must not –

- (b) bully any person;
- (c) 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 to an allegation that a councillor (including them) has failed to comply with this Code of Conduct; or
- (g) behave in a way which could reasonably be regarded as bringing their office or the Council in to disrepute.

Throughout the conversation I had with Councillor Tippins, she was keen to speak of actions she was alleging against other Councillors outside of the meeting on 14 April in terms of a “campaign” to remove her from the Town Council. I do not believe that it is for me to comment on these allegations as part of the complaint received from

Councillor Welch. It is for Councillor Tippins to raise her allegations through the appropriate channels. My only remit is to investigate the comments made by Councillor Tippins and Councillor Yeo in the meeting of 14 April.

It was clear from the outset of the meeting on 14 April 2020 that tensions were high, and the subject matter of the meeting had already generated strong feelings outside of a formal Committee setting. Holding meetings “virtually” with a livestream to YouTube was a new way of working for the Town Council following the introduction of Regulations passed to enable Councils to continue with the democratic decision making processes whilst the country was fighting the coronavirus pandemic. Whilst virtual meetings were a new way of working, the obligation to comply with the Code of Conduct remained unchanged.

I have viewed the meeting of 14 April 2020 on a number of occasions. It should be noted that in accordance with the Town Council’s standing orders, the recording of the meeting has now been removed from the website, but I was given a copy of the recording for the purpose of this investigation.

In her statement, Councillor Tippins stated that no-one knew that the meeting was being recorded. Whilst I’m not aware of what was in any correspondence to Councillors about the arrangements for the meeting prior to it taking place, in response to Councillor Yeo’s request for a recorded vote, the Chairman clearly stated that the meeting was being recorded (at 2 minutes and 5 seconds) so Councillors were all aware that a recording of the meeting was being made. However, the issue of whether it was being recorded is not strictly relevant to this investigation which is in respect of the conduct of Councillors at that meeting, not an issue of whether or not the meeting was recorded.

It was clear that there was no consensus of opinion on the issue being discussed at the meeting and there was an obvious tension from the outset. At a very early point in the meeting when Councillors were talking over one another in a heated exchange, the Chairman muted all Councillors (at 5 minutes 45 seconds) and reminded them of the need to be respectful of one another and to respect each other’s views – a helpful reminder that the Code of Conduct should be adhered to during the conduct of the meeting.

It has to be expected that debate and having different views are all part of healthy democracy – Councillors can be expected to express, challenge, criticise, and disagree with views, ideas and opinions. However, it is important that this is done in a civil manner. Rude and offensive behaviour lowers the public expectations and confidence in elected members, and no-one should be expected to accept an unreasonable or excessive personal attack. I am of the view that the body language of Councillor Tippins, when referring to Councillor Welch as “an idiot” was aggressive as she leant forwards towards the camera and her voice was loud and the tone was harsh.

Bullying has a number of definitions and can be subjective – what one person may see as bullying might be considered by another as simply a rude remark. Some people also consider that a person can only be bullied if there is an “imbalance of power”. Although Councillors are equal in status in their role, some may consider that experience gives them greater “power” over another. In my view, there is clearly

a case of bullying if the person making the allegation is caused either physical or mental/emotional harm, and/or if they are humiliated or hurt.

Councillor Welch refers to being “cut off” by Councillor Tippins and that her comments were “terrible”. Councillor Welch clearly felt upset by the comments as he says that he “hated it”, and after the meeting spoke to the Town Clerk as he was considering his position and whether he wished to continue in the role.

In her statement, Councillor Tippins spoke about the issue of PPE that was the subject of debate of the meeting of 14 April, and set out details of the varying views on this topic. Councillor Tippins made a number of allegations about interests held by other members but these are all irrelevant to the complaint I have been asked to investigate ie the offensive references she made to Councillor Welch. Councillor Tippins alleges that the meeting was orchestrated by the other Councillors to “bait” her, but I do not find this explanation credible. If, as Councillor Tippins states, she felt “baited” into name-calling, and it was a “heat of the moment” comment, she would have taken the opportunity to apologise when invited to do so by the Chairman. Instead, Councillor Tippins chose to respond “No, he’s an idiot”, compounding the insult already made. Whilst I accept Councillor Tippins had been through a recent traumatic and incredibly emotional experience when her mother passed away, and could accept that she may have made an ill-informed spur of the moment mistake in her offensive comments to Councillor Welch, her failure to take the opportunity to apologise when invited to do so by the Chairman demonstrated to me a lack of remorse or any indication that she considered her behaviour to be inappropriate.

Councillor Tippins said that other Councillors were allowed to shout at her throughout the meeting. I have watched the recording of the meeting on a number of occasions and whilst Councillors did ask challenging questions of Councillor Tippins, there was only point when Councillor Hollingshead did shout at Councillor Tippins calling her a liar (NB – at a subsequent meeting of Full Council on 2 June 2020 Councillor Hollingshead made a public apology to the Council for his comments). Councillor Tippins noted in the complaint that Councillor Welch had indicated that he was willing to accept an apology, and she was of the view that he could have diffused the situation if he had simply asked for an apology rather than supporting a vote of no confidence in Councillor Tippins. I would suggest that, equally, Councillor Tippins could have diffused the situation by offering an apology to Councillor Welch before he was compelled to submit a complaint of an alleged breach of the code of conduction.

In respect of the comment, “She’s got a point” made by Councillor Yeo, he would not confirm, when asked directly, that this comment was made in respect of Councillor Tippins’ name-calling of Councillor Welch, but inferred his comment was made in response to a number of points raised by an employee of the Town Council and Councillor Tippins earlier in the meeting. In my view, this is just not credible as Councillor Yeo would have made this comment at the time the statements with which he agreed were made. I would suggest that to any viewer of the meeting, Councillors Yeo’s comment “She’s got a point” was in direct response to Councillor Tippins saying “No, he’s thick” when invited by the Chairman to apologise for earlier name-calling.

I have watched the recording of this meeting on a number of occasions and it is clear that there are some very real tensions between the Councillors, and from the statements appended to this report it is clear that the tensions go beyond the discussions about the provision of PPE.

Conclusion

On concluding my investigation, I am of the view that Councillor Tippins and Councillor Yeo are both in breach of the Code of Code as follows:

2. General Obligations

2.1 A Councillor must:

- (b) comply with this Code of Conduct and any other of the Council's policies, protocols and other procedures relating to the conduct of councillors;

Conclusion: in my opinion, both Councillor Tippins and Councillor Yeo were in breach of the Code of Conduct for the reasons set out below.

- (b) treat others with respect;

Conclusion: in my opinion, both Councillor Tippins and Councillor Yeo failed to treat Councillor Welch with respect and are therefore in breach of paragraph 2.1(b) of the Members' Code of Conduct. Whilst Councillors are entitled to disagree with another Councillor's views, this should always be expressed in a civil and professional manner. The name-calling by Councillor Tippins was childish, unprofessional and wholly disrespectful. Councillor Tippins failed to take the opportunity to apologise when invited to do so by the Chairman and, in fact, added a further insult. Whilst in my opinion the breach by Councillor Yeo was mild as his comment was less direct, it was clear in my view that he was referencing the comments directed by Councillor Tippins at Councillor Welch, and demonstrated a lack of respect for a fellow Councillor.

2.2 A Councillor must not –

- (b) bully any person;
- (c) 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 to an allegation that a councillor (including them) has failed to comply with this Code of Conduct; or

Conclusion: Whilst this paragraph of the Code is perhaps less clear as whether someone has been bullied or not can be subjective, Councillor Welch was clearly upset by the comments directed at him by Councillor Tippins - his reaction in consideration his future position with the Town Council indicates

that he was humiliated/offended/affected by the comments and therefore this could be considered as bullying.

- (g) behave in a way which could reasonably be regarded as bringing their office or the Council in to disrepute.

Conclusion: the Full Council meeting on 14 April 2020 was a meeting in public that was live-streamed to the internet, and a recording of the meeting was subsequently uploaded to the Shaftesbury Town Council website. Whilst some Councillors claimed that they did not know the meeting was being recorded, this is, in fact, irrelevant. The Code of Conduct applies whether a meeting is being recorded or not. The actions of both Councillor Tippins and Councillor Yeo (to a lesser extent) were clearly likely to have an adverse impact on other Councillors and the Council as a whole. The fact that the meeting became the subject of an article in a number of national newspapers demonstrated that the impact was far-reaching, and in my view is likely to lower the public's expectations and confidence in its elected members. I therefore consider that both Councillor Tippins and Councillor Yeo have brought their office and the Council in to disrepute, breaching paragraph 2.2 (g) of the Members' Code of Conduct.

Jacqui Andrews
Service Manager, Democratic and Electoral Services
21 August 2020

Meeting with Councillor Mathew Welch

Date: 11.00am Friday 12 June 2020

I explained to Councillor Welch that the purpose of the meeting was to gather information to enable me to understand that facts as he saw them, and to enable me to formulate my report and any conclusions for consideration by the assessment meeting.

Cllr Welch's complaint referred to the conduct of both Councillor Tippins and Councillor Yeo at a meeting of Shaftesbury Town Council's Full Council on 14 April 2020. Councillor Welch confirmed that he was aware that the meeting was being live streamed and that a recording of the meeting would be uploaded to the Town Council's website until the minutes of the meeting had been approved.

I invited Councillor Welch to explain to me the circumstances surrounding the incident that resulted in him making a complaint.

Councillor Welch said that at the meeting on 14 April he was making a point that he felt that the Town Council should be able to help the community, and he was trying to make the point to other Councillors that the Town Council could make a difference. He said that the fact that he was cut off whilst speaking and called "idiot" and "thick" was terrible – Councillors Welch commented that he had "hated it". He explained that because of his temperament, he tried to "smile it off" at the meeting, but explained that he had called the Town Clerk afterwards, and said that he didn't feel that he could deal with this type of behaviour any more, and questioned whether he wanted to stay on the Town Council because of this type of abuse. Councillor Welch explained that this wasn't the first occasion when he had been personally verbally attacked, and last year, when he first joined the Town Council, Councillor Yeo had approached him outside of the Town Hall and started abusing him. Councillor Welch said that he went into the Town Council offices and asked the staff what to do. Councillor Welch said that the staff had advised that he could make a formal complaint but resisted doing so as he felt that things would get better.

Councillor Welch said that conduct of Councillor Tippins and Councillor Yeo at the meeting of 14 April 2020 had been the final straw and he felt he had no choice but to submit a formal complaint.

Councillor Welch referred to the press articles in the Daily Mail and the Independent following the live-broadcast of the meeting on 14 April 2020, and the negative light that this projected onto the Town Council. Councillor Welch felt that some of the comments, in response to the newspaper article, about Councillor Tippins were disgusting, and was also upset about comments made about all of the Councillors.

Whilst Councillor Welch understood that challenge and differing opinions were all part of political debate, he felt that the comments made by Councillor Tippins went beyond what could be considered usual debate, and were personal attacks, not political comments, and this was exacerbated by Councillor Yeo's comment about Councillor Tippins' remarks ie "she has a point". Councillor Welch said that there

had been no approach by Councillor Tippins or Councillor Yeo to apologise for their comments at the meeting of 14 April 2020.

Councillor Welch said that there had been further conduct that had meant he questioned whether he wanted to stay on the Town Council, and referred to the Full Council meeting on 2 June where he alleges that Councillor Yeo was in breach of the Members' Code of Conduct when he used the terms "bullsh*t" and "w*nker" in a livestream meeting in public. Whilst Councillor Welch said that the comments were not directed at him, he felt that Councillor Yeo's actions were a clear breach, bringing the Council in to disrepute.

To finish, Councillor Welch said that he was currently "embarrassed" to be a part of the Town Council with all the complaints that were being made, and he felt that something needed to be done. He said that he submitted his complaint following an accumulation of lots of incidents that he felt had reached a peak.

Councillor Welch wanted it to be noted that he had received huge support from other Councillors and the Town Clerk, and that was why he had currently decided to remain in his position as Councillor.

Jacqui Andrews
Service Manager, Democratic and Electoral Services

12 June 2020

Statement agreed by Councillor Mathew Welch by email 14:53, 12 June 2020

Meeting with Councillor Karen Tippins

Date: 9.30 am, Thursday 18 June 2020

I explained to Councillor Tippins that the purpose of the meeting was to enable me to understand that facts as she saw them, and to explore the issues raised in the complaints and gather information to enable me to formulate my report and any conclusions for consideration by the assessment meeting.

Councillor Tippins confirmed that she had received copies of complaint number 008/20 (Mrs C) and 013/20 (Councillor Welch).

Complaint 013/20

In respect of the Full Council meeting on 14 April 2020, I asked Councillor Tippins if she was content to agree as an undisputed fact that she referred to Councillor Welch as an idiot 3 times and then declined to apologise when requested by the Chairman stating “No, he’s thick”?

Councillor Tippins responded that if it was in the video recording then she did. I asked Councillor Tippins if she had watched a copy of the recording to which Councillors Tippins responded that she had, so I asked if she accepted that she did use those words, which Councillor Tippins confirmed. However, Councillor Tippins pointed out that this was in the context of a lengthy and bad tempered meeting within which she felt had variously been accused of being a “liar” and “killing people”. Councillor Tippins said it was her suspicion that many of these comments were planned to provoke her.

I asked Councillor Tippins if she was aware that the meeting was being live broadcast, that it was a meeting in public and that a recording would be available after the meeting? Councillor Tippins confirmed that she was not aware of this, She stated that this method of Zoom meeting was her first, and that she and others had technical issues. Councillor Tippins said that there was no ‘practice run’ or any statement from the Town Clerk on processes and procedures, especially surrounding the fact the Zoom meeting was going directly onto YouTube nor the use of ‘mute’ or the Town Clerk using ‘Chat’. Councillor Tippins said she was certainly not aware that “a person unknown would be passing information to the “Mail online” website, resulting in some very unpleasant comments being made against “ her. (*‘Yelling Grandmother’ Daily Mail Online*)

I advised that whilst I was not going to comment on the topic of the meeting, I was keen to hear Councillor Tippins’ response to the complaint made about her conduct, and invited Councillor Tippins to give me her views on the circumstances that have given rise to the complaint.

Councillor Tippins explained that the circumstances were exceedingly difficult for her as she had recently lost her mother who had passed away in a care home, and whilst trying to deal with her bereavement was receiving a number of phone calls from people who were concerned about the actions of other Councillors. Councillor

Tippins explained that concerns had been raised about requests by Councillors Welch and Prichard on behalf of their charity, Friends of Westminster Memorial Hospital, to the Town Council for the procurement of Covid-19 antibody test kits to be administered outside Westminster Memorial Hospital, Shaftesbury (tents were to be erected by Councillor Brown's company at cost). Councillor Tippins was concerned about this request so undertook some research which led her to the view that the tests were not allowed to be used by the NHS. This was because, at this time of the end of Mar-2020 the NHS and Public Health England (PHE) had stated that no Covid-19 Antibody Tests on the market were regarded as reliable or authorised for safe usage by the NHS. Councillor Tippins challenged the request by Councillor Prichard/Welch, arguing that their financial request might be "ultra vires" and all councillors received an email from Councillor Welch saying that his charity (Friends of Westminster Memorial Hospital) required more than £30,000 from the Town Council to be purchased directly from their stated supplier that was not PHE endorsed, for purchasing the Covid-19 Antibody Test kit. Councillor Tippins explained that she contacted a number of organisations, Life Science Company Director (husband's contact), Westminster Memorial Hospital, Shaftesbury and Dorset HealthCare University NHS Foundation Trust, Poole. The NHS organisations stated to Councillor Tippins that they hadn't been consulted by Councillor Prichard and Welch regarding administering Covid-19 Antibody Tests outside Westminster Memorial Hospital, Shaftesbury and the NHS would never ask for money from the Town Council for any medical supplies/equipment and never would (because legally the NHS are responsible for all medical supply procurement). The NHS put a confirmation statement in writing for Councillor Tippins.

Councillor Tippins said that she explained to the Town Clerk, Clare Commons, that she was unable to attend the Zoom meeting on the Councillor Prichard/Welch request for Antibody Test kits because Councillor Tippins mother had died in a care home. Councillor Tippins had requested formally to Mrs Commons that her personal emails were not to be forwarded to other Councillors. However, Mrs Commons forwarded the email to all councillors that her mother had passed away and Councillor Tippins said that she felt that the councillors didn't have any sympathy and, in fact, wanted to use this against her.

Councillor Tippins said that at the meeting on 14th Apr 2020 she was accused of putting the lives of NHS staff at risk and betraying the Town Council, and said that she was called a liar five times by Councillor Hollingshead. (Councillor Tippins provided a link to the YouTube clip - <https://www.youtube.com/watch?v=D6tnxz18sFI>)

Councillor Tippins also said that Councillor Brown said "how could someone deny PPE for people who would die without them". Councillor Tippins said that the Chairman had muted her and was allowing other Councillors to be abusive and shout at her for over 1 hour without Councillor Tippins being able to respond.

Councillor Tippins advised that Councillor Prichard said in his view she had wasted Dorset Health Care valuable time, and risked the lives of the most vulnerable in the community and frontline staff and asked why she was "playing games with people's lives?" Councillor Tippins said that she responded that she felt that PPE was the responsibility of the employer and that she had confirmation from the NHS, Dorset Healthcare, Poole, that they hadn't asked for the money from the Town Council for PPE and never would do. Councillor Tippins said that Councillor Welch then started demanding PPE for his brother which, she said, he hadn't made a declaration of

interest in respect of. Councillor Welch's brother worked at Tesco, and Councillor Tippins said that he started saying PPE should be given to key workers including his brother who worked at Tesco's. This was the subject of a further Code of Conduct request against Councillor Welch which Councillor Tippins had made.

Councillor Tippins said that with regard to the whole charity situation, she felt something was wrong. Certain Councillors were closely involved with the Charity and she felt that there was a conflict of interest, and having looked into the charity she learnt that it had no published constitution. She said that there was another charity with virtually the same name that had been operating for 40 years. Councillor Tippins said that the Treasurer of the latter charity had resigned and said that under no circumstances should Julian Prichard (Chair of both Charities) be asking for money from the Town Council as a councillor and the Trustees weren't consulted and hadn't voted on this financial request from the Town Council. Councillor Tippins said that, apparently, "Mr Prichard has told the former Treasurer 'I can do what I want'".

Councillor Tippins repeated that on 14th Apr 2020 Councillor Welch had asked for the Town Council to supply PPE for his brother working at Tesco because his parents were fragile. She said that he was told twice by Brie Logan (a Council employee) that PPE was not to be diverted from frontline key workers for non-clinical workers. Councillor Tippins felt that Councillor Welch was disrupting proceedings and demanding PPE and that he kept on referring to key workers. Councillor Tippins felt that during the meeting the other Councillors were inferring that residents in care home residents were "vermin" – she explained that the councillors were referring to residents as if they were 'infecting care-workers' with Covid-19. But, Councillor Tippins further explained that it isn't the residents in care homes that were the risk to infecting careworkers, that it was the other way around. Councillor Tippins explained that it was the careworkers coming into the care homes that placed residents at risk of Covid-19. Many residents in carehomes, like her mother, rarely left their rooms and her mother never left the residential home since going into the home. Also, Councillor Tippins explained, that her mother had Advanced Vascular Dementia and Councillor Tippins believed that her mother found careworkers wearing face masks frightening. Councillor Tippins came to this conclusion because since lockdown at the residential home on 14th March, she received many phone calls from the home of her mother's increasing agitation. Councillor Tippins felt upset by the lack of compassion she perceived from the other Councillors and believed that they were using people's hardships and genuine upset to better their political careers.

Referring to the comments that are the subject of complaint 013/20, Councillor Tippins said "I spoke my mind".

Since the meeting on 14 April, Councillor Tippins suggested that Councillor Welch had been part of a "faction" trying to remove her from the Town Council. In reference to Councillor Welch, she said that he wanted his brother on the Town Council, and that she thought it was a complete shock to them when she was elected with either double or 3 times the number of votes of some of the other candidates, considerably higher than any other councillor currently on the Town Council.

Councillor Tippins suggested that the other Councillors were “in collusion” with the Town Clerk where she felt all the decisions were made, and said that they had reduced her to being a Councillor in name only. She felt that Councillor Welch was part of a group that were trying to exclude her, prevent her from voting and from speaking, and said that if she stood to speak she was told to sit down or interrupted or currently muted on Zoom.

Soon after 14 April meeting, Councillor Tippins said she received a letter from nine Town Councillors including a signature by Councillor Welch, demanding her resignation off the Town Council by a specified date and if she hadn’t resigned they would proceed with a public ‘Vote of no Confidence’ in an Extra Full Council (which the nine councillors did), alleging that she was “bullying” staff and councillors. Councillor Tippins said that Councillor Welch (with Councillor Proctor) had also sent Councillor Tippins a solicitor’s letter threatening legal court action which arrived the same time as the threatening letter from nine councillors demanding Councillor Tippins resignation off the Town Council. Councillor Tippins realised that she needed to obtain professional legal support because of Councillor Proctor and Welch’s legal court action threat. Councillor Welch has also signed a petition which was made public on Facebook seeking her resignation.

In respect of the 14 April meeting broadcast using the Zoom platform, Councillor Tippins repeated that members weren’t told that it was being recorded and broadcast on the Town Council website. Councillor Tippins said that none of the Councillors had used Zoom for their meetings previously so didn’t really know how it worked properly and could only obtain access on her iPhone. Councillor Tippins hadn’t realised initially that she was being muted by Councillor Cook. Councillor Tippins felt that all the other members had scripted what they were going to say at the meeting and, with regard to the comments she made to Councillor Welch that were the subject of the complaint, she said that a snippet of the recording was taken and sent to the national papers and this appeared in the Daily Mail, the Times and the Independent. Councillor Tippins felt that Councillor Welch was part of a “smear campaign” and that other members were trying to mentally break her and trying to cause reputational damaged at a time when she had experienced a personal trauma and was suffering the effects of bereavement.

Councillor Tippins said that she had engaged a solicitor to look through the legal court action threat she’d received from Councillor Welch and Proctor she had received and the comments that had been made on Facebook calling her “evil” and making other unpleasant comments.

Councillor Tippins said that she had been getting considerable support from the community and that many people were furious with how she was being treated. Her solicitor had looked at the Full Council meeting and the ‘vote of no confidence’ and had written to the Town clerk concerning it, resulting in an adjournment, and also the letter signed by Councillor Welch seeking her resignation and alleging that she had bullied staff and caused staff mental anxiety since her day of election. Councillor Tippins had felt it necessary to go to the expense of engaging a solicitor to protect herself from what was going on.

Councillor Tippins referred to an occasion when she was threatened with arrest at a Council meeting after Councillor Hollingshead had dialled ‘999’ falsely reporting ‘Breach of the Peace’ whilst she was simply asking about process being followed

and said that in response to her complaint, Jonathan Mair had said this was “tit for tat”, but that the Independent Police Commissioner was looking into the issue of potentially ‘wasting police time’ and/or ‘perverting the course of justice’.

In respect of the meeting of 14 April, Councillor Tippins said that she could have sat there, not said anything and not pointed out that in her opinion they weren’t following governance, but was concerned that it was the employers legal responsibility for supplying PPE and if the Town Council were involved in buying the wrong specification of PPE which resulted in Covid-19 deaths that the Town Council might be liable for ‘Corporate Manslaughter’. Councillor Tippins felt that the complaint and the other actions against her were an attempt to cause her reputational damage. Councillor Tippins alleged that the councillors were all told how to vote before meetings took place, receiving messages telling them what to say and how to vote.

Councillor Tippins said that there were two members of the Town Council, including herself, not following what they’re being told to do and said that they were being bullied and harassed, and that this happen at a time when Councillor Tippins was going through a traumatic time in her personal life.

Councillor Tippins felt that the way other members were talking in the 14 April meeting was as though she had killed people in Shaftesbury and ‘Councillor Tippins had betrayed the town of Shaftesbury’ statements were made multiple times, and she felt this was a deliberate attempt to bait her. Councillor Tippins said that sometimes debates did get very heated at Shaftesbury Town Council, and she didn’t know why but from time to time they do and very emotional, and she was surprised that this complaint had progressed to this stage especially when in the past a former Monitoring Officer, Stuart Caundle, had said he wasn’t interested in this type of complaint when it was a case of a disagreement between members.

She had previously resigned as a Town Councillor for personal reasons when she was a full-time carer for her parents and not because other Councillors had called for her resignation, and Councillor Tippins was adamant that whatever actions the other Councillors took she would not be resigning. She had felt it necessary to engage a solicitor as she felt that otherwise the situation would go on and on.

In response to my question seeking clarity on whether Councillors were told that the meeting was being recorded and live broadcast, Councillor Tippins confirmed that they were not advised that the Town Clerk was recording the Zoom video meeting and that she believed it was just a meeting of Councillors. I asked if Councillor Tippins was aware that members of the public were able to hear and see the meeting and she confirmed that she was aware that a member of the public, Richard Thomas, was “present”.

Councillor Tippins clarified that she did not know that the Town Clerk was going to upload the Zoom video onto YouTube and upload onto the Town Council website. This was the first time ever a video of a Town Council meeting had been put onto YouTube and placed on the Town Council website and councillors were not told that this is what the Town Clerk was going to do. She said that no Councillors nor Mr Thomas knew that it was being Video recorded and Councillor Tippins was initially unaware that she was being muted by Councillor Cook. She also said that she couldn’t see the “chat” facility available to other members. Councillor Tippins said that the meeting was immediately uploaded to YouTube once it had finished, and it was from here that a part recorded, without context snippet of the video was taken

and sent to Facebook 'This is Alfred', the national papers, Daily Mail online, (Salisbury Journal and Independent) to cause Councillor Tippins reputational damage and pressurise to resign off the Town Council. Councillor Tippins felt that this was orchestrated by the other members and that they were baiting her by saying she had put people's lives at risk.

I asked Councillor Tippins that if her initial comments referring to Councillor Welch were made in the heat of the moment, why she didn't take the opportunity to apologise when asked to do so by the Chairman but, instead, responded "No, he's thick"? Councillor Tippins said that she couldn't remember doing that, and that she was upset by the comments that had been made about residents in care homes, PPE and face masks.

Councillor Tippins suggested that the other Councillors had been irresponsible and trying to gain political "brownie points" out of people's devastation. Councillor Tippins felt that they had targeted her, trying to mentally break her at a time when she was suffering a personal trauma, and their actions had upset her. Councillor Tippins felt that her behaviour had to be considered in context as part of a meeting where others set out to provoke and upset her. Her Solicitor had suggested that a mediation process could be a solution, but unfortunately Jonathan Mair had vetoed this proposal in correspondence, which was a pity.

When asked if Councillor Tippins wanted to add any final points to her statement, she said that because so much has been thrown at her during the meeting on 14 April she hadn't noticed, and Mr Mair hadn't asked me to apologise to Councillor Welch, that the Councillor Welch would accept an apology to avoid this investigation on his Code of Conduct submission. She questioned why, when he had indicated when submitting his Code of Conduct complaint that he would accept an apology, Councillor Welch had signed the 'vote of no confidence', and why has he written a threatening letter saying that if she didn't resign from the Town Council within three or four days, they were going to go public with an extra Full Council and do a 'vote of no confidence'. Councillor Tippins felt that Councillor Welch could have diffused the situation by asking for an apology rather than taking the actions he had to escalate and damage relations.

When I asked if Councillor Tippins had any final comments, she said that she didn't feel that she was being treated fairly by Dorset Council. She expressed concern about Jonathan Mair's responses to the Code of Conduct complaints submitted by her and that she had been told that she must only correspond with Jonathan Mair through her solicitor and that she could not contact him directly. She was particularly concerned that Mr Mair had rejected her complaint that she had been excluded from all the committees. Councillor Tippins felt that Mr Mair was wrong to reject her complaint and said that she would be referring to case law to demonstrate this as she felt that the Town Council had removed voice and her right to vote. Councillor Tippins suggested that this may be related to political bias and gender.

Councillor Tippins said that she was not a political person, and that other Councillors were calling her "the most hated person in Shaftesbury" and that they viewed her as "evil". Councillor Tippins said that this was the third time she had been voted on to the Town Council and twice she'd obtained votes in excess of 900, no other councillor on the Town Council has her election records which she sees as a 'mandate' from the electorate. She felt she was being deprived by the 'faction' of

nine councillors of speaking and voting, and felt she was being mistreated and unfairly treated in Zoom meetings, by being muted excessively by the Chair.

Councillor Tippins said that the 14 April meeting was very emotive – and that people were being very critical at what was the worst time of her life. Councillor Tippins felt that right up to the time when she said what she said to Councillor Welch, she was being very rational, and other Councillors were just abusing her.

Councillor Tippins suggested that other women had “jumped on the bandwagon”, and felt that they just didn’t seem to like a woman in politics who had a voice. On the other hand, Councillor Tippins said she had received support from a gentleman who said it was “brilliant” to have someone that was “sparky and isn’t intimidated”.

Jacqui Andrews
19 June 2020

Statement agreed as amended by Councillor Tippins by email – 08.07.2020

Meeting with Councillor Peter Yeo

8 July 2020

I explained to Councillor Yeo that the purpose of the meeting was to enable me to understand that facts as he saw them, and to explore the issues raised to enable me to formulate my report any conclusions for consideration by the assessment meeting.

Complaint 013/20

The first complaint related to the Full Council meeting on 14 April 2020 that was live-streamed to the Shaftesbury Town Council website.

I asked Councillor Yeo if he was willing to agree as an undisputed fact that he did say “She’s got a point” (approximately 43 minutes in to the meeting) after Councillor Tippins was asked to apologise by the Chairman for referring to Councillor Welch as an “idiot” and as “thick”?

Councillor Yeo confirmed that “at some point in the meeting” he did say “She’s got a point”, but he did not say, as stated in Councillor Welch’s complaint, that he was thick and stupid. Councillor Yeo said that, in his view, the Business Manager had given a statement about the use of PPE saying “it should only be used for clinical uses and not wasted on people in other roles” and Councillor Tippins had reiterated this point and Councillor Yeo felt both the Business Manager and Councillor Tippins had a point.

I asked that, bearing in mind the meeting was being live-broadcast, how Councillor Yeo felt his comment might be perceived ie in respect of Councillors Tippins comment about Councillor Welch or in respect of previous comments about the use of PPE in clinical setting. Councillor Yeo reiterated that, in his view, Councillor Tippins had made some very good points, particularly in response to Councillor Welch’s comments that his brother, who worked in Tesco, should be receiving PPE when Councillor Tippins was quoting advice that PPE equipment should not be used on non-clinical priorities.

To be clear, I asked Councillor Yeo to confirm that he was saying that his comment “She’s got a point” was in reference to the discussion about PPE, and not in response to Councillor Tippins’ comment referring to Councillor Welch as “thick”? Councillor Yeo responded that he was making a point that Councillor Welch was failing to acknowledge that PPE should not be used for non-clinical purposes.

I asked Councillor Yeo if he wished to make any further comments in response to this complaint, and he confirmed that he didn’t.

Jacqui Andrews
9 July 2020

Statement not agreed by Councillor Yeo – his amendments are set out in red in Appendix D.

Meeting with Councillor Peter Yeo

8 July 2020

I explained to Councillor Yeo that the purpose of the meeting was to enable me to understand that facts as he saw them, and to explore the issues raised to enable me to formulate my report **and form** any conclusions for consideration by the assessment meeting.

Complaint 013/20

The first complaint related to the Shaftesbury Town Council (STC) Full Council meeting on 14 April 2020.

Cllr Yeo stated that this was a Zoom meeting that The Town Clerk then copied to the Worldwide 'Youtube' website without informing councillors (or Mr Thomas, a visible member of the public, without his permission) and which Mr James Thrift (Mrs Commons's friend), shared on two Shaftesbury Facebook groups. Mrs Commons then also uploaded the hyperlink to the Zoom meeting to the STC website. All of which were things that had never been done before and neither Cllr Tippins nor Cllr Yeo were informed of these actions in advance.

I asked Councillor Yeo if he was willing to agree as an undisputed fact that he did say "She's got a point" (approximately 43 minutes in to the meeting) after Councillor Tippins was asked to apologise by the Chairman for referring to Councillor Welch as an "idiot" and as "thick"?

Councillor Yeo confirmed that "at some point in the meeting" he did say "She's got a point". Cllr Yeo then pointed out the fact that Councillor Welch's complaint statement falsely states that Cllr Yeo had called him "thick and stupid" and that the Zoom meeting recording proves that at no time did Cllr Yeo call Cllr Welch either "thick" or "stupid" or "thick and stupid".

Councillor Yeo said that as well as Cllr Tippins having given numerous points as to why it was totally wrong for the Council to vote to give the Town Clerk the unscrutinised ability to spend up to £20,000 of tax payers money on PPE when no local organisations had requested anything, the 'Business Manager' Mrs Logan had also just given a statement from Dorset Health Care about the use of PPE saying to the effect that "it should only be used for clinical uses and **must not be** wasted on people in other **non-clinical** roles", **reiterating Councillor Tippins's point**. Councillor Yeo felt both the Business Manager and Councillor Tippins had a very good point.

I asked that, bearing in mind the meeting was being live-broadcast, how Councillor Yeo felt his comment might be perceived i.e. in respect of Councillor Tippins's comment about Councillor Welch or in respect of previous comments about the use of PPE **in clinical settings only**.

Councillor Yeo reiterated that, in his view, Councillor Tippins had made some very good points **and at this stage of the meeting the point that 'Business Manager' Mrs Logan had also had a very good point at this stage of the meeting** in response to

Councillor Welch's comments that his brother, who works in Tesco, which is a non-clinical role, should be receiving free PPE from Shaftesbury Town Council, even though that is Tesco's employers legal responsibility and would leave STC open to litigation if the PPE was substandard and failed to protect.

Cllr Yeo stated that he did not think Cllr Welsh really was feeling at all bullied by either Cllr Tippins or himself. Cllr Yeo stated that he believed Cllr Welch's real motive in making this code of conduct complaint was revenge vexatious, and even revenge, because his and other Councillors scheme for the charities that they were involved with to be given un-scrutinised access to £20,000 of STC funds, had been exposed and highlighted by Cllr Tippins and Cllr Yeo to the public during this public meeting.

Cllr Yeo reiterated that Cllr Welch and the faction of Councillors that he is part of were voting to give the Town Clerk the ability to spend up to £20,000 of STC council tax funds for up to one year with no scrutiny of the Full Council whatsoever.

Cllr Yeo stated this Full Council meeting was held because of a motion by Mayor Cllr Tim Cook (seconded by Cllr Hollingshead) following extensive lobbying of councillors by Cllr Julian Prichard, founder and trustee of the Charity 1184477 'Friends of Westminster Memorial Hospital' and a charity which could directly benefit from this un-scrutinised awarding of up to £20,000 of Shaftesbury Tax payers Council tax that was not meant for this purpose.

Cllr Welch is also a trustee of Charity 1184477 'Friends of Westminster Memorial Hospital'. (See attached screen shot).

The screenshot shows the Charity Commission profile for 1184477 - FRIENDS OF WESTMINSTER MEMORIAL HOSPITAL. The page is marked as 'NEWLY REGISTERED'. It includes a sidebar with navigation links like 'Find charities', 'Charity overview', and 'Contact & trustees'. The main content area has sections for 'Contact' and 'Trustees'. Under 'Contact', it lists the address: WESTMINSTER MEMORIAL HOSPITAL, ABBEY WALK, SHAFTESBURY, SP7 8BD, and provides contact information: Tel: 01747851535, Email: enquiries@friendsofwmh.org.uk, and Website: www.friendsofwmh.org.uk. The 'Trustees' section lists Julian Prichard, Matthew David Welch, and Justine Elmendorff. A note indicates that Julian Prichard is also a trustee of the LEAGUE OF FRIENDS OF THE WESTMINSTER MEMORIAL HOSPITAL, with a status of 'DUE DOCUMENTS RECEIVED'.

Trustees	Other Charities
Julian Prichard	281419 LEAGUE OF FRIENDS OF THE WESTMINSTER MEMORIAL HOSPITAL, SHAFTESBURY
Matthew David Welch	
Justine Elmendorff	

Cllr Yeo stated that the reason that Cllrs Prichard, Welch and Brown said anything at the start of this meeting about being directly involved in this local healthcare related charity that could benefit from the outcome of this meeting was because he had started to highlight the fact that they had not been forthcoming with their position as trustees or as an advisor in Cllr Brown's case.

Cllr Yeo stated that Cllr Prichard has since resigned as a Councillor over his involvement in this meeting and its motion which he, Cllr Welch, Cllr Brown and the majority of STC councillors voted for in this meeting, but which Cllr Tippins and Cllr Yeo did not vote for.

Cllr Yeo stated that he felt it was improper for Shaftesbury Town Council to be voting to use funds meant for other purposes to be handed out by the Town Clerk with no scrutiny at all from Full Council and for it to be spent on non-clinical uses of PPE and that the NHS Dorset Health Care had even written to Cllr Tippins to say they did not want and could not lawfully accept any funding or PPE from STC as she stated in this meeting.

To be clear, I asked Councillor Yeo to confirm that he was saying that his comment “She’s got a point” was in reference to the discussion about PPE, and not in response to Councillor Tippins’s comment referring to Councillor Welch as “thick”?

Councillor Yeo responded that he was making a point that Councillor Welch was failing to acknowledge that PPE should not be used for non-clinical purposes.

I asked Councillor Yeo if he wished to make any further comments in response to this complaint, and he confirmed that he did not.

Councillor Peter Yeo

27 July 2020

013/20 - Email from Cllr Welch - 040620

Good Afternoon,

Thank you very much for the update, since this time both cllr's in question have gone beyond this in a public way such as posts on facebook. In light of this I am no longer willing to accept an apology from either councillor.

Many Thanks,

Cllr Welch
Shaftesbury East Ward

From: councillorcomplaints [councillorcomplaints@dorsetcouncil.gov.uk]

Sent: 04 June 2020 13:33

To: Matthew Welch

Subject: Code of conduct complaint - 013/20

Dear Cllr Welch

I previously wrote to you acknowledging your code of conduct complaint against Shaftesbury Town Councillors Tippins and Yeo. At an assessment meeting on Monday the panel agreed that your complaint should be formally investigated. An investigator will be appointed and will be in touch with you soon.

Yours sincerely

Jonathan Mair
Corporate Director – Legal and Democratic
(Monitoring Officer)
Legal and Democratic Services
Dorset Council

[01305 224181](tel:01305224181)
dorsetcouncil.gov.uk



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Apology from Cllr Tippins

From: Karen Tippins

Sent: 25 August 2020 11:47

To: Matthew Welch

Cc: Jonathan Mair; Stephen Pearson; Jacqui Andrews

Subject: Apology - Code of Conduct - Complaint # 013/20

Dear Cllr Welch

I am writing to you to apologise about the use of inappropriate language I directed towards you at a Full Council meeting 14th April 2020 where I referred to you as being 'Thick' and an 'Idiot'. I hope you accept my apology.

The Council meeting on 14th April 2020 was an awful meeting to attend, it was poorly run and extremely nasty. My stress was compounded at the meeting on the 14th April 2020 because of the bereavement I was suffering over the recent loss of my mother under unbelievably difficult circumstances, who died on the 28th Mar 2020.

I understand you are leaving Shaftesbury next month, in September to live in Bristol to go to university and I wish you every success in your endeavours.

Kind regards

Cllr K Tippins

This page is intentionally left blank

Dear Cllr Yeo

Complaint 08/20 remains on the Agenda for the Hearing Sub-committee meeting tomorrow as the investigation was requested by the Assessment Sub-Committee and it relates to complaints about both you and Cllr Tippins.

The Investigating Officer's report makes it clear that as the Complainant could not recall details the Investigating Officer did not think it appropriate to take the complaint against you any further. That report still needs to be received by the Hearing Sub-Committee to formally conclude the complaint.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: Cllr Peter Yeo <>
Sent: 08 December 2020 15:13
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; Cllr. Barry Goringe <cllrbarry.goringe@dorsetcouncil.gov.uk>; Cllr. Richard Biggs <cllrrichard.biggs@dorsetcouncil.gov.uk>; Cllr. Susan Cocking <cllrsusan.cocking@dorsetcouncil.gov.uk>;
Stephen Pearson FREETHS Solicitor
<Stephen.Pearson@freeths.co.uk>
Subject: Fwd: Complaint Nos. 008/20, 013/20 and 023/20

Dear Ms Evans,

With regards to the meeting tomorrow and its agenda, I am surprised to see that 008/20 is still on the agenda as Mrs C v Cllr Yeo seeing as Mrs J Andrews of DC emailed me on 15 June 2020 (see below) and told me that "I have concluded that I do not intend to proceed with an investigation into the allegation".

Can you please confirm that this is an error and that it should not be on the agenda tomorrow with regards to me?

regards,

Peter Yeo

Begin forwarded message:

From: Jacqui Andrews <jacqui.andrews@dorsetcouncil.gov.uk>

Date: 15 June 2020 at 09:20:56 BST

To: "

Subject: FW: FW: Complaint Nos. 008/20, 013/20 and 023/20

Dear Councillor Yeo

Since having had an opportunity to speak to the complainant in respect of complaint No. 080/20 late last week, I have concluded that I do not intend to proceed with an investigation into the allegation that you acted aggressively towards the Acting Chair.

I would like to meet with you in respect of the allegations contain in complaint Nos 013/20 and 023/20 and look forward to hearing from you at your earliest convenience in respect of your availability on the dates set out below albeit slightly amended now to Tuesday 16 June – from 9.30 am to 4.30pm or Thursday 18 June, 1.00pm to 4.30pm. If these dates/times are not convenient, please do let me know when you might be able to meet this week and I will try to make space in my diary so that I can meet when convenient with you.

If we are not able to meet this week, I shall be on annual leave from 19 June, not returning until 6 July so will need to book a time with you after these dates.

If you do not wish to take the opportunity to meet with me, please do let me know.

Kind regards

Jacqui Andrews
Service Manager, Democratic & Electoral Services
Legal and Democratic Services

Dorset Council

01258 484325

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From: Jacqui Andrews

Sent: 12 June 2020 09:31

To: >

Subject: Complaint Nos. 008/20, 013/20 and 023/20

Dear Councillor Yeo

You will have been advised by Mr Jonathan Mair, Monitoring Officer for Dorset Council, that a number of complaints have been received alleging aggressive behaviour by yourself and also breaches of the Members' Code of Conduct.

In order that I can consider all the facts of the case, I would be pleased to meet with you "virtually" in order that you can explain in your own words the circumstances around the allegations, together with any mitigating factors.

Whilst I would ordinarily seek to meet people "in person", the current government guidance is that we should continue to work remotely where this is possible. If you are happy to meet via a video meeting, I am happy to provide you with a link (you don't need to have any specific software on your machine as you can access the meeting through the link I will provide).

I would like to be able to discuss this matter with you as soon as possible, and have availability on the dates set out below. I'd be grateful if you could give me a number of options so that I can ensure I am to give you my full attention without having to rush off to other meetings. The dates I am currently available are:

- Monday 15 June – from 11.30am to 4.30pm
- Tuesday 16 June – from 9.30 am to 4.30pm
- Thursday 18 June – from 9.30am – 11.00am and from 1.00pm to 4.30pm

If none of the dates are suitable, please let me know when you could meet and I will do my best to make arrangements so I can meet with you at your convenience.

I will be accompanied at the meeting by one of the Members PAs so that they can take notes of our discussions to enable me to draft a record of our meeting that I will share with you for your agreement after the meeting. They will have no role at the meeting other than to take notes of our discussions.

I'd be grateful if you could get back to me as soon as possible so I can put the necessary arrangements in place.

Kind regards

Jacqui Andrews
Service Manager, Democratic & Electoral Services
Legal and Democratic Services

Dorset Council

01258 484325

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EMAIL CHAIN 013/20

Dear Mr Pearson

The Sub-Committee have been copied in to some but not all of the emails from Councillors Tippins and Yeo. To ensure they all have the same information I have arranged for all the emails received since Councillor Tippins email of 1 December, to be provided to Sub-Committee in advance of their meeting tomorrow.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)

dorsetcouncil.gov.uk



From: Stephen Pearson <Stephen.Pearson@freeths.co.uk>

Sent: 08 December 2020 14:12

To: Grace Evans <grace.evans@dorsetcc.gov.uk>;-

Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; 'Cllr Peter Yeo' < >

Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Grace

As I think you are aware I have been assisting Mrs Tippins.

As I understand she will not be able to present her comments at this stage in the procedure, could you confirm whether you will be sharing any of the correspondence received (for example her email of 14.04 today) with the sub-committee tomorrow in order that the members are fully informed ? I ask because there are clearly fundamental issues of fact which are disputed.

regards

Stephen Pearson

Partner

T: 0845 274 6900

F: 0845 050 3255

M: 07810 034 917

FREETHS

Freeths LLP
Cumberland Court, 80 Mount Street
Nottingham NG1 6HH



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From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 07 December 2020 16:38

To:

Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; Stephen Pearson <Stephen.Pearson@freeths.co.uk>; 'Cllr Peter Yeo' < >

Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Councillor Tippins

I do not feel there is a breach or failure to follow process. I have set out the process and compliance already in detail but will address the points you raise.

As I have set out in my earlier emails, the Code makes it very clear that a decision to investigate is for the assessment sub-committee and not Mr Mair. The assessment sub-committee took that decision which is in accordance with the Code.

The code states that you should receive a copy of the complaint and summary of the Assessment Sub-Committee. You were provided with a copy of the complaint on 29th April and Mr Mair gave the summary on 4th June; that the an investigation had been asked for and was being arranged.

You state that the process states that you "should be told on what basis I'm to be investigated and why the Committee didn't want to take the informal Section 4b route as per the Code of Conduct form 013/20.". The Code does not contain this wording, this is your interpretation of it.

Cllr Welch's email confirming he would not accept an apology came after the assessment sub-committee meeting and so did not form part of their decision to request an investigation.

It is entirely for the complainant whether they will accept an apology. However, as an investigation has been requested and carried out the decision about whether the apology is acceptable is one for the Hearing Sub-Committee and not Cllr Welch.

There have been no breaches of the Code or failure to follow process. This matter will progress for initial consideration by the Hearing Sub-Committee on 9th December where they will take account of your apology and decide whether or not to (a) dismiss the complaint, (b) refer the complaint to the Monitoring Officer to seek an informal resolution, (c) hold a hearing of the Sub-Committee.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 03 December 2020 20:43
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk; 'Cllr Peter Yeo' <
Subject: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Ms Grace

Thank you for highlighting to me that Dorset Council are in breach of their own process regarding Complaint #013/20. The emails you have sent to me prove that there has been a breach of process as per 'Hearing Sub-Committee Terms of Reference and Dorset Council Member Complaint Process.

Therefore, the process for 013/20 needs to be re-started by Dorset Council.

Breach of Process Number 1. Process 4.5b Ignored:- Mr Mair can't just jump to 'investigation' when an informal option has been requested by the Complainant; as the person whose been

complained about I want to know why Mr Mair is not following what the Complainant wanted as a resolution in 013/20 version I received from Dorset Council. The meeting where Mr Mair determined 'formal investigation' without stating why to either myself or Cllr Yeo, was held and decided on the 1st June 2020. (The fact that Cllr Welch changed his mind after this meeting has held on the 4th June, 3 days after Mr Mair met with the Committee members on the 29th Apr 2020 013/20 version). The process states that I should have had a summary of that meeting, and I should be told on what basis I'm to be investigated and why the Committee didn't want to take the informal Section 4b route as per the Code of Conduct form 013/20. Based on the complaint form, there should not have been an formal investigation, it was not necessary.

I do not know on what basis I was found to be formally investigated and why the informal options (as found on the Code of Conduct form 29th Apr 2020 013/20) was deemed not the correct course of resolution. Section 4.6 from the process stipulates that I should have:- A copy of the complaint and a summary of the Audit and Governance (Assessment) Sub-Committee will be sent to the Councillor and to the complainant by the Monitoring Officer or the deputy Monitoring Officer.

I will re-iterate, I have never called Cllr Welch a name before the 14th Apr 2020 and never called him a name since. My mother had died two weeks beforehand and the meeting on the 14th Apr 2020 was 3 days before her burial. I stated v clearly and several times to the investigator J Andrew that I've been traumatised. I also told her that I could not remember being asked to retract my statements during the Full Council as I felt physically sick. I have re-read J Andrew report on 18th June 2020 and I can see, incredibly, J Andrew doesn't believe I have any mitigating circumstances. (I will be sending a separate complaint about this as discussed in earlier emails).

If you look at how A Raynor Labour MP was treated in the Houses of Commons in Oct 2020, she called a Conservative MP scum. The speaker stated only that that was not acceptable language and the debate continued. In the next number of day, A Raynor MP was requested to write an apology, which she did. In her apology she stated her aunt had died 2 weeks beforehand and that the debate was 'emotional'. The matter surrounding the complaint was closed. Bullying is not a 'one off' out of character situation due to frustration, especially when someone has suffered a trumatic bereavement, there is a known right of reasonable adjustment to be applied. (And I have a right of reasonable adjustment, and this currently has not been taken into account and I have a right to know why). Council's operate as per the intentions of Parliament. Like A Raynor MP, she apologised and the matters closed, and I have apologised to Cllr Welch and the matter now should be closed. The fact it isn't and I'm receiving these 'fresh' unknown emails to try and change the course of the Code of Conduct complaint is highlighting a lack of governance and breaches in process.

Breach of Process Number 2. This email you have sent to me, where Cllr Welch changed his mind on the 4th June is not acceptable. The Sub-Committee made a decision on the 1st June, he can't change his mind 3days later because he has another 'fresh' issue with us. The only way Cllr Welch can change is mind based on his 'new' or 'latest' issue is for him to re-submit a new Code of Conduct. This new Code of Conduct needs to evidence the Facebook postings, and he needs to state where the breach of the Code of Conduct is. This is what the form states if the complainant says 'no':- **If you are not willing to accept an apology what would you like to happen as a result of you making a complaint**

Dorset Council should have informed both Cllr Yeo and myself of Cllr Welch's 'change of mind' and we were not informed, and at that point the process should have been restarted with a new Code of Conduct form stating what Cllr Welch would accept as a resolution. We just can't have a situation where neither Cllr Yeo nor myself know what the resolution is to be after we've gone through an investigation and I've made an apology to Cllr Welch personally.

Because the process has not been followed, as the attached. Dorset Council must restart the process.

(I haven't tried this on the form, but I'm fairly sure when putting the Code of Conduct form in online you can't leave a blank area after putting in 'N' for not accepting an apology because it is a **fundamental part of the process**)

Kind regards

Cllr K Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 03 December 2020 16:22

To:

Cc: Cllr. Matt Hall <cllmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk

Subject: RE: Members Conduct Process - Section 4.5 - Complaint # 013/20

Dear Councillor Tippins

The sections of the Code of Conduct that you refer to apply to the Assessment Sub-Committee stage of the complaints process.

The Monitoring Officer emailed you on 29th April with a copy of the complaint and informed you that it the Assessment Sub-Committee would decide how to proceed (copy attached). That Sub-Committee met on 3 June 2020. That Sub-Committee have the option, under section 4.5 of the Code, to seek informal resolution, including seeking an apology. They did not decide to pursue informal resolution or an apology but required the complaint to be investigated. The Monitoring Officer informed you of this on 4th June, but did not provide a further copy of the complaint, as you already had this (copy attached).

The Monitoring Officer appointed Mrs Andrews as Investigating Officer to investigate and prepare a report which was concluded and emailed to you on 21 August.

An apology could have been offered at any time. Your apology was given after the report was concluded and so does not appear in it. Your apology does not automatically conclude the complaint process.

Councillor Welch stated in his original complaint that he would accept an apology, but in an email to the Monitoring Officer on 4th June he confirmed that was no longer the case; he was

not willing to accept an apology. The email is attached and will be supplied to the Hearing Sub-Committee.

As the Assessment Sub Committee asked for an investigation, the Investigating Officer is required to report to the Hearing Sub-Committee. The Hearing Sub-Committee have been supplied with a copy of Mrs Andrews report, a copy of your apology and Cllr Welch's email of 4th June. It will be for the Hearing Sub-Committee to decide how it wishes to proceed.

This approach complies with the Code of Conduct and is consistent with the approach taken in all complaints, including ones where apologies have been given during or following an investigation.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 02 December 2020 15:04
To: Grace Evans <grace.evans@dorsetcc.gov.uk>; Cllr. Matt Hall
<cllrmatt.hall@dorsetcouncil.gov.uk>
Cc: stephen.pearson@freeths.co.uk
Subject: Members Conduct Process - Section 4.5 - Complaint # 013/20

Dear Ms Evans

Thank you for your response. However, the process has not been followed and I consider this to be serious.

The Complaint 013/20 states that Cllr Welch will accept an apology for this complaint and I have apologised. Therefore, Section 4.5b has been achieved as per the Members Code of Conduct process published by Dorset Council and stated within Dorset Council's constitution.

I have not received a copy of the report as per section 4.6 therefore, I should never have been investigated by J Andrew considering that I was always willing and wanting to apologise. I have never been asked to apologise by the Monitoring Officer or the Standards Sub-Committee and I absolutely would have apologised. Now I find out I have apologised and the investigation is still continuing! 4.5b has been achieved by myself and not from any assistance from Dorset Council.

Why have I had to endure this investigation, where, and I'm sure Ms Andrews will confirm, I spent most of the interview crying because it was too close timewise to my mothers death and I can prove this fact! But why put me through this investigation, how has section 4.5 & 4.6 from the published process been missed out completely by Dorset Council?

4.5 The Standards (Assessment) Sub-Committee may:

(a) reject the complaint or to decide to take no action – in which case the Sub-Committee will give their reasons for doing so;

*(b) seek an informal resolution (including, for example, **an apology**, or mediation); or*

(c) ask the Monitoring Officer to investigate the complaint.

4.6 A copy of the complaint and a summary of the Standards (Assessment) SubCommittee will be sent to the Councillor and to the complainant by the Monitoring Officer.

I look forward to hearing from you in your capacity as Deputy Monitoring Officer, why I have not received a copy of report 4.6 and why I was not contacted under 4.5 as I would have always apologised, how come Dorset Council are stipulating I must be investigated, when I believe I have significant mitigating circumstances to the situation on the 14th Apr 2020 that Dorset Council appear to not be taking into account or appear not to want to reach a resolution.

Kind regards

Cllr Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 02 December 2020 12:29

To: ÷ Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>

Cc: stephen.pearson@freeths.co.uk

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Councillor Tippins

Thank you for your email. I have nothing further to add to my explanation of process and note your intention to complain.

Kind regards

Grace Evans
Head of Legal Services
Legal Services

Dorset Council

[01305 225021](tel:01305225021)

dorsetcouncil.gov.uk



From:

>

Sent: 01 December 2020 18:29

To: Grace Evans <grace.evans@dorsetcc.gov.uk>; Cllr. Matt Hall
<cllrmatt.hall@dorsetcouncil.gov.uk>

Cc: stephen.pearson@freeths.co.uk

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Ms Evans

Thank you for your response.

The apology I wrote to Cllr Welch in Aug 2020 was not included in the Sub-Committee papers sent out to the Committee members. I phoned up and checked today. This is just not acceptable.

The form is clear to me, if a person apologises no further action is required. The complaint should have been closed in August 2020. I find no justification for your actions. This is heavy-handed.

Added to this, the complaint 013/20 is about my conduct on the 14th April Full Council, which was 2 weeks after my mother died in a Care Home (I was not allowed to see her) and days before her burial (I could have a church service) and I spoke in frustration at Cllr Welch for less than 1 minute. It was not a pre-meditated act by myself. I have not called Cllr Welch a name before and I haven't called him a name since and I have since apologised to him personally for my inappropriate language.

There appears to be a lack of impartiality.

I will be writing a complaint tomorrow.

Kind regards
Cllr Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 01 December 2020 16:42

To: stephen.pearson@freeths.co.uk;

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Councillor Tippins and Mr Pearson

Your emails have been forwarded to me, as Deputy Monitoring Officer and legal adviser to the Sub-Committee.

The complaint is being dealt in accordance Dorset Council's Code of Conduct. This matter is correctly listed on the Agenda for the Sub-Committee on 9th December. The Assessment Sub-Committee had previously requested an investigation and report and although an apology has been made the Hearing Sub-Committee will need to receive that report. They have been supplied with the report and the subsequent apology and will take this into account at their meeting.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)

dorsetcouncil.gov.uk



Stephen Pearson [<mailto:Stephen.Pearson@freeths.co.uk>]

Sent: 01 December 2020 15:42

To: ; Cllr. Matt Hall

Cc: Jacqui Andrews; Fiona King (Democratic Services)

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Thank you Karen

What I am slightly confused about is whether you are being expected to comment on a report which you have not seen. Could that be confirmed please as I would feel that the requirements of Natural Justice and ECHR demand this.

regards

Stephen Pearson
Partner

T: 0845 274 6900

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From:

>

Sent: 01 December 2020 15:22

To: 'Cllr. Matt Hall' <cllmatt.hall@dorsetcouncil.gov.uk>

Cc: Stephen Pearson <Stephen.Pearson@freeths.co.uk>; jacqui.andrews@dorsetcouncil.gov.uk;
'Fiona King (Democratic Services)' <f.d.king@dorsetcc.gov.uk>

Subject: FW: Apology - Code of Conduct - Complaint # 013/20

Dear Cllr Hall

I feel I am now again in a position to complain about the Dorset Council Code of Conduct process.

I made an apology to M Welch on 25th Aug 2020 (see below) and I was not pleased to see I'd been called into an Assessment Meeting regarding this Complaint 013/20; which should have been dropped and closed after I'd made the full apology to Cllr Welch. After discussions with Ms King, Democratic Services, I understand that the report containing Cllr Welch Code of Conduct 013/20 submitted to the Assessment Committee does not include the apology I made – Dorset Council appear to be acting as if I haven't apologised.

To re-stress the situation, I have not called Cllr Welch a name before the meeting on the 14th Apr 2020 and have not called him a name since. The meeting on the 14th April was 2 weeks after my mum had died in a Care Home and 2 days before her burial. I was not in a good place. Any organisation would have taken this into account as significant

mitigating factors. I called Cllr Welch these names out of sheer frustration, there was no pre-meditated action on my part. I can't see how this be defined as 'bullying' and continued to be called 'bullying' especially after I've apologised.

The Code of Conduct complaint from Cllr Welch stated that he'd accept an apology from me and that no further action would be required. Considering I have apologised, I am really concerned that this now is going to an Assessment Committee without any record of my apology.

Kind Regards

Cllr K Tippins

From: Karen Tippins <Karen.Tippins>
Sent: Tuesday, August 25, 2020 11:46 AM
To: jonathan.mair@dorsetcouncil.gov.uk <jonathan.mair@dorsetcouncil.gov.uk>;
mwelch@shaftesbury-tc.gov.uk <mwelch@shaftesbury-tc.gov.uk>;
jacqui.andrews@dorsetcouncil.gov.uk <jacqui.andrews@dorsetcouncil.gov.uk>;
stephen.pearson@freeths.co.uk <stephen.pearson@freeths.co.uk>
Subject: Apology - Code of Conduct - Complaint # 013/20

Dear Cllr Welch

I am writing to you to apologise about the use of inappropriate language I directed towards you at a Full Council meeting 14th April 2020 where I referred to you as being 'Thick' and an 'Idiot'. I hope you accept my apology.

The Council meeting on 14th April 2020 was an awful meeting to attend, it was poorly run and extremely nasty. My stress was compounded at the meeting on the 14th April 2020 because of the bereavement I was suffering over the recent loss of my mother under unbelievably difficult circumstances, who died on the 28th Mar 2020.

I understand you are leaving Shaftesbury next month, in September to live in Bristol to go to university and I wish you every success in your endeavours.

Kind regards

Cllr K Tippins

Email chain 008/20

Dear Councillor Tippins

I acknowledge receipt of your email the contents of which are noted.

As I have previously explained, the decision to proceed with an investigation was not taken by Mr Mair, but by the Assessment Sub-Committee.

A copy of this email has been provided to the Hearing Sub-Committee in advance of tomorrow's meeting.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 08 December 2020 13:50
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk; 'Cllr Peter Yeo' >
Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 008/20 - Mrs C

Dear Ms Evans

I fail to see how Dorset Council has followed The Members Complaint Process regarding the second complaint 008/20 on the agenda tomorrow pm. I would like to know state that we (Cllr Yeo and myself) have been treated unfairly by Dorset Council due to non-compliance of process, with the aim to cause us both reputational damage. I am fairly sure that this process is currently being abused and its purpose is to undermine our role as elected councillors.

3 Month Delay. The complaint was sent in by an individual (not an organisation as implied) to Mr Mair on **19th Feb 2020**. Mr Mair forgot to tell us (Cllr Yeo and myself) about this complaint until **3rd June 2020**, this was when more than three months had elapsed since the event (it should have been rejected on this reason alone). Neither Cllr Yeo or myself received the output

from the Sub-Assessment Committee held regarding on what grounds that the committee determined we were to be formally investigated.

When looking at the complaint 008/20, it is clear to me that it was vexatious because:-

- Allegations of Bullying and Harassment by Cllr Yeo and myself were unspecified, unsubstantiated and generic.
- False statement made by complainant – ‘We did a presentation and a no point did Karen Tippins look up at the presentation she just sat with her back towards it’. The presenter didn’t complain. This was a complaint by an observer only.

Breach Process # 1 – 4.1d was not followed - Bullying and Harassment allegations vexatious and not evidenced. When we (Cllr Yeo and myself) were contacted by J Andrews as assigned investigator, she was unable to state what the Bullying and Harassment allegations were and she was unable to proceed with this investigation on these grounds. Therefore, my challenge to you is that this is clear evidence of non-compliance with the Members Complaint Process. Once the complaint gets to the Councillors they must be clear on what the allegations are, or the complaint needs to go to Step 4.2 – ‘no further action’. This step was not taken by the sub-committee and consequently, months after the event, needless emails were bounced back and fore to agree that this aspect of the complaint couldn’t proceed due to the allegation not being evidenced.

Breach Process # 2 – 4.1d not followed – Back towards a Presentation. The report written by J Andrews has not kept to the facts of the presentation given to Full Council on 14th Feb, the facts are:-

1. Third Party Complaint. The complainant in Complaint #008/20 was not the presenter. The presenter was from Bournemouth Football Academy and did not say anything about councillors having their backs to the screen due to space restrictions. The statement by the complainant saying ‘we gave a presentation’ is not correct, the complainant was sat in the public gallery and the complainant was an observer only during the presentation.
2. Manipulation of Facts. J Andrews report does not emphasis that due to space restrictions I was placed with my back to the presentation by staff, I did not voluntarily have my back to the presentation
3. Complaint is Trivial. There have been many presentation given at Town Council meetings where staff have placed councillors with their backs to the screen and there have been no complaints. Councillors fall asleep during presentations and no complaints are lodged.

I fail to see how Mr J Mair can justify proceeding with a formal investigation without notifying councillors 1) after delaying telling us about the complaint until 3 months after the event 2) no evidence of Bullying and harassment allegations 3) vexatious complaint due to being placed by staff with back to a screen due to space restrictions.

The report by J Andrews has found that I’ve breached the code because I was placed in a seat by staff with my back to a screen. Mrs Andrews conclusion is that I’ve not shown respect to the presenter (the presenter didn’t complain) and that I brought the Town Council into disrepute

beggars believe. And the fact that this has now moved into a committee hearing has now validated my concerns that the system is being abused.

It is not for a Principal Authority to investigate councillors on any slight mis-demeanour; and yet all my reported Code of Conducts have been ignored or rejected.

So again, the process is not being followed. I would say that the process is being abused.

At some point the above needs addressing so the whole process needs re-calibrating so councillors like myself get treated fairly and the process is followed with sensible and reasoned judgements that everyone can understand and the electorate can have confidence that the Code of Conduct process is not being abused to undermine councillors who do not belong to the controlling party.

Kind regards

Cllr K Tippins

EMAIL CHAIN 013/20

Dear Cllr Yeo

Your comments on the decision to proceed to investigation are noted.

You copied your email to the Sub-Committee so they are aware of your disputed facts. I have arranged for them to be provided with all emails between us.

The recording of 14th April meeting is no longer available, as it is removed from the Town Council website when minutes are approved. I am attempting to obtain a copy/link to the recording and if this is provided I will make it available to the Sub-Committee.

In my view the process has been correctly followed and I make no comment on the facts as this is a matter for the Hearing Sub-Committee tomorrow.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

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dorsetcouncil.gov.uk



From: Cllr Peter Yeo <>
Sent: 07 December 2020 21:48
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: ; Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>;
stephen.pearson@freeths.co.uk; Cllr. Richard Biggs <cllrrichard.biggs@dorsetcouncil.gov.uk>;
Cllr. Susan Cocking <cllrsusan.cocking@dorsetcouncil.gov.uk>;
< >; Cllr. Barry Goringe <cllrbarry.goringe@dorsetcouncil.gov.uk>
Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Ms Evans

I fail to see how Dorset Council has followed The Members Complaint Process.

Cllr Welch's Code of Conduct statement against myself is a false allegation.

In his Code of Conduct statement, Cllr Welch falsely states that:

"I was then called an 'idiot' by both Karen and Peter".

This is totally untrue. I did not call him an idiot at any point. I did not call him any names at all. This meeting is all available to see in its entirety on YouTube. I hope that you and all Cllrs and Officers involved in the Dorset Council Code of Conduct Committees dealing with this have actually watched this recording in its entirety. If you and they have, it will have been noted that at no point either before, during or after this meeting, did I say Cllr Welch was an "idiot".

I did speak at Full Council, as is my right as a councillor, and I am allowed to speak.

Cllr Welch's complaint against myself is vexatious. Cllr Welch should be investigated for making a false and vexatious statement under Code of Conduct submission 013/20.

The report written by Mrs J Andrews totally fails to point out that Cllr Welch made a false allegation against me. Mrs Andrews's report is claiming that I breached the Code of Conduct when I have not done anything wrong. I am allowed to speak at Full Council.

The Dorset Council Members Complaint Process states:

Section 4.1d 'the matters giving rise to the complaint would, if proven, be capable of breaching the code' -

to establish whether a complaint is vexatious or trivial.

This Section 4.1d test has been totally ignored.

The allegation made in Cllr Welch's code of Conduct Statement is false (I did not call him an "idiot" at any point) therefore it should have immediately failed the Section 4.1d test and therefore Section 4.2 of The Members Complaint Process should have been acted upon.

Section 4.2 states: 'If the complaint fails one or more of these tests, *(and it failed 4.1d)* **no further action will be taken.**'

No Further action should have been taken and therefore this is a breach of the Dorset Council Code of Conduct/Dorset Council Members Complaint Process.

There should not have been a formal investigation by Mrs J Andrews regarding myself on the basis of a false allegation made by Cllr Welch. This false allegation should have been thrown out at initial failure of the section 4.1d assessment.

I should not have been investigated by Mrs J Andrews **for something that I did not do.**

I cannot apologise for something I did not do.

Can you please confirm that both you and all of the Assessment Sub-Committee members have viewed the recording of this Shaftesbury Town Council meeting in its entirety?

Can you and all members of the Assessment Sub-Committee also please acknowledge that at no point in this meeting did I say that Cllr Welch was an “Idiot”?

Can you also please acknowledge that the correct process has not been followed?

Please note that my (and Cllr Tippins’s) solicitor, a specialist in these matters, is copied in to this email.

I look forwards to receiving your responses before Wednesday’s meeting.

Regards,

Cllr Peter Yeo

Sent from [Mail](#) for Windows 10

From: [Grace Evans](#)

Sent: 07 December 2020 16:38

To

Cc: [Cllr. Matt Hall](#); stephen.pearson@freeths.co.uk; 'Cllr Peter Yeo'

Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Councillor Tippins

I do not feel there is a breach or failure to follow process. I have set out the process and compliance already in detail but will address the points you raise.

As I have set out in my earlier emails, the Code makes it very clear that a decision to investigate is for the assessment sub-committee and not Mr Mair. The assessment sub-committee took that decision which is in accordance with the Code.

The code states that you should receive a copy of the complaint and summary of the Assessment Sub-Committee. You were provided with a copy of the complaint on 29th April and Mr Mair gave the summary on 4th June; that the an investigation had been asked for and was being arranged.

You state that the process states that you “should be told on what basis I’m to be investigated and why the Committee didn’t want to take the informal Section 4b route as per the Code of Conduct form 013/20.”. The Code does not contain this wording, this is your interpretation of it.

Cllr Welch’s email confirming he would not accept an apology came after the assessment sub-committee meeting and so did not form part of their decision to request an investigation.

It is entirely for the complainant whether they will accept an apology. However, as an investigation has been requested and carried out the decision about whether the apology is acceptable is one for the Hearing Sub-Committee and not Cllr Welch.

There have been no breaches of the Code or failure to follow process. This matter will progress for initial consideration by the Hearing Sub-Committee on 9th December where they will take account of your apology and decide whether or not to (a) dismiss the complaint, (b) refer the complaint to the Monitoring Officer to seek an informal resolution, (c) hold a hearing of the Sub-Committee.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

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dorsetcouncil.gov.uk



From: >
Sent: 03 December 2020 20:43
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk; 'Cllr Peter Yeo' <>
Subject: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Ms Grace

Thank you for highlighting to me that Dorset Council are in breach of their own process regarding Complaint #013/20. The emails you have sent to me prove that there has been a breach of process as per 'Hearing Sub-Committee Terms of Reference and Dorset Council Member Complaint Process.

Therefore, the process for 013/20 needs to be re-started by Dorset Council.

Breach of Process Number 1. Process 4.5b Ignored:- Mr Mair can't just jump to 'investigation' when an informal option has been requested by the Complainant; as the person whose been complained about I want to know why Mr Mair is not following what the Complainant wanted as a resolution in 013/20 version I received from Dorset Council. The meeting where Mr Mair determined 'formal investigation' without stating why to either myself or Cllr Yeo, was held and

decided on the 1st June 2020. (The fact that Cllr Welch changed his mind after this meeting has held on the 4th June, 3 days after Mr Mair met with the Committee members on the 29th Apr 2020 013/20 version). The process states that I should have had a summary of that meeting, and I should be told on what basis I'm to be investigated and why the Committee didn't want to take the informal Section 4b route as per the Code of Conduct form 013/20. Based on the complaint form, there should not have been an formal investigation, it was not necessary.

I do not know on what basis I was found to be formally investigated and why the informal options (as found on the Code of Conduct form 29th Apr 2020 013/20) was deemed not the correct course of resolution. Section 4.6 from the process stipulates that I should have:- A copy of the complaint **and a summary of the Audit and Governance (Assessment) Sub-Committee will be sent to the Councillor and to the complainant by the Monitoring Officer or the deputy Monitoring Officer.**

I will re-iterate, I have never called Cllr Welch a name before the 14th Apr 2020 and never called him a name since. My mother had died two weeks beforehand and the meeting on the 14th Apr 2020 was 3 days before her burial. I stated v clearly and several times to the investigator J Andrew that I've been traumatised. I also told her that I could not remember being asked to retract my statements during the Full Council as I felt physically sick. I have re-read J Andrew report on 18th June 2020 and I can see, incredibly, J Andrew doesn't believe I have any mitigating circumstances. (I will be sending a separate complaint about this as discussed in earlier emails).

If you look at how A Raynor Labour MP was treated in the Houses of Commons in Oct 2020, she called a Conservative MP scum. The speaker stated only that that was not acceptable language and the debate continued. In the next number of day, A Raynor MP was requested to write an apology, which she did. In her apology she stated her aunt had died 2 weeks beforehand and that the debate was 'emotional'. The matter surrounding the complaint was closed. Bullying is not a 'one off' out of character situation due to frustration, especially when someone has suffered a trumatic bereavement, there is a known right of reasonable adjustment to be applied. (And I have a right of reasonable adjustment, and this currently has not been taken into account and I have a right to know why). Council's operate as per the intentions of Parliament. Like A Raynor MP, she apologised and the matters closed, and I have apologised to Cllr Welch and the matter now should be closed. The fact it isn't and I'm receiving these 'fresh' unknown emails to try and change the course of the Code of Conduct complaint is highlighting a lack of governance and breaches in process.

Breach of Process Number 2. This email you have sent to me, where Cllr Welch changed his mind on the 4th June is not acceptable. The Sub-Committee made a decision on the 1st June, he can't change his mind 3days later because he has another 'fresh' issue with us. The only way Cllr Welch can change is mind based on his 'new' or 'latest' issue is for him to re-submit a new Code of Conduct. This new Code of Conduct needs to evidence the Facebook postings, and he needs to state where the breach of the Code of Conduct is. This is what the form states if the complainant says 'no':- **If you are not willing to accept an apology what would you like to happen as a result of you making a complaint**

Dorset Council should have informed both Cllr Yeo and myself of Cllr Welch's 'change of mind' and we were not informed, and at that point the process should have been restarted with a new Code of Conduct form stating what Cllr Welch would accept as a resolution. We just can't have

a situation where neither Cllr Yeo nor myself know what the resolution is to be after we've gone through an investigation and I've made an apology to Cllr Welch personally.

Because the process has not been followed, as the attached. Dorset Council must restart the process.

(I haven't tried this on the form, but I'm fairly sure when putting the Code of Conduct form in online you can't leave a blank area after putting in 'N' for not accepting an apology because it is a **fundamental part of the process**)

Kind regards

Cllr K Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 03 December 2020 16:22

To:

Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk

Subject: RE: Members Conduct Process - Section 4.5 - Complaint # 013/20

Dear Councillor Tippins

The sections of the Code of Conduct that you refer to apply to the Assessment Sub-Committee stage of the complaints process.

The Monitoring Officer emailed you on 29th April with a copy of the complaint and informed you that it the Assessment Sub-Committee would decide how to proceed (copy attached). That Sub-Committee met on 3 June 2020. That Sub-Committee have the option, under section 4.5 of the Code, to seek informal resolution, including seeking an apology. They did not decide to pursue informal resolution or an apology but required the complaint to be investigated. The Monitoring Officer informed you of this on 4th June, but did not provide a further copy of the complaint, as you already had this (copy attached).

The Monitoring Officer appointed Mrs Andrews as Investigating Officer to investigate and prepare a report which was concluded and emailed to you on 21 August.

An apology could have been offered at any time. Your apology was given after the report was concluded and so does not appear in it. Your apology does not automatically conclude the complaint process.

Councillor Welch stated in his original complaint that he would accept an apology, but in an email to the Monitoring Officer on 4th June he confirmed that was no longer the case; he was not willing to accept an apology. The email is attached and will be supplied to the Hearing Sub-Committee.

As the Assessment Sub Committee asked for an investigation, the Investigating Officer is required to report to the Hearing Sub-Committee. The Hearing Sub-Committee have been supplied with a copy of Mrs Andrews report, a copy of your apology and Cllr Welch's email of 4th June. It will be for the Hearing Sub-Committee to decide how it wishes to proceed.

This approach complies with the Code of Conduct and is consistent with the approach taken in all complaints, including ones where apologies have been given during or following an investigation.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 02 December 2020 15:04
To: Grace Evans <grace.evans@dorsetcc.gov.uk>; Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>
Cc: stephen.pearson@freeths.co.uk
Subject: Members Conduct Process - Section 4.5 - Complaint # 013/20

Dear Ms Evans

Thank you for your response. However, the process has not been followed and I consider this to be serious.

The Complaint 013/20 states that Cllr Welch will accept an apology for this complaint and I have apologised. Therefore, Section 4.5b has been achieved as per the Members Code of Conduct process published by Dorset Council and stated within Dorset Council's constitution.

I have not received a copy of the report as per section 4.6 therefore, I should never have been investigated by J Andrew considering that I was always willing and wanting to apologise. I have never been asked to apologise by the Monitoring Officer or the Standards Sub-Committee and I absolutely would have apologised. Now I find out I have apologised and the investigation is still continuing! 4.5b has been achieved by myself and not from any assistance from Dorset Council.

Why have I had to endure this investigation, where, and I'm sure Ms Andrews will confirm, I spent most of the interview crying because it was too close timewise to my mothers death and I

can prove this fact! But why put me through this investigation, how has section 4.5 & 4.6 from the published process been missed out completely by Dorset Council?

4.5 The Standards (Assessment) Sub-Committee may:

- (a) reject the complaint or to decide to take no action – in which case the Sub-Committee will give their reasons for doing so;*
- (b) seek an informal resolution (including, for example, **an apology**, or mediation); or*
- (c) ask the Monitoring Officer to investigate the complaint.*

4.6 A copy of the complaint and a summary of the Standards (Assessment) SubCommittee will be sent to the Councillor and to the complainant by the Monitoring Officer.

I look forward to hearing from you in your capacity as Deputy Monitoring Officer, why I have not received a copy of report 4.6 and why I was not contacted under 4.5 as I would have always apologised, how come Dorset Council are stipulating I must be investigated, when I believe I have significant mitigating circumstances to the situation on the 14th Apr 2020 that Dorset Council appear to not be taking into account or appear not to want to reach a resolution.

Kind regards

Cllr Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 02 December 2020 12:29

To: ÷ Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>

Cc: stephen.pearson@freeths.co.uk

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Councillor Tippins

Thank you for your email. I have nothing further to add to my explanation of process and note your intention to complain.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305 225021)





From: >
Sent: 01 December 2020 18:29
To: Grace Evans <grace.evans@dorsetcc.gov.uk>; Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>
Cc: stephen.pearson@freeths.co.uk
Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Ms Evans

Thank you for your response.

The apology I wrote to Cllr Welch in Aug 2020 was not included in the Sub-Committee papers sent out to the Committee members. I phoned up and checked today. This is just not acceptable.

The form is clear to me, if a person apologises no further action is required. The complaint should have been closed in August 2020. I find no justification for your actions. This is heavy-handed.

Added to this, the complaint 013/20 is about my conduct on the 14th April Full Council, which was 2 weeks after my mother died in a Care Home (I was not allowed to see her) and days before her burial (I could have a church service) and I spoke in frustration at Cllr Welch for less than 1 minute. It was not a pre-meditated act by myself. I have not called Cllr Welch a name before and I haven't called him a name since and I have since apologised to him personally for my inappropriate language.

There appears to be a lack of impartiality.

I will be writing a complaint tomorrow.

Kind regards

Cllr Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>
Sent: 01 December 2020 16:42
To: stephen.pearson@freeths.co.uk
Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Councillor Tippins and Mr Pearson

Your emails have been forwarded to me, as Deputy Monitoring Officer and legal adviser to the Sub-Committee.

The complaint is being dealt in accordance Dorset Council's Code of Conduct. This matter is correctly listed on the Agenda for the Sub-Committee on 9th December. The Assessment Sub-Committee had previously requested an investigation and report and although an apology has been made the Hearing Sub-Committee will need to receive that report. They have been supplied with the report and the subsequent apology and will take this into account at their meeting.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



Stephen Pearson [<mailto:Stephen.Pearson@freeths.co.uk>]

Sent: 01 December 2020 15:42

To: ÷ Cllr. Matt Hall

Cc: Jacqui Andrews; Fiona King (Democratic Services)

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Thank you Karen

What I am slightly confused about is whether you are being expected to comment on a report which you have not seen. Could that be confirmed please as I would feel that the requirements of Natural Justice and ECHR demand this.

regards

Stephen Pearson

Partner

T: 0845 274 6900

F: 0845 050 3255

M: 07810 034 917

FREETHS

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Cumberland Court, 80 Mount Street
Nottingham NG1 6HH



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From:

>

Sent: 01 December 2020 15:22

To: 'Cllr. Matt Hall' <cllrmatt.hall@dorsetcouncil.gov.uk>

Cc: Stephen Pearson <Stephen.Pearson@freeths.co.uk>; jacqui.andrews@dorsetcouncil.gov.uk;

'Fiona King (Democratic Services)' <f.d.king@dorsetcc.gov.uk>

Subject: FW: Apology - Code of Conduct - Complaint # 013/20

Dear Cllr Hall

I feel I am now again in a position to complain about the Dorset Council Code of Conduct process.

I made an apology to M Welch on 25th Aug 2020 (see below) and I was not pleased to see I'd been called into an Assessment Meeting regarding this Complaint 013/20; which should have been dropped and closed after I'd made the full apology to Cllr Welch. After discussions with Ms King, Democratic Services, I understand that the report containing Cllr Welch Code of Conduct 013/20 submitted to the Assessment Committee does not include the apology I made – Dorset Council appear to be acting as if I haven't apologised.

To re-stress the situation, I have not called Cllr Welch a name before the meeting on the 14th Apr 2020 and have not called him a name since. The meeting on the 14th April was 2 weeks after my mum had died in a Care Home and 2 days before her burial. I was not in a good place. Any organisation would have taken this into account as significant mitigating factors. I called Cllr Welch these names out of sheer frustration, there was no

pre-meditated action on my part. I can't see how this be defined as 'bullying' and continued to be called 'bullying' especially after I've apologised.

The Code of Conduct complaint from Cllr Welch stated that he'd accept an apology from me and that no further action would be required. Considering I have apologised, I am really concerned that this now is going to an Assessment Committee without any record of my apology.

Kind Regards

Cllr K Tippins

From: Karen Tippins <Karen Tippins>
Sent: Tuesday, August 25, 2020 11:46 AM
To: jonathan.mair@dorsetcouncil.gov.uk <jonathan.mair@dorsetcouncil.gov.uk>;
mwelch@shaftesbury-tc.gov.uk <mwelch@shaftesbury-tc.gov.uk>;
jacqui.andrews@dorsetcouncil.gov.uk <jacqui.andrews@dorsetcouncil.gov.uk>;
stephen.pearson@freeths.co.uk <stephen.pearson@freeths.co.uk>
Subject: Apology - Code of Conduct - Complaint # 013/20

Dear Cllr Welch

I am writing to you to apologise about the use of inappropriate language I directed towards you at a Full Council meeting 14th April 2020 where I referred to you as being 'Thick' and an 'Idiot'. I hope you accept my apology.

The Council meeting on 14th April 2020 was an awful meeting to attend, it was poorly run and extremely nasty. My stress was compounded at the meeting on the 14th April 2020 because of the bereavement I was suffering over the recent loss of my mother under unbelievably difficult circumstances, who died on the 28th Mar 2020.

I understand you are leaving Shaftesbury next month, in September to live in Bristol to go to university and I wish you every success in your endeavours.

Kind regards

Cllr K Tippins

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4Affidavit regarding the actions of Cllr A Hollingshead in baiting and Bullying Cllr Mrs K Tippins.

I am concerned to hear that there is a code of conduct hearing regarding the actions of Cllr Mrs K Tippins following the aggressive bullying of Cllr A Hollingshead for the following reasons.

1. The recording of the meeting concerned held on the 14th April 2020 demonstrates beyond doubt that Cllr Hollingshead baited Cllr Tippins, he stands and puts his face closer to his camera, raises his voice and points a pencil. ***This recording must be viewed by the panel.***
2. The Chairman, Cllr Cook makes no attempt to enact the required reprimand and no other member including Cllr Welsh moves he is no longer heard.
3. This is a clear breach of the Localism Act and the NOLAN principals enshrined within, indeed it is clear Cllr Hollingshead aggressive attack along with his actions to spread false rumour and seek support from outside organisations, The Chamber of Commerce and the Civic Society, is beyond doubt Harassment and should be reported to the police by the Code of Conduct authority.
4. I was sent copy of the emails in which Cllr Hollingshead leads the attacks on Cllr Tippins, in this email train, already provided to the code of conduct authority he makes a bizarre claim to have informed the BBC.
5. ***I ask members to consider the actions of Mr J Mair and to consider his role in this matter due to his damaging actions regarding my code of conduct complaint.*** Following my code of conduct complaint regarding Cllr Hollingshead's continued aggressive behaviour Mr Mair first claimed I had not submitted a complaint; **he then breached my declared reasons for not having my name released,** during which time he corresponded with Shaftesbury Town Council looking into me rather than dealing with my code of conduct complaint. He carried out this action via a Mr Furze, a man I have never met and a temporary employee of Shaftesbury Town Council, this caused me great distress due to the past aggressive behaviour of Shaftesbury Town Council, Mr Mair then in an attempt to hide this agreed to use private emails rather than official authority email addresses, then took as fact the accusations made by Shaftesbury Town Council and allowed this to impact my code of conduct complaint.
6. Mr Mair stated Cllr Hollingshead had apologised, so no further action will be taken, it is clear from the recording and Cllr Tippins that he did not, yet here we have a case where an apology was made to Cllr Welsh, ***(it should be noted Cllr Welsh failed to provide the same protection he now demands for himself)*** yet still Mr Mair considers an investigation is required, as with my case this is clearly a double standard, ***please note Dorset Council, due to Mr Mairs actions and Shaftesbury Town Councils members continued actions have recommended to the DAPTC that training should be offered.***
7. It is vitally important that this aggressive behaviour is brought to an end to ensure other members are not subject to it should they disagree with the clique that has existed in Shaftesbury Town Council since 2015.

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Witness Statement

Dear Dorset Council monitoring officer

Audit & Governance Committee 2 Feb 2021 - Complaint 013.20

As witness to Shaftesbury Town Council's 'Zoom' meeting of 14 April 2020 I have been asked to provide a statement for Cllr Karen Tippins in response to the Code of Conduct complaint made against her by Cllr Matthew Welch that I understand your Audit & Governance Committee is due to hear on 2 February.

I wish the committee to know I make the following statement in support of Cllr Mrs Tippins willingly and voluntarily and, as a former member of Shaftesbury Town Council (1999-2011) and North Dorset District Council (1999-2003), as someone with a good knowledge not only of Shaftesbury Town Council but also of how local government and democracy is supposed to work in this country, especially in the light of the Localism Act 2011.

It may be relevant that from 2002-3 I was also chairman of NDDC's overview and scrutiny committee and, as Ms Andrews will no doubt remember, in that capacity I considered it my duty to habitually challenge and test the policy and decisions of the council, sometimes forcefully, without being attacked or vilified for it. And certainly never to be reported to the then-Standards Board for England for the absurd charge of 'bullying' simply for having genuinely-held and robust views. Politics was, and is, ever thus and resilience of character is necessary to deal with it, as recent events in not only America have shown..

In summary, my view is that Cllr Mrs Tippins used intemperate language to describe Cllr Welch she should not have during the council's Zoom meeting on 14 April 2020 and for which she has shown me evidence she apologised to him for on 25 August 2020 and the matter should have rested there.

Her mitigation is that her language was the result of her frustration at the unjustified and unjustifiable provocation of her on the part of several members of the town council both at the meeting itself and for several months before, dating to her re-election to the council in December 2019. To this, the recent, and very painful, death of her mother shortly before the 14 April meeting had emotionally overloaded her to the extent that it was only going to take the slightest flame to ignite a blaze. Compassion and not condemnation should have been the appropriate response of the council.

The truth is that certain members of Shaftesbury council, the majority being part of a well known clique of Conservative party political activists, have clearly conspired to quite deliberately exclude Cllr Mrs Tippins from every standing committee of the council, thus rendering her incapable of representing the views

and concerns of the electorate of the ward for which she had been fairly and formally elected in December 2019.

They did this on the specious grounds that they did not like her manner and attitude, that did not apparently accord with their own, and because she dared frequently, and often correctly, to challenge the basis on which the controlling clique were making decisions.

This sense of disenfranchisement was compounded by the fact that the council was also at this time discussing a rejigging of its standing orders to delegate - quite improperly in my view - all key decision-making down to standing committees, thus further aggravating her feeling of frustration and impotence as a councillor.

At the meeting on 14 April, held during the peak of Covid hysteria during the first Covid outbreak, a relatively new male councillor took it upon himself to vehemently attack Mrs Tippins only a few minutes into the meeting when she challenged assertions he was making about plans to use public money to fund PPE equipment for local health and care workers she felt, correctly as it happened, was inappropriate. Pointing his finger at her and shouting, the member several times accused her of 'telling lies' and of being 'a liar.' Despite this the chairman of the meeting made no attempt to stop the member. Yet when Mrs Tippins retorted, he very quickly intervened to silence her.

My view is that Mrs Tippins, who I know to be a caring and conscientious councillor dedicated to the welfare of her ward, is being quite unfairly victimised by a bigotted majority of members of Shaftesbury town council who are quite wrongly depriving her of her right to representation on its standing committees because of their personal prejudice of her. It is hardly surprising, therefore, that in the face of this prejudice that Mrs Tippins, who is of an admitted emotional temperament, is sometimes stung into intemperate outbursts out of sheer frustration and upset. I sympathise with her.

The correct way to counter this frustration is not to attempt to suppress it with threats and exclusion as the council is currently doing but to behave with more compassion and understanding by allowing Mrs Tippins to become an active part of the council to which she was elected.

It is further my view this particular episode has been blown out of all proportion and that Shaftesbury Town Council is very largely to blame for the opposition it is facing from Mrs Tippins (as it is from another member, Cllr Peter Yeo, who is facing similar unjustifiable exclusion and hostility).

To a significant degree what happened at the council meeting on 14 April was a sad example of pusillanimous parochialism. But it was also the inevitable result

of incompetent and partisan chairmanship that should not be underestimated or ignored.

Taking a leaf out of new President Biden's book, Shaftesbury Town Council has to take positive steps to heal the divisions within its council - for which the town clerk herself has to take more responsibility - and the key necessary steps to doing that is not only to include both Mrs Tippins and Mr Yeo in whichever of its standing committees they wish to, but also to be mature enough to understand that that means they cannot expect either member to agree with them always on everything. Disagreement and challenge is not only healthy and necessary, it is democracy.

Given the fairer treatment of Cllr Mrs Tippins and Cllr Yeo, I would expect episodes of the constant round of Code of Conduct complaints to which STC is currently subject to evaporate. In other words, it is the council rather than Mrs Tippins and Mr Yeo that needs to amend its behaviour first. The rest will follow naturally.

Richard Thomas

Author & journalist

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Complaint 023/20

What would you like to contact us about?: Make a complaint

What department does your complaint relate to?: Councillors and electoral services

Please select a category: Councillors

Your name: James Thrift

Your Email Address:

Your telephone number:

Your address:

Postcode	Select the address
----------	--------------------

subform 1:

First name of Councillor	Last name of Councillor	Please select if the complaint relates to a Councillor elected to:	Town or Parish
Peter	Yeo	a Town or Parish Council	Shaftesbury Town Council

Please provide us with the details of your complaint: Shaftesbury Town Council held an Extraordinary Full Council meeting via Zoom last night, Tuesday 2nd June 2020 at 19.00. The meeting was to debate a motion of no confidence in one of the councillors, and as such was conducted with approximately 45 people present online, including over 30 members of the public. Under the circumstances of such a motion one could expect, and to a large part accept, that feelings might get a little heated. However all councillors would have been aware of the Code of Conduct that they all have agreed to abide by as it was only adopted on the 18th June 2019, and states quite clearly in 2.2.g "behave in a way which could reasonably be regarded as bringing their office or the Council into disrepute." <https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2019/08/Code-of-Conduct-Members-Adopted-18th-June-2019.pdf>

Unfortunately Cllr Yeo chose to ignore these standards, and while muted as another Councillor spoke could be clearly seen mouthing the word "wanker" while making the equivalent hand gesture in front of the camera. Despite an immediate request by the chair of the meeting he made no attempt to retract or apologise for his actions.

The online proceedings are recorded as a matter of course, with recording of meetings made available for the public to view via the Town Council website.

Not only does this action display Councillor Yeo in a very poor light, but has far reaching ramifications not only for the Town Council, but the very image of Shaftesbury itself.

Please select 'Yes' if you are willing to accept an apology from the councillor who you are complaining about : no

If you are not willing to accept an apology what would you like to happen as a result of you making a complaint: I will leave any decision for further action to the proper officers in this matter.

Please tell us which of the following type of person best describes you:: Member of the public

Do you wish to request that your identity is kept confidential: No

Dorset Council – Complaint No. 023/20

Investigation in respect of an alleged breach of the Shaftesbury Town Council Code of Conduct adopted on 18 June 2019

Investigation undertaken by Jacqui Andrews, Service Manager, Democratic and Electoral Services, Dorset Council

Background

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members of the authority and, under section 28, to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct.

On 3 June 2020, complaint number 023.20 was considered by an assessment meeting. The complaint has also been considered by Dorset Council's Independent Person. It was agreed that on the information provided they were satisfied that the complaint should be investigated further.

Introduction

In order to be able to carry out a thorough investigation of the complaint raised, I took the opportunity to view, in detail, the following:

- Shaftesbury Town Council's Code of Conduct adopted on 18 June 2019
- A video recording of Shaftesbury Town Council's Full Council meeting dated 2 June 2020

To supplement the information provided to me and available in the public domain on the Shaftesbury Town Council website, I also met virtually with the following people in order to seek their comments on a number of issues:

- Mr James Thrift – 11 June 2020
- Cllr Peter Yeo – 9 July 2020

A record of our discussions is attached at Appendices A and B – Mr Thrift has agreed the statement attached as a true reflection of our discussion.

Councillor Yeo was given the opportunity to agree the notes at Appendix B as an accurate record of what was said during the interview but has, instead, chosen to rewrite the interview record. Councillor Yeo's extensive changes are shown in red on the second version attached at Appendix C. During the interviews I was accompanied by a note taker and I am satisfied that the original version of the interview with Councillor Yeo was an accurate record of what was actually said. The

changes made by Councillor Yeo are additional points or expanded points which he has made in hindsight.

It is not my intention to set out everything said in the interview, a record of which can be found in the appendices, but I refer to any issues within the main body of the report that I believe are pertinent to this investigation.

Complaint 023/20

A complaint was received from Mr James Thrift alleging unacceptable behaviour by Councillor Yeo at the meeting of Full Council on 2 June 2020.

The nature of the complaint was as follows:

“Shaftesbury Town Council held an Extraordinary Full Council meeting via Zoom last night, Tuesday 2nd June 2020 at 19.00. The meeting was to debate a motion of no confidence in one of the councillors, and as such was conducted with approximately 45 people present online, including over 30 members of the public. Under the circumstances of such a motion one could expect, and to a large part accept, that feelings might get a little heated. However all councillors would have been aware of the Code of Conduct that they all have agreed to abide by as it was only adopted on the 18th June 2019, and states quite clearly in 2.2.g "behave in a way which could reasonably be regarded as bringing their office or the Council into disrepute."

<https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2019/08/Code-of-Conduct-Members-Adopted-18th-June-2019.pdf>

Unfortunately Cllr Yeo chose to ignore these standards, and while muted as another Councillor spoke could be clearly seen mouthing the word "wanker" while making the equivalent hand gesture in front of the camera. Despite an immediate request by the chair of the meeting he made no attempt to retract or apologise for his actions. The online proceedings are recorded as a matter of course, with recording of meetings made available for the public to view via the Town Council website. Not only does this action display Councillor Yeo in a very poor light, but has far reaching ramifications not only for the Town Council, but the very image of Shaftesbury itself.”

At an assessment meeting on 3 June 2020, it was agreed that the complaint warranted investigation.

Undisputed facts

The undisputed facts relating to the meeting on 2 June 2020 are that:

At 32 minutes and 46 seconds, Councillor Yeo pointed at the screen, mouthed the word “wanker” and made the equivalent hand gesture. The Chairman sought an apology and asked that Councillor Yeo’s video and audio capability was removed when he failed to do so.

Facts/statements not directly agreed

On the following occasions, Councillor Peter Yeo mouthed the word “bullshit”:

- 4 minutes 8 seconds
- 20 minutes 23 seconds
- 24 minutes 23 seconds (not as clear as on the other occasions)
- 29 minutes 59 seconds
- 30 minutes 59 seconds
- 48 minutes 51 seconds

During our interview, I did not specify the time points at which I viewed Councillor Yeo mouthing the word “bullshit” but I advised that I had witnessed this on a number of occasions. Councillor Yeo did not deny this and actually commented that at one point he audibly used the word “bullshit” (at 11 minutes 40 seconds), and when I asked if he thought this language was appropriate his response was that he “absolutely” felt it was appropriate when, in his view, a Councillor was lying to the public – he felt that something needed to be said.

I noted that when the word “bullshit” was clearly audible, the Chairman asked Councillor Yeo to retract the word but Councillor Yeo refused to do so.

Findings

Councillor Yeo’s statement covered a lot of issues that are not related to this complaint but, perhaps, demonstrate a long-standing frustration that he has held in respect of his perception of the governance of Shaftesbury Town Council.

Whilst the complaint was about one word and one gesture made by Councillor Yeo, on viewing the recording of the meeting of Full Council on 2 June 2020, Councillor Yeo can be seen to mouth “bullshit” on at least 6 occasions (detailed above), and on a further occasion this was clearly audible (again, detailed above). I considered it appropriate when investigating this complaint to take these further incidents into consideration as it would seem that the incident complained about by Mr Thrift did not appear to be a single momentary lapse of control with offensive language being used.

The Shaftesbury Town Council’s Members’ Code of Conduct was adopted on 18 June 2019. The paragraphs that are relevant to this complaint are:

2. General Obligations

2.1 A Councillor must:

- (a) comply with this Code of Conduct and any other of the Council’s policies, protocols and other procedures relating to the conduct of councillors;
- (b) treat others with respect;

2.2 A Councillor must not –

- (g) behave in a way which could reasonably be regarded as bringing their office or the Council in to disrepute.

I have taken the opportunity to watch the video of the meeting on 2 June 2020 on a number of occasions in order that I could both observe and hear what was being said. The nature of the business being discussed at the meeting on 2 June 2020 (a vote of no confidence in Councillor Tippins) meant from the outset that there was likely to be tension, and I believe this was clear viewing the body language of some of the members visible on the recording of the meeting.

At approximately 29 minutes, Councillor Yeo sought to raise a point of order, as set out in his statement. In my view, the Chairman did not give Councillor Yeo a fair opportunity to indicate on which part of the Standing Orders he was trying to raise his point of order and at one point both the Chairman and Councillor Yeo were talking over one another. Whilst Councillor Yeo is of the view that he didn't need to be able to quote the standing order reference, he did need to explain which standing order he was referring to and, in my opinion, wasn't given an adequate opportunity to do so. However, having said this, whilst I can understand that Councillor Yeo undoubtedly felt frustrated by being unable to raise his point of order as the Chairman had requested that his microphone be muted, this in no way excuses Councillor Yeo's choice of language or gestures that were demonstrated on a number of occasions through the meeting. It was clear that Councillor Yeo's intention, in some cases, was for a viewer to be able to understand exactly what he was saying as the formation of the words was exaggerated and aimed directly at the camera. On other occasions the words were mouthed less directly at the camera. However, Councillor Yeo was aware that the meeting was being live broadcast. During the interview, Councillor Yeo did not deny his actions and felt they were "necessary" and "appropriate". The statement attached at Appendix B sets out his reasoning for this response.

Debate and having different views are all part of healthy democracy – Councillors can be expected to express, challenge, criticise, and disagree with views, ideas and opinions. However, it is important that this is done in a civil manner. Rude and offensive behaviour lowers the public expectations and confidence in elected members and, in the case of the use of the word "wanker" with the associated hand gesture, no-one should be expected to accept an unreasonable or excessive personal attack. The repeated mouthing of the word "bullshit" was also unacceptable in a public meeting. The actions of any Councillor could have an adverse impact on other Councillors, or on the Council as a whole.

Conclusion

In response to both this complaint and complaint number 013/020, Councillor Yeo has raised a number of concerns and frustrations about the operation and governance of Shaftesbury Town Council. It is not within my remit of investigating this complaint to comment on these issues.

On concluding my investigation, I am of the view that Councillor Yeo is in breach of the Code of Code as follows:

2. General Obligations

2.1 (a) - Councillor Yeo failed to comply with the Code of Conduct

Conclusion: in my opinion, Councillor Yeo was in breach of the Code of Conduct for the reasons set out below.

(b) treat others with respect;

Conclusion: in my opinion, Councillor Yeo failed to treat fellow Councillors with respect and is therefore in breach of paragraph 2.1(b) of the Members' Code of Conduct. Whilst it was clear that Councillor Yeo was frustrated at having been muted during the meeting, this does not remove his responsibility to abide by the Code of Conduct. The language and gestures used and mouthed by Councillor Yeo during the live-broadcast meeting were childish, unprofessional, offensive and wholly disrespectful both to fellow Councillors, staff and members of the public viewing the meeting.

2.2 (g) - Councillor Yeo behaved in such a way which could reasonably be regarded as bringing his office or the Council in to disrepute.

Conclusion: the Full Council meeting on 2 June 2020 was a meeting in public that was live-streamed to the internet, and a recording of the meeting was subsequently uploaded to the Shaftesbury Town Council website. Regardless of Councillor Yeo's personal use of the type of language used in the meeting, I believe it would be generally accepted that the word "wanker" and "bullshit" are offensive and rude and, as such, the actions of Councillor Yeo were clearly likely to have an adverse impact on other Councillors and the Council as a whole. The use of offensive language is not acceptable, whatever the circumstances, and is likely to lower the public's expectations of professionalism and confidence in its elected members. I therefore conclude that Councillor Yeo has brought the office of Councillor and the Council in to disrepute, breaching paragraph 2.2 (g) of the Members' Code of Conduct.

Jacqui Andrews
Service Manager, Democratic and Electoral Services
10 July 2020

Meeting with complainant, Mr James Thrift

Date: 11 June 2020 – 3.30 pm

I explained to Mr Thrift that the purpose of the meeting was to gather information so that I could understand that facts as he saw them to enable me to formulate my report and provide conclusions for consideration by the assessment meeting. Whilst Mr Thrift's submission was very clear, I wanted to provide an opportunity for him to explain how he felt about the incident that gave rise to his complaint.

Mr Thrift explained that he was not normally someone who would submit a complaint, but he felt compelled to do so following the Shaftesbury Town Council Full Council meeting on 2 June 2020.

Mr Thrift said that he was a member of the Town Council in "less pleasant" days when there was a lot of infighting and unpleasantness and, regrettably, the Town Council gained a reputation for that and the conduct of members was regularly reported in the local paper, the Western Gazette. Mr Thrift said he worked extremely hard with others in the community to change Shaftesbury's fortunes and events such as the Food Festival and Fringe were established so that Shaftesbury's reputation changed and the town was seen as a pleasant place to visit. Mr Thrift explained that this was a lot of work but was achieved by everyone, including community groups, working together.

Mr Thrift said that the Town Council started working well with less of the unpleasantness and arguing.

However, Mr Thrift spoke about attending Town Council meetings at the start of the year, and he was disappointed to observe that they were operating as had previously been the case in what he referred to as "the bad old days". After one of the meetings, Mr Thrift contacted Councillor Yeo, with whom he had been working planning VE celebrations, and expressed his concerns saying that he felt the Town Council were heading backwards with behaviours that Mr Thrift felt were a thing of the past. Mr Thrift said that Councillor Yeo's response had been that it was everyone else's fault and that Councillor Yeo quoted the Nolan principles saying that these weren't being observed.

Mr Thrift referred to the Full Council meeting on 24 April 2020 that was watched by people across the Shaftesbury Community and reported in both the Independent and the Daily Mail, and expressed disappointment at conduct generally in this meeting. Mr Thrift then joined the 2 June meeting as an observer and, after witnessing Councillor Yeo's conduct, particularly the mouthing of the word "w*nker" with the associated hand gesture, he felt that "enough is enough" and decided that he wanted to submit a formal complaint.

Mr Thrift also referred to Councillor Yeo's use of the word "bullsh*t". He said that it was clear that the meeting could potentially be volatile due to the nature of the motion being discussed, and if the word was used in the heat of the moment it would be easier to let it pass. However, Mr Thrift was very concerned that after Councillor Yeo had been muted for the use of the word "bullsh*t", his conduct did not improve.

Mr Thrift was of the view that Councillor Yeo intended for his use of offensive language to be understood as the comments were made directly to the camera.

Mr Thrift felt that often complaints about people's conduct could be subjective, but he felt that the poor conduct in this case was black and white. He said that Councillor Yeo was always hauling up everyone else for their perceived failures to meet procedures but then ignored them himself.

Mr Thrift was very concerned that the Town Council would return to a historical position of having a very poor reputation, and he found it difficult to understand why the Councillors could not have vigorous debate and disagreements in a professional manner.

Jacqui Andrews
Service Manager, Democratic and Electoral Services

11 June 2020

Statement approved by Mr Thrift via email at 18:16 on 11 June 2020

Meeting with Councillor Peter Yeo

8 July 2020

I explained to Councillor Yeo that the purpose of the meeting was to enable me to understand that facts as he saw them, and to explore the issues raised to enable me to formulate my report any conclusions for consideration by the assessment meeting.

Complaint 023/20

The second complaint related to the Full Council meeting on 2 June 2020 that was live-streamed to the Shaftesbury Town Council website.

Before inviting Councillor Yeo to comment on the allegation set out in the complaint, I asked him if he was willing to agree as an undisputed fact that he did point at the screen and mouth the word “wanker” and make the equivalent hand gesture (32 minutes and 46 seconds)? Councillor Yeo confirmed that he did but felt he had a very good reason to do so. He said that there was a breakdown of governance in the meeting and he felt that the Chairman failed to do what he was supposed to do. Councillor Yeo felt that the Chairman had no right to mute him or switch off his camera, and Councillor Yeo felt that he had no other option but to use sign language.

Councillor Yeo referred to the English dictionary definition of the word “wanker” that gives the description of a “very stupid” man, and he responded in this way as he felt that Councillor Cook, chairing the meeting, had failed in his duty, and had acted ultra vires and illegally by muting a Councillor who was speaking in a public meeting. Councillor Yeo felt that Councillor Cook should be investigated for failing in his duty to conduct the meeting in a proper manner and in accordance with the Localism Act.

I asked Councillor Yeo how he thought the public would have perceived the use of that language ie “wanker”. Councillor Yeo asked if I had seen all the Zoom meetings that had taken place since the Covid-19 lockdown. I confirm that I hadn’t and I was only interested in the meetings that were the subject of the code of conduct complaints.

Councillor Yeo suggested that there was only one member of the public viewing the meeting, Mr James Thrift, who he said was a friend of numerous Town Councillors. Councillor Yeo said that Shaftesbury had a group of councillors who he felt wanted to run as a Kabul – and he felt that this was what was going on in Shaftesbury Town Council, with full control of the Council’s decision making being given to eight councillors in this “Kabul”. Councillor Yeo suggested that Mr Thrift, the complainant, was a close friend of theirs, and Councillor Yeo suggested that these Councillors either themselves, or asking members of the community, submitted Code of Conduct complaints because they didn’t want himself or Councillor Tippins on the council.

Councillor Yeo explained that he was trying to raise a point of order and felt that Councillor Cook, chairing the meeting as Mayor of Shaftesbury, should have been

able to run the meeting correctly, but had asked Councillor Yeo to give the number of the Standing Order against which he wished to raise the point of order. Councillor Yeo said that Standing Orders do not require a member of the Council to quote the reference number, but can state in words why they wished to raise a point of order.

Councillor Yeo advised that Councillor Tippins had involved her solicitor when the Full Council was arranged with a tabled Vote of No Confidence. Councillor Yeo felt the vote was part of a harassment and bullying campaign against Councillor Tippins because she was a good councillor.

Councillor Yeo stated that, in his view, if Dorset Council was doing its job, someone would be sent to observe meetings of the Town Council, and that the Town Council should be taken into special measures. Councillor Yeo highlighted a number of issues that were of concern to him including the accounts not being signed off, and the Neighbourhood Plan not being referred to Full Council but being signed off by an un-elected group.

Councillor Yeo reiterated that he felt that Councillor Cook had no right to mute him. Councillor Yeo alleged that Councillor Hollingshead was lying to the public, and making statements about Councillor Tippins that were not proven or upheld. Councillor Yeo felt he had every right to interrupt him, and that he did not have to quote a reference number to the Chairman to raise a point of order. Councillor Yeo said that he felt he had no other option to signal to the public when the Chairman had muted him, and said that if the Chairman had not prevented him using his democratic right to speak, he would not have had to resort to sign language.

I advised Councillor Yeo that I had viewed the recording of the meeting on 2 June 2020 and noted that he had also mouthed the word "bullshit" on a number of occasions. Councillor Yeo confirmed that he actually said the word "bullshit" audibly when the Mayor of Shaftesbury, in his opinion, lied to the public at the start of the meeting. Councillor Yeo felt that what had happened was unbelievable, and that the BBC were very interested in the Town Council's activities.

Councillor Yeo spoke about an incident on 10 February when he and Councillor Tippins went to an HR meeting at the Town Hall that was held at 8am so there was no public present. Councillor Yeo said that the door to the offices was locked and the meeting was held in the Mayor's office, rather than in the Council Chamber. Councillor Yeo said that he asked Councillor Hollingshead, who chaired the HR Committee, why the front door was locked, and he replied that people could 'press the buzzer' if they wanted to come in. Councillor Yeo said that he asked 'Why is this meeting not in the council chamber?', and was told 'No good reason'.

Councillor Yeo said that he and Councillor Tippins were advised that they were attending the meeting as members of the public, as they were not on that Committee, and when the meeting went in to confidential session, they were asked to leave as they were there as "members of the public". Councillor Yeo said that when he and Councillor Tippins refused to leave as they were elected Councillors and felt they were entitled to remain, the Chairman called 999 and, Councillor Yeo said that the Chairman lied to the police, supported by the Town Clerk, and reported that they were creating a breach of the peace.

I referred back to my earlier comment that I had viewed Councillor Yeo mouthing “bullshit” on a number of occasions throughout the meeting and reminded Councillor Yeo that when he became a Councillor we was bound to abide by the Code of Conduct, part of which is not to bring the office of councillor or the council into disrepute. I asked Councillor Yeo if he felt the word “bullshit” was likely to bring the council in to disrepute bearing in mind it was said/mouthed in a public meeting or if he felt that this language was appropriate.

Councillor Yeo responded that he “absolutely” felt it was appropriate when in his view a Councillor was lying to the public – he felt that something needed to be said. Councillor Yeo felt it was illegal for the Mayor of Shaftesbury to lie to the public, and that something needed to be said, and if, as he felt, the Mayor was allowing Cllr Hollingshead to lie to the public when Councillor Tippins had actually done nothing. He said that when, as he felt, they were conspiring against Councillor Tippins and saying she had done something wrong when she had not then, “yes”, that language was appropriate. Councillor Yeo said that he had no other way of signalling because the Chairman had muted him because he couldn’t quote the number of a standing order when there was no need to do so, and Councillor Yeo felt that the public needed to know what’s going on.

To finish, I asked Councillor Yeo if there was anything else he wished to add in respect of the Code of Conduct complaints. He responded that he felt the complaints were all part of a contrived plan by the “Kabul of Shaftesbury” that Councillor Yeo felt were conspiring against himself and Councillor Tippins. He felt it was perverse Councillor Hollingshead reporting him for being in a meeting I was supposed to be in.

Councillor Yeo felt that Matt Prosser should be getting a group of people down to Shaftesbury Town Council to scrutinise everything, and put it into special measures and that the Town Council should be closed down.

Councillor Yeo asked for a recording of the meeting but I advised that no recording was being made. However, Judy Saunders had been taking notes and that I would type these up into a statement that Councillor Yeo would be asked to agree as a true record of our discussions.

To close, Councillor Yeo said that when the Shaftesbury councillors suddenly decided to do the Vote of No Confidence in Councillor Tippins it was just after her mother had passed away. He suggested that this was a “kangaroo court” and that members of the Town Council were in an email group that included members of the public, the Chamber of Commerce and the Civic Society in the circulation list and it became evident to this wider group that a “vote of no confidence motion” was being tabled. Councillor Yeo made reference to a local Shaftesbury resident, Kerry Jones, who sits as an unelected participant on 3 of the Town Council Committees and also manages a local media group. Councillor Yeo felt that all these people were working together to arrange a method of undermining Councillor Tippins, organising a “hate” petition. Councillor Yeo suggested that Mr Thrift would have been complicit in this, and suggested that he was part of the “faction” conspiring against himself and Councillor Tippins. Councillor Yeo said that Mr Thrift was part of the orchestrated plan to “rubbish” himself and Councillor Tippins and that he had evidence (Councillor Yeo specifically asked for this to be noted in his statement).

Councillor Yeo said that when he did hand gestures and swear words, this was in response to Councillor Cook lying to the public and Councillor Yeo said that he could provide evidence that Councillor Cook was lying. Councillor Yeo said that he would have to start submitting his own Code of Conduct complaints to get these issues investigated.

Councillor Yeo said that when he was signalling to the camera, it was aimed at both Mayor Cook for muting him and not letting him speak when he should have done, and also at Councillor Hollingshead who he said was lying and acting improperly. Councillor Yeo said that Councillor Hollingshead claims there was evidence that Councillor Tippins had done a whole series of things, including bullying the Town Clerk and members of staff and bringing the council into disrepute. Councillor Yeo said that this was all lies, and that Councillors had been harassing and putting pressure on Councillor Tippins, hoping that she'd resign. In Councillor Yeo's opinion, Councillor Tippins was the best councillor on the council.

Jacqui Andrews
9 July 2020

Statement not agreed by Councillor Yeo who submitted an amended statement (amendments shown in red) which is attached at Appendix C.

Meeting with Councillor Peter Yeo

8 July 2020

I explained to Councillor Yeo that the purpose of the meeting was to enable me to understand that facts as he saw them, and to explore the issues raised to enable me to formulate my report **and form** any conclusions for consideration by the assessment meeting.

Complaint 023/20

The second complaint related to the Shaftesbury Town Council (STC) Full Council meeting on 2 June 2020.

Cllr Yeo stated that this was an Extra Full Council Zoom meeting on the subject of a 'Vote of No Confidence in Cllr Karen Tippins' that was rapidly arranged by the Town Clerk, Mrs Commons, and nine councillors to cause maximum upset and distress to Councillor Karen Tippins in the weeks follow her mother's death (she having informed the Town Clerk of this bereavement) in order to try and make Cllr Tippins resign. He stated that was a repeat of a tactic used by STC against Cllr Tippins when she had previously been on the council in 2015, but had resigned two months later to look after her ill mother, not as a result of the previous malicious 'Vote of No Confidence' against her and that Shaftesbury Town Council still has six of the previous councillors and the same Town Clerk.

Cllr Yeo highlighted that there was no legal reason that justified holding this meeting and there was no legal outcome that it could have generated as Cllr Tippins was elected by 968 citizens who have total confidence in Cllr Tippins, and not by nine councillors who who want her bullied off the council because she and himself want the council to become run in a proper manner. The link to view this Zoom meeting later was put on the Shaftesbury Town Council website by the Town Clerk, Mrs Commons.

Cllr Yeo stated that STC had been assisted in their mission of undermining and harassing Cllr Tippins by the Shaftesbury 'press' [REDACTED] a Shaftesbury resident who runs the '[REDACTED]' news website and Facebook page and somehow sits on all three of STC's unelected 'Advisory Groups' and had spread his totally biased reports, telling only one side of the story of this meeting, on local Facebook Groups and investigation shows that he had also sent his totally biased reports of this meeting on to national newspapers.

Before inviting Councillor Yeo to comment on the allegation set out in the complaint, I asked him if he was willing to agree as an undisputed fact that he did point at the screen and mouth the word "wanker" and make the equivalent hand gesture (32 minutes and 46 seconds)? Councillor Yeo confirmed that he did **do this, however he said that he had very, very** good reasons to do so.

Cllr Yeo stated that the meeting was chaired by Cllr Cook (Mayor of Shaftesbury) in an unlawful manner.

Cllr Yeo stated that Cllr Cook had unlawfully prevented Cllr Yeo from speaking when Cllr Yeo had correctly raised 'points of order' exactly in accordance with STC Standing Orders which specifies that the 'Point of Order' can be explained in words and there is absolutely no need to quote a Standing Order Reference Number.

Cllr Yeo stated that Cllr Cook had repeatedly prevented him from speaking by falsely stating that Cllr Yeo had to state the Standing Order Reference Number that was being broken *before* he could speak.

Cllr Yeo explained that this is absolutely untrue and incorrect because STC Standing order 1P states that "A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by".

Cllr Yeo stated that he attempted to raise points of order exactly because of the 'irregularities in the proceedings' of the meeting when Cllr Hollingshead was stating a long list of fabricated 'evidence' against Cllr Tippins which falsely stated that she had bullied Shaftesbury Town Council officers (when she had not been found guilty of any such offence), that she had brought the council in to disrepute and that she had been problematic and had affected the smooth running of the town council since being re-elected in the Dec 2019 by-election.

Cllr Yeo stated that all of these remarks were untrue, fabricated and unsubstantiated and was therefore defamatory and slanderous and bringing the council in to disrepute in this public Full Council meeting and that he therefore had a moral duty to alert the public to this shocking misleading and bullying which was being perpetrated against Cllr Tippins by a majority of Shaftesbury Town Councillors with the full support of The Town Clerk.

Cllr Yeo stated that Mrs Commons had facilitating this bullying and harassment of Cllr Tippins by allowing the unlawful meeting to occur and by her failing to highlight that it was improper, unlawful and ultra vires either before or when the meeting was in progress.

Cllr Yeo stated that as Chairman of the meeting, Cllr Cook should have immediately reprimanded Cllr Hollingshead for his unlawful defaming a fellow councillor in a public meeting and should have stopped him from stating as fact the numerous slanderous falsehoods against Cllr Tippins, but he did not.

Cllr Yeo stated that it seemed that it was Cllr Cook's objective to stop him from speaking because it was Cllr Cook who had sent a very unpleasant threatening letter on 30 April 2020 to Cllr Tippins which was signed by nine Councillors - Cllr Cook, Cllr Hollingshead, Cllr Welch, Cllr Brown, Cllr Chase, Cllr Hall, Cllrs Proctor, Cllr Lewer, Cllr Loader (Cllr Prichard had resigned) which stated that if Cllr Tippins did not resign as a Town Councillor by 2pm on Weds 6th May 2020 that she would face a public Extra Full Council Zoom meeting on a "Vote of No Confidence in Cllr Karen Tippins".

Cllr Yeo said Cllr Cook had supplied an appendix of 'evidence' to support the motion, none of which was substantiated, because none of it was true.

Cllr Yeo stated that despite this appallingly threatening letter, Cllr Tippins did not resign, but did engage a solicitor who informed STC by legal letter that this meeting

was unlawful and against her human rights. Shaftesbury Town Council ignored this legal letter and held the 'Kangaroo Court' Extra Full Council public Zoom meeting on Tuesday 2nd June 2020.

Councillor Yeo felt the vote of no confidence meeting was part of a harassment and bullying campaign against Councillor Tippins because she was an excellent councillor, but that they did not want her on the council because she was not prepared to be bullied or told how to vote.

Cllr Yeo stated that the Zoom meeting recording shows that Cllr Cook, instead of stopping Cllr Hollingshead from continuing his listing of false 'evidence' against Cllr Tippins, unlawfully muted Cllr Yeo from being the only person present to speak the truth in Cllr Tippins's defence.

Cllr Yeo said Cllr Tippins had read a statement at the start of the meeting and then excused herself from the meeting because of its unlawfulness and its impropriety.

Cllr Yeo stated that Cllr Cook then immediately let Cllr Hollingshead carry on with his shocking defamation of Cllr Tippins.

Cllr Yeo said he once again raised a Point of Order at this improper and irregularity of Proceeding, but Cllr Cook once again unlawfully prevented him from explain why it was improper and an irregularity in proceeding and then unlawfully instructed the Town Clerk to mute Cllr Yeo Zoom meeting Microphone, which Mrs commons unlawfully did, which allowed Cllr Hollingshead and the other eight members of the 'cabal' that control Shaftesbury Town Council to carry on with their public bullying and harassing 'Kangaroo Court' against Cllr Tippins, unchallenged by myself.

Cllr Yeo said that having been unlawfully muted and his democratic rights as an elected councillor having been contemptuously removed, that he had to resort to mouthing words and using sign language to convey his disgust at his unlawful muting and at the appalling defamatory proceedings that he could see and hear but which he could not verbally intervene in.

Cllr Yeo stated that Cllr Cook then unlawfully ordered that his camera was switched off too by the Town Clerk, Mrs Commons, which she did.

Cllr Yeo stated that this left him with nothing but a Zoom meeting icon with his 'Cllr Peter Yeo' name on, misleadingly showing him as being present in the Zoom meeting, but with no actual ability to say anything or for the citizens who elected him to even see him, and that he was therefore totally barred from participating in the meeting, unable to raise any points of order and was only briefly un-barred so he could vote 'against' the malicious motion of a 'Vote of no confidence in Cllr Tippins'.

Councillor Yeo referred to the Cambridge English Dictionary definition of the word "wanker" that gives the meaning as "a very stupid or unpleasant person, usually a man", and he said he responded in this way as he felt that Councillor Cook (chairing the meeting) had wilfully totally failed in his duty to conduct the meeting in a lawful manner, and had acted ultra vires and illegally by muting a Councillor who had a legal right to speak in a public council meeting and having been unlawfully silenced he had no other way of communicating his disapproval of the unlawful conduct of the meeting.

Cllr Yeo stated that as a result of the improper and unlawful conduct of this meeting and the fact that since this meeting he has also been unlawfully totally 100% ejected from a subsequent Full Council meeting - as a result of the misuse of STC Standing Order 2b – a standing order meant for protestors or other persons disrupting a meeting, and not Councillors - which Cllr Welch proposed and which Cllr Hollingshead seconded on 7th July 2020, that on Weds 22 July 2020, Shaftesbury Town Council received a legal letter from his solicitors informing them of their unlawful actions.

This letter states that the corporate body of STC has acted improperly and unlawfully as their behaviour constitutes a breach of the duties of the Town Council as a public body under Article 11 of the European Convention of Human Rights, which protects the right of Association and Assembly, particularly for elected representatives.

Councillor Yeo stated that Councillor Cook should be investigated for failing in his duty to conduct the meeting in a proper lawful manner and in accordance with the Localism Act 2010 and Article 11 of the European Convention of Human Rights.

I asked Councillor Yeo how he thought the public would have perceived the use of that sign language i.e. “wanker”. Councillor Yeo asked if I had seen all the Zoom meetings that had taken place since the Covid-19 lockdown. I confirmed that I hadn’t and I was only interested in the meetings that were the subject of the code of conduct complaints.

Councillor Yeo pointed out the fact that that there was only one complaint from the 8,500 citizens of Shaftesbury, a Mr James Thrift, who is a friend of Mrs Commons the town clerk and a friend of the faction of Councillors operating as a ‘Cabal’ – Cllr Yeo gave the definition of a ‘cabal’ as being “a secret political clique or faction united to promote their private plots and schemes, unbeknown to those outside of the group”.

Cllr Yeo stated that rather than bringing the Town Council into disrepute he had received much praise from various citizens who had seen the meeting or heard about it and they were pleased that he was doing something to stand against the improper and disreputable way that this meeting was conducted and in which Shaftesbury Town Council has operated for many years.

Cllr Yeo stated that it was the standard operating practice of the cabal of nine councillors and The Town Clerk, Mrs Commons, to either personally submit malicious Code of Conduct Claims against Cllr Yeo and Cllr Tippins purely because they did not want himself or Councillor Tippins to be on the council.

Councillor Yeo stated that, in his view, if Dorset Council was doing its job as the Unitary Council with responsibility for the correct operation and governance of its Parish Councils, someone from Dorset Council’s legal and its monitoring teams would be sent to observe all meetings of Shaftesbury Town Council, and that they would soon find that Shaftesbury Town Council should be taken into ‘Special Measures’ as a failing school would be, or be closed down totally. Councillor Yeo highlighted a number of issues that were of concern to him including the accounts not being signed off for the last two years, and the Neighbourhood Plan not being referred to Full Council for discussion or approval but instead being ‘signed off’ by an

un-elected group of citizens, and particularly the shocking 'bypassing' of the Full Council democratic process by means of the improper use of a 'Scheme of Delegation' that the Town Clerk repeatedly uses to give Full Council business to be resolved by the six favoured councillors who are 'The General Management Committee' with much business never being resolved by The Full Council and minutes of meeting being fabricated.

Councillor Yeo reiterated that he felt that Councillor Cook had no legal right to mute him or switch off his camera and that Councillor Hollingshead had no right to state unsubstantiated defamatory statements about Councillor Tippins to the public that were not proven or upheld.

Councillor Yeo felt he had every right to interrupt him, and that STC Standing Orders proved that he did not have to quote a reference number to the Chairman to raise a point of order. Councillor Yeo said that he felt he had no other option to signal to the public when the Chairman had muted him, and said that if the Chairman had not prevented him using his democratic right to speak, he would not have had to resort to sign language.

I advised Councillor Yeo that I had viewed the recording of the meeting on 2 June 2020 and noted that he had also mouthed the word "bullshit" on a number of occasions. Councillor Yeo confirmed that he actually said the word "bullshit" audibly when the Mayor of Shaftesbury lied to the public at the start of the meeting. Councillor Yeo felt that the actions of the nine councillors and the town clerks in planning, enabling and conducting this meeting against Cllr Tippins was appalling and had brought Shaftesbury and its Town Council in to disrepute, not himself. He added that the BBC were very interested in the Town Council's conduct and activities.

I referred back to my earlier comment that I had viewed Councillor Yeo mouthing "bullshit" on a number of occasions throughout the meeting and reminded Councillor Yeo that when he became a Councillor we was bound to abide by the Code of Conduct, part of which is not to bring the office of councillor or the council into disrepute. I asked Councillor Yeo if he felt the word "bullshit" was likely to bring the council in to disrepute bearing in mind it was said/mouthed in a public meeting or if he felt that this language was appropriate.

Cllr Yeo stated that in his opinion it was Cllr Cook that had grossly brought himself, the meeting and the Council into disrepute from the moment the meeting began by him lying in response to the questions asked by a Citizen, Mr Ede, and that Cllr Yeo was doing his duty to prevent lies being taken as fact by saying that it was "bullshit". He stated that he would have been failing in his duty as an elected councillor who follows the Nolan principles to have allowed this stating of falsehoods to the citizens to have gone unchallenged during the public question session before the meeting started, and that there was no other way to highlight this gross misleading of the public as Councillors were not allowed to speak without the Chairman's permission at this stage of the meeting and Cllr Cook would not let Cllr Yeo speak to explain why Cllr Cook's responses were lies. Councillor Yeo said that he could provide evidence that Councillor Cook was lying in response to Mr Ede's questions at the start of the meeting. Councillor Yeo responded that he "absolutely" felt it was appropriate when a Councillor was lying to the public and he felt that something must be said to alert the public that they were being intentionally misled.

Councillor Yeo reiterated that he felt it was illegal for the Mayor of Shaftesbury to lie to the public, and that something also needed to be said by himself when the Mayor was allowing Cllr Hollingshead to lie to the public about Cllr Tippins when Councillor Tippins had actually done nothing wrong and she had excused herself from the appalling meeting after reading out a statement at the beginning.

Cllr Yeo said that when, as he felt, they were conspiring against Councillor Tippins and saying she had done something wrong when she had not, then, “yes”, that language was appropriate.

Councillor Yeo reiterated that he had no other way of signalling because the Chairman had muted him because he couldn't quote the number of a standing order when there was no need to do so, and Councillor Yeo felt that the public needed to know what's going on.

To finish, I asked Councillor Yeo if there was anything else he wished to add in respect of the Code of Conduct complaints. He responded that the code of conduct complaints against himself and Cllr Tippins were all part of a contrived plan by the “cabal of councillors within Shaftesbury Town Council”, The Town clerk Mrs Commons and a very small number citizens that are their friends, who were all willing to partake in the conspiracy against himself and Councillor Tippins.

Cllr Yeo stated that an undisclosed number of members of this combined ‘faction’ who were appalled by the low levels that the majority of the faction group were stooping to in their campaign, and had leaked him emails to him which show the coordinated efforts that were being made to undermine and harass both Cllr Tippins and himself.

Councillor Yeo said that he had been a civil servant for 5 years and in the Army and RAF for over 20 years and was now a consultant to a Government Department and that he had never before been part of an organisation that was clearly operating in an improper, out of governance, unprofessional, ultra vires and unlawful manner until he had been elected by the citizens of Shaftesbury to be a Town Councillor. He felt that CEO Dorset Council Mr Matt Prosser should be getting a group of Dorset Council personnel down to Shaftesbury Town Council to scrutinise everything.

In conclusion with hindsight, I concede that I should have used a more appropriate word than “Bullshit” and hand gestures. In mitigation I have explained my frustration with the very improper proceedings that precipitated this.

Councillor Yeo asked for a recording of the meeting but I advised that no recording was being made. However, Judy Saunders had been taking notes and that I would type these up into a statement that Councillor Yeo would be asked to agree as a true record of our discussions.

Cllr Peter Yeo

27 July 2020

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Dear Cllr Yeo

Complaint 08/20 remains on the Agenda for the Hearing Sub-committee meeting tomorrow as the investigation was requested by the Assessment Sub-Committee and it relates to complaints about both you and Cllr Tippins.

The Investigating Officer's report makes it clear that as the Complainant could not recall details the Investigating Officer did not think it appropriate to take the complaint against you any further. That report still needs to be received by the Hearing Sub-Committee to formally conclude the complaint.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: Cllr Peter Yeo <>
Sent: 08 December 2020 15:13
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; Cllr. Barry Goringe <cllrbarry.goringe@dorsetcouncil.gov.uk>; Cllr. Richard Biggs <cllrrichard.biggs@dorsetcouncil.gov.uk>; Cllr. Susan Cocking <cllrsusan.cocking@dorsetcouncil.gov.uk>;
Stephen Pearson FREETHS Solicitor
<Stephen.Pearson@freeths.co.uk>
Subject: Fwd: Complaint Nos. 008/20, 013/20 and 023/20

Dear Ms Evans,

With regards to the meeting tomorrow and its agenda, I am surprised to see that 008/20 is still on the agenda as Mrs C v Cllr Yeo seeing as Mrs J Andrews of DC emailed me on 15 June 2020 (see below) and told me that "I have concluded that I do not intend to proceed with an investigation into the allegation".

Can you please confirm that this is an error and that it should not be on the agenda tomorrow with regards to me?

regards,

Peter Yeo

Begin forwarded message:

From: Jacqui Andrews <jacqui.andrews@dorsetcouncil.gov.uk>

Date: 15 June 2020 at 09:20:56 BST

To: "

Subject: FW: FW: Complaint Nos. 008/20, 013/20 and 023/20

Dear Councillor Yeo

Since having had an opportunity to speak to the complainant in respect of complaint No. 080/20 late last week, I have concluded that I do not intend to proceed with an investigation into the allegation that you acted aggressively towards the Acting Chair.

I would like to meet with you in respect of the allegations contain in complaint Nos 013/20 and 023/20 and look forward to hearing from you at your earliest convenience in respect of your availability on the dates set out below albeit slightly amended now to Tuesday 16 June – from 9.30 am to 4.30pm or Thursday 18 June, 1.00pm to 4.30pm. If these dates/times are not convenient, please do let me know when you might be able to meet this week and I will try to make space in my diary so that I can meet when convenient with you.

If we are not able to meet this week, I shall be on annual leave from 19 June, not returning until 6 July so will need to book a time with you after these dates.

If you do not wish to take the opportunity to meet with me, please do let me know.

Kind regards

Jacqui Andrews
Service Manager, Democratic & Electoral Services
Legal and Democratic Services

Dorset Council

01258 484325

dorsetcouncil.gov.uk

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From: Jacqui Andrews

Sent: 12 June 2020 09:31

To: ¹

>

Subject: Complaint Nos. 008/20, 013/20 and 023/20

Dear Councillor Yeo

You will have been advised by Mr Jonathan Mair, Monitoring Officer for Dorset Council, that a number of complaints have been received alleging aggressive behaviour by yourself and also breaches of the Members' Code of Conduct.

In order that I can consider all the facts of the case, I would be pleased to meet with you "virtually" in order that you can explain in your own words the circumstances around the allegations, together with any mitigating factors.

Whilst I would ordinarily seek to meet people "in person", the current government guidance is that we should continue to work remotely where this is possible. If you are happy to meet via a video meeting, I am happy to provide you with a link (you don't need to have any specific software on your machine as you can access the meeting through the link I will provide).

I would like to be able to discuss this matter with you as soon as possible, and have availability on the dates set out below. I'd be grateful if you could give me a number of options so that I can ensure I am to give you my full attention without having to rush off to other meetings. The dates I am currently available are:

- Monday 15 June – from 11.30am to 4.30pm
- Tuesday 16 June – from 9.30 am to 4.30pm
- Thursday 18 June – from 9.30am – 11.00am and from 1.00pm to 4.30pm

If none of the dates are suitable, please let me know when you could meet and I will do my best to make arrangements so I can meet with you at your convenience.

I will be accompanied at the meeting by one of the Members PAs so that they can take notes of our discussions to enable me to draft a record of our meeting that I will share with you for your agreement after the meeting. They will have no role at the meeting other than to take notes of our discussions.

I'd be grateful if you could get back to me as soon as possible so I can put the necessary arrangements in place.

Kind regards

Jacqui Andrews
Service Manager, Democratic & Electoral Services
Legal and Democratic Services

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01258 484325

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EMAIL CHAIN 013/20

Dear Mr Pearson

The Sub-Committee have been copied in to some but not all of the emails from Councillors Tippins and Yeo. To ensure they all have the same information I have arranged for all the emails received since Councillor Tippins email of 1 December, to be provided to Sub-Committee in advance of their meeting tomorrow.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)

dorsetcouncil.gov.uk



From: Stephen Pearson <Stephen.Pearson@freeths.co.uk>

Sent: 08 December 2020 14:12

To: Grace Evans <grace.evans@dorsetcc.gov.uk>;-

Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; 'Cllr Peter Yeo' < >

Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Grace

As I think you are aware I have been assisting Mrs Tippins.

As I understand she will not be able to present her comments at this stage in the procedure, could you confirm whether you will be sharing any of the correspondence received (for example her email of 14.04 today) with the sub-committee tomorrow in order that the members are fully informed ? I ask because there are clearly fundamental issues of fact which are disputed.

regards

Stephen Pearson

Partner

T: 0845 274 6900

F: 0845 050 3255

M: 07810 034 917

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Cumberland Court, 80 Mount Street
Nottingham NG1 6HH



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From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 07 December 2020 16:38

To:

Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; Stephen Pearson <Stephen.Pearson@freeths.co.uk>; 'Cllr Peter Yeo' < >

Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Councillor Tippins

I do not feel there is a breach or failure to follow process. I have set out the process and compliance already in detail but will address the points you raise.

As I have set out in my earlier emails, the Code makes it very clear that a decision to investigate is for the assessment sub-committee and not Mr Mair. The assessment sub-committee took that decision which is in accordance with the Code.

The code states that you should receive a copy of the complaint and summary of the Assessment Sub-Committee. You were provided with a copy of the complaint on 29th April and Mr Mair gave the summary on 4th June; that the an investigation had been asked for and was being arranged.

You state that the process states that you "should be told on what basis I'm to be investigated and why the Committee didn't want to take the informal Section 4b route as per the Code of Conduct form 013/20.". The Code does not contain this wording, this is your interpretation of it.

Cllr Welch's email confirming he would not accept an apology came after the assessment sub-committee meeting and so did not form part of their decision to request an investigation.

It is entirely for the complainant whether they will accept an apology. However, as an investigation has been requested and carried out the decision about whether the apology is acceptable is one for the Hearing Sub-Committee and not Cllr Welch.

There have been no breaches of the Code or failure to follow process. This matter will progress for initial consideration by the Hearing Sub-Committee on 9th December where they will take account of your apology and decide whether or not to (a) dismiss the complaint, (b) refer the complaint to the Monitoring Officer to seek an informal resolution, (c) hold a hearing of the Sub-Committee.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 03 December 2020 20:43
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk; 'Cllr Peter Yeo' <
Subject: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Ms Grace

Thank you for highlighting to me that Dorset Council are in breach of their own process regarding Complaint #013/20. The emails you have sent to me prove that there has been a breach of process as per 'Hearing Sub-Committee Terms of Reference and Dorset Council Member Complaint Process.

Therefore, the process for 013/20 needs to be re-started by Dorset Council.

Breach of Process Number 1. Process 4.5b Ignored:- Mr Mair can't just jump to 'investigation' when an informal option has been requested by the Complainant; as the person whose been

complained about I want to know why Mr Mair is not following what the Complainant wanted as a resolution in 013/20 version I received from Dorset Council. The meeting where Mr Mair determined 'formal investigation' without stating why to either myself or Cllr Yeo, was held and decided on the 1st June 2020. (The fact that Cllr Welch changed his mind after this meeting has held on the 4th June, 3 days after Mr Mair met with the Committee members on the 29th Apr 2020 013/20 version). The process states that I should have had a summary of that meeting, and I should be told on what basis I'm to be investigated and why the Committee didn't want to take the informal Section 4b route as per the Code of Conduct form 013/20. Based on the complaint form, there should not have been an formal investigation, it was not necessary.

I do not know on what basis I was found to be formally investigated and why the informal options (as found on the Code of Conduct form 29th Apr 2020 013/20) was deemed not the correct course of resolution. Section 4.6 from the process stipulates that I should have:- A copy of the complaint and a summary of the Audit and Governance (Assessment) Sub-Committee will be sent to the Councillor and to the complainant by the Monitoring Officer or the deputy Monitoring Officer.

I will re-iterate, I have never called Cllr Welch a name before the 14th Apr 2020 and never called him a name since. My mother had died two weeks beforehand and the meeting on the 14th Apr 2020 was 3 days before her burial. I stated v clearly and several times to the investigator J Andrew that I've been traumatised. I also told her that I could not remember being asked to retract my statements during the Full Council as I felt physically sick. I have re-read J Andrew report on 18th June 2020 and I can see, incredibly, J Andrew doesn't believe I have any mitigating circumstances. (I will be sending a separate complaint about this as discussed in earlier emails).

If you look at how A Raynor Labour MP was treated in the Houses of Commons in Oct 2020, she called a Conservative MP scum. The speaker stated only that that was not acceptable language and the debate continued. In the next number of day, A Raynor MP was requested to write an apology, which she did. In her apology she stated her aunt had died 2 weeks beforehand and that the debate was 'emotional'. The matter surrounding the complaint was closed. Bullying is not a 'one off' out of character situation due to frustration, especially when someone has suffered a trumatic bereavement, there is a known right of reasonable adjustment to be applied. (And I have a right of reasonable adjustment, and this currently has not been taken into account and I have a right to know why). Council's operate as per the intentions of Parliament. Like A Raynor MP, she apologised and the matters closed, and I have apologised to Cllr Welch and the matter now should be closed. The fact it isn't and I'm receiving these 'fresh' unknown emails to try and change the course of the Code of Conduct complaint is highlighting a lack of governance and breaches in process.

Breach of Process Number 2. This email you have sent to me, where Cllr Welch changed his mind on the 4th June is not acceptable. The Sub-Committee made a decision on the 1st June, he can't change his mind 3days later because he has another 'fresh' issue with us. The only way Cllr Welch can change is mind based on his 'new' or 'latest' issue is for him to re-submit a new Code of Conduct. This new Code of Conduct needs to evidence the Facebook postings, and he needs to state where the breach of the Code of Conduct is. This is what the form states if the complainant says 'no':- **If you are not willing to accept an apology what would you like to happen as a result of you making a complaint**

Dorset Council should have informed both Cllr Yeo and myself of Cllr Welch's 'change of mind' and we were not informed, and at that point the process should have been restarted with a new Code of Conduct form stating what Cllr Welch would accept as a resolution. We just can't have a situation where neither Cllr Yeo nor myself know what the resolution is to be after we've gone through an investigation and I've made an apology to Cllr Welch personally.

Because the process has not been followed, as the attached. Dorset Council must restart the process.

(I haven't tried this on the form, but I'm fairly sure when putting the Code of Conduct form in online you can't leave a blank area after putting in 'N' for not accepting an apology because it is a **fundamental part of the process**)

Kind regards

Cllr K Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 03 December 2020 16:22

To:

Cc: Cllr. Matt Hall <cllmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk

Subject: RE: Members Conduct Process - Section 4.5 - Complaint # 013/20

Dear Councillor Tippins

The sections of the Code of Conduct that you refer to apply to the Assessment Sub-Committee stage of the complaints process.

The Monitoring Officer emailed you on 29th April with a copy of the complaint and informed you that it the Assessment Sub-Committee would decide how to proceed (copy attached). That Sub-Committee met on 3 June 2020. That Sub-Committee have the option, under section 4.5 of the Code, to seek informal resolution, including seeking an apology. They did not decide to pursue informal resolution or an apology but required the complaint to be investigated. The Monitoring Officer informed you of this on 4th June, but did not provide a further copy of the complaint, as you already had this (copy attached).

The Monitoring Officer appointed Mrs Andrews as Investigating Officer to investigate and prepare a report which was concluded and emailed to you on 21 August.

An apology could have been offered at any time. Your apology was given after the report was concluded and so does not appear in it. Your apology does not automatically conclude the complaint process.

Councillor Welch stated in his original complaint that he would accept an apology, but in an email to the Monitoring Officer on 4th June he confirmed that was no longer the case; he was

not willing to accept an apology. The email is attached and will be supplied to the Hearing Sub-Committee.

As the Assessment Sub Committee asked for an investigation, the Investigating Officer is required to report to the Hearing Sub-Committee. The Hearing Sub-Committee have been supplied with a copy of Mrs Andrews report, a copy of your apology and Cllr Welch's email of 4th June. It will be for the Hearing Sub-Committee to decide how it wishes to proceed.

This approach complies with the Code of Conduct and is consistent with the approach taken in all complaints, including ones where apologies have been given during or following an investigation.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 02 December 2020 15:04
To: Grace Evans <grace.evans@dorsetcc.gov.uk>; Cllr. Matt Hall
<cllrmatt.hall@dorsetcouncil.gov.uk>
Cc: stephen.pearson@freeths.co.uk
Subject: Members Conduct Process - Section 4.5 - Complaint # 013/20

Dear Ms Evans

Thank you for your response. However, the process has not been followed and I consider this to be serious.

The Complaint 013/20 states that Cllr Welch will accept an apology for this complaint and I have apologised. Therefore, Section 4.5b has been achieved as per the Members Code of Conduct process published by Dorset Council and stated within Dorset Council's constitution.

I have not received a copy of the report as per section 4.6 therefore, I should never have been investigated by J Andrew considering that I was always willing and wanting to apologise. I have never been asked to apologise by the Monitoring Officer or the Standards Sub-Committee and I absolutely would have apologised. Now I find out I have apologised and the investigation is still continuing! 4.5b has been achieved by myself and not from any assistance from Dorset Council.

Why have I had to endure this investigation, where, and I'm sure Ms Andrews will confirm, I spent most of the interview crying because it was too close timewise to my mothers death and I can prove this fact! But why put me through this investigation, how has section 4.5 & 4.6 from the published process been missed out completely by Dorset Council?

4.5 The Standards (Assessment) Sub-Committee may:

(a) reject the complaint or to decide to take no action – in which case the Sub-Committee will give their reasons for doing so;

*(b) seek an informal resolution (including, for example, **an apology**, or mediation); or*

(c) ask the Monitoring Officer to investigate the complaint.

*4.6 A copy of the complaint and a summary of the **Standards (Assessment) SubCommittee will be sent to the Councillor** and to the complainant by the Monitoring Officer.*

I look forward to hearing from you in your capacity as Deputy Monitoring Officer, why I have not received a copy of report 4.6 and why I was not contacted under 4.5 as I would have always apologised, how come Dorset Council are stipulating I must be investigated, when I believe I have significant mitigating circumstances to the situation on the 14th Apr 2020 that Dorset Council appear to not be taking into account or appear not to want to reach a resolution.

Kind regards

Cllr Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 02 December 2020 12:29

To: ÷ Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>

Cc: stephen.pearson@freeths.co.uk

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Councillor Tippins

Thank you for your email. I have nothing further to add to my explanation of process and note your intention to complain.

Kind regards

Grace Evans
Head of Legal Services
Legal Services

Dorset Council

[01305 225021](tel:01305225021)

dorsetcouncil.gov.uk



From:

>

Sent: 01 December 2020 18:29

To: Grace Evans <grace.evans@dorsetcc.gov.uk>; Cllr. Matt Hall
<cllrmatt.hall@dorsetcouncil.gov.uk>

Cc: stephen.pearson@freeths.co.uk

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Ms Evans

Thank you for your response.

The apology I wrote to Cllr Welch in Aug 2020 was not included in the Sub-Committee papers sent out to the Committee members. I phoned up and checked today. This is just not acceptable.

The form is clear to me, if a person apologises no further action is required. The complaint should have been closed in August 2020. I find no justification for your actions. This is heavy-handed.

Added to this, the complaint 013/20 is about my conduct on the 14th April Full Council, which was 2 weeks after my mother died in a Care Home (I was not allowed to see her) and days before her burial (I could have a church service) and I spoke in frustration at Cllr Welch for less than 1 minute. It was not a pre-meditated act by myself. I have not called Cllr Welch a name before and I haven't called him a name since and I have since apologised to him personally for my inappropriate language.

There appears to be a lack of impartiality.

I will be writing a complaint tomorrow.

Kind regards
Cllr Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 01 December 2020 16:42

To: stephen.pearson@freeths.co.uk;

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Councillor Tippins and Mr Pearson

Your emails have been forwarded to me, as Deputy Monitoring Officer and legal adviser to the Sub-Committee.

The complaint is being dealt in accordance Dorset Council's Code of Conduct. This matter is correctly listed on the Agenda for the Sub-Committee on 9th December. The Assessment Sub-Committee had previously requested an investigation and report and although an apology has been made the Hearing Sub-Committee will need to receive that report. They have been supplied with the report and the subsequent apology and will take this into account at their meeting.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)

dorsetcouncil.gov.uk



Stephen Pearson [<mailto:Stephen.Pearson@freeths.co.uk>]

Sent: 01 December 2020 15:42

To: ÷ Cllr. Matt Hall

Cc: Jacqui Andrews; Fiona King (Democratic Services)

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Thank you Karen

What I am slightly confused about is whether you are being expected to comment on a report which you have not seen. Could that be confirmed please as I would feel that the requirements of Natural Justice and ECHR demand this.

regards

Stephen Pearson
Partner

T: 0845 274 6900

F: 0845 050 3255

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From:

>

Sent: 01 December 2020 15:22

To: 'Cllr. Matt Hall' <cllmatt.hall@dorsetcouncil.gov.uk>

Cc: Stephen Pearson <Stephen.Pearson@freeths.co.uk>; jacqui.andrews@dorsetcouncil.gov.uk;
'Fiona King (Democratic Services)' <f.d.king@dorsetcc.gov.uk>

Subject: FW: Apology - Code of Conduct - Complaint # 013/20

Dear Cllr Hall

I feel I am now again in a position to complain about the Dorset Council Code of Conduct process.

I made an apology to M Welch on 25th Aug 2020 (see below) and I was not pleased to see I'd been called into an Assessment Meeting regarding this Complaint 013/20; which should have been dropped and closed after I'd made the full apology to Cllr Welch. After discussions with Ms King, Democratic Services, I understand that the report containing Cllr Welch Code of Conduct 013/20 submitted to the Assessment Committee does not include the apology I made – Dorset Council appear to be acting as if I haven't apologised.

To re-stress the situation, I have not called Cllr Welch a name before the meeting on the 14th Apr 2020 and have not called him a name since. The meeting on the 14th April was 2 weeks after my mum had died in a Care Home and 2 days before her burial. I was not in a good place. Any organisation would have taken this into account as significant

mitigating factors. I called Cllr Welch these names out of sheer frustration, there was no pre-meditated action on my part. I can't see how this be defined as 'bullying' and continued to be called 'bullying' especially after I've apologised.

The Code of Conduct complaint from Cllr Welch stated that he'd accept an apology from me and that no further action would be required. Considering I have apologised, I am really concerned that this now is going to an Assessment Committee without any record of my apology.

Kind Regards

Cllr K Tippins

From: Karen Tippins <Karen.Tippins>
Sent: Tuesday, August 25, 2020 11:46 AM
To: jonathan.mair@dorsetcouncil.gov.uk <jonathan.mair@dorsetcouncil.gov.uk>;
mwelch@shaftesbury-tc.gov.uk <mwelch@shaftesbury-tc.gov.uk>;
jacqui.andrews@dorsetcouncil.gov.uk <jacqui.andrews@dorsetcouncil.gov.uk>;
stephen.pearson@freeths.co.uk <stephen.pearson@freeths.co.uk>
Subject: Apology - Code of Conduct - Complaint # 013/20

Dear Cllr Welch

I am writing to you to apologise about the use of inappropriate language I directed towards you at a Full Council meeting 14th April 2020 where I referred to you as being 'Thick' and an 'Idiot'. I hope you accept my apology.

The Council meeting on 14th April 2020 was an awful meeting to attend, it was poorly run and extremely nasty. My stress was compounded at the meeting on the 14th April 2020 because of the bereavement I was suffering over the recent loss of my mother under unbelievably difficult circumstances, who died on the 28th Mar 2020.

I understand you are leaving Shaftesbury next month, in September to live in Bristol to go to university and I wish you every success in your endeavours.

Kind regards

Cllr K Tippins

Email chain 008/20

Dear Councillor Tippins

I acknowledge receipt of your email the contents of which are noted.

As I have previously explained, the decision to proceed with an investigation was not taken by Mr Mair, but by the Assessment Sub-Committee.

A copy of this email has been provided to the Hearing Sub-Committee in advance of tomorrow's meeting.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 08 December 2020 13:50
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk; 'Cllr Peter Yeo' >
Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 008/20 - Mrs C

Dear Ms Evans

I fail to see how Dorset Council has followed The Members Complaint Process regarding the second complaint 008/20 on the agenda tomorrow pm. I would like to know state that we (Cllr Yeo and myself) have been treated unfairly by Dorset Council due to non-compliance of process, with the aim to cause us both reputational damage. I am fairly sure that this process is currently being abused and its purpose is to undermine our role as elected councillors.

3 Month Delay. The complaint was sent in by an individual (not an organisation as implied) to Mr Mair on **19th Feb 2020**. Mr Mair forgot to tell us (Cllr Yeo and myself) about this complaint until **3rd June 2020**, this was when more than three months had elapsed since the event (it should have been rejected on this reason alone). Neither Cllr Yeo or myself received the output

from the Sub-Assessment Committee held regarding on what grounds that the committee determined we were to be formally investigated.

When looking at the complaint 008/20, it is clear to me that it was vexatious because:-

- Allegations of Bullying and Harassment by Cllr Yeo and myself were unspecified, unsubstantiated and generic.
- False statement made by complainant – ‘We did a presentation and a no point did Karen Tippins look up at the presentation she just sat with her back towards it’. The presenter didn’t complain. This was a complaint by an observer only.

Breach Process # 1 – 4.1d was not followed - Bullying and Harassment allegations vexatious and not evidenced. When we (Cllr Yeo and myself) were contacted by J Andrews as assigned investigator, she was unable to state what the Bullying and Harassment allegations were and she was unable to proceed with this investigation on these grounds. Therefore, my challenge to you is that this is clear evidence of non-compliance with the Members Complaint Process. Once the complaint gets to the Councillors they must be clear on what the allegations are, or the complaint needs to go to Step 4.2 – ‘no further action’. This step was not taken by the sub-committee and consequently, months after the event, needless emails were bounced back and fore to agree that this aspect of the complaint couldn’t proceed due to the allegation not being evidenced.

Breach Process # 2 – 4.1d not followed – Back towards a Presentation. The report written by J Andrews has not kept to the facts of the presentation given to Full Council on 14th Feb, the facts are:-

1. Third Party Complaint. The complainant in Complaint #008/20 was not the presenter. The presenter was from Bournemouth Football Academy and did not say anything about councillors having their backs to the screen due to space restrictions. The statement by the complainant saying ‘we gave a presentation’ is not correct, the complainant was sat in the public gallery and the complainant was an observer only during the presentation.
2. Manipulation of Facts. J Andrews report does not emphasis that due to space restrictions I was placed with my back to the presentation by staff, I did not voluntarily have my back to the presentation
3. Complaint is Trivial. There have been many presentation given at Town Council meetings where staff have placed councillors with their backs to the screen and there have been no complaints. Councillors fall asleep during presentations and no complaints are lodged.

I fail to see how Mr J Mair can justify proceeding with a formal investigation without notifying councillors 1) after delaying telling us about the complaint until 3 months after the event 2) no evidence of Bullying and harassment allegations 3) vexatious complaint due to being placed by staff with back to a screen due to space restrictions.

The report by J Andrews has found that I’ve breached the code because I was placed in a seat by staff with my back to a screen. Mrs Andrews conclusion is that I’ve not shown respect to the presenter (the presenter didn’t complain) and that I brought the Town Council into disrepute

beggars believe. And the fact that this has now moved into a committee hearing has now validated my concerns that the system is being abused.

It is not for a Principal Authority to investigate councillors on any slight mis-demeanour; and yet all my reported Code of Conducts have been ignored or rejected.

So again, the process is not being followed. I would say that the process is being abused.

At some point the above needs addressing so the whole process needs re-calibrating so councillors like myself get treated fairly and the process is followed with sensible and reasoned judgements that everyone can understand and the electorate can have confidence that the Code of Conduct process is not being abused to undermine councillors who do not belong to the controlling party.

Kind regards

Cllr K Tippins

EMAIL CHAIN 013/20

Dear Cllr Yeo

Your comments on the decision to proceed to investigation are noted.

You copied your email to the Sub-Committee so they are aware of your disputed facts. I have arranged for them to be provided with all emails between us.

The recording of 14th April meeting is no longer available, as it is removed from the Town Council website when minutes are approved. I am attempting to obtain a copy/link to the recording and if this is provided I will make it available to the Sub-Committee.

In my view the process has been correctly followed and I make no comment on the facts as this is a matter for the Hearing Sub-Committee tomorrow.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: Cllr Peter Yeo <>
Sent: 07 December 2020 21:48
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: ; Cllr. Matt Hall <cilmatt.hall@dorsetcouncil.gov.uk>;
stephen.pearson@freeths.co.uk; Cllr. Richard Biggs <cilrrichard.biggs@dorsetcouncil.gov.uk>;
Cllr. Susan Cocking <cilrsusan.cocking@dorsetcouncil.gov.uk>;
< >; Cllr. Barry Goringe <cilrbarry.goringe@dorsetcouncil.gov.uk>
Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Ms Evans

I fail to see how Dorset Council has followed The Members Complaint Process.

Cllr Welch's Code of Conduct statement against myself is a false allegation.

In his Code of Conduct statement, Cllr Welch falsely states that:

"I was then called an 'idiot' by both Karen and Peter".

This is totally untrue. I did not call him an idiot at any point. I did not call him any names at all. This meeting is all available to see in its entirety on YouTube. I hope that you and all Cllrs and Officers involved in the Dorset Council Code of Conduct Committees dealing with this have actually watched this recording in its entirety. If you and they have, it will have been noted that at no point either before, during or after this meeting, did I say Cllr Welch was an "idiot".

I did speak at Full Council, as is my right as a councillor, and I am allowed to speak.

Cllr Welch's complaint against myself is vexatious. Cllr Welch should be investigated for making a false and vexatious statement under Code of Conduct submission 013/20.

The report written by Mrs J Andrews totally fails to point out that Cllr Welch made a false allegation against me. Mrs Andrews's report is claiming that I breached the Code of Conduct when I have not done anything wrong. I am allowed to speak at Full Council.

The Dorset Council Members Complaint Process states:

Section 4.1d 'the matters giving rise to the complaint would, if proven, be capable of breaching the code' -

to establish whether a complaint is vexatious or trivial.

This Section 4.1d test has been totally ignored.

The allegation made in Cllr Welch's code of Conduct Statement is false (I did not call him an "idiot" at any point) therefore it should have immediately failed the Section 4.1d test and therefore Section 4.2 of The Members Complaint Process should have been acted upon.

Section 4.2 states: 'If the complaint fails one or more of these tests, *(and it failed 4.1d)* **no further action will be taken.**'

No Further action should have been taken and therefore this is a breach of the Dorset Council Code of Conduct/Dorset Council Members Complaint Process.

There should not have been a formal investigation by Mrs J Andrews regarding myself on the basis of a false allegation made by Cllr Welch. This false allegation should have been thrown out at initial failure of the section 4.1d assessment.

I should not have been investigated by Mrs J Andrews **for something that I did not do.**

I cannot apologise for something I did not do.

Can you please confirm that both you and all of the Assessment Sub-Committee members have viewed the recording of this Shaftesbury Town Council meeting in its entirety?

Can you and all members of the Assessment Sub-Committee also please acknowledge that at no point in this meeting did I say that Cllr Welch was an “Idiot”?

Can you also please acknowledge that the correct process has not been followed?

Please note that my (and Cllr Tippins’s) solicitor, a specialist in these matters, is copied in to this email.

I look forwards to receiving your responses before Wednesday’s meeting.

Regards,

Cllr Peter Yeo

Sent from [Mail](#) for Windows 10

From: [Grace Evans](#)

Sent: 07 December 2020 16:38

To

Cc: [Cllr. Matt Hall](#); stephen.pearson@freeths.co.uk; 'Cllr Peter Yeo'

Subject: RE: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Councillor Tippins

I do not feel there is a breach or failure to follow process. I have set out the process and compliance already in detail but will address the points you raise.

As I have set out in my earlier emails, the Code makes it very clear that a decision to investigate is for the assessment sub-committee and not Mr Mair. The assessment sub-committee took that decision which is in accordance with the Code.

The code states that you should receive a copy of the complaint and summary of the Assessment Sub-Committee. You were provided with a copy of the complaint on 29th April and Mr Mair gave the summary on 4th June; that the an investigation had been asked for and was being arranged.

You state that the process states that you “should be told on what basis I’m to be investigated and why the Committee didn’t want to take the informal Section 4b route as per the Code of Conduct form 013/20.”. The Code does not contain this wording, this is your interpretation of it.

Cllr Welch’s email confirming he would not accept an apology came after the assessment sub-committee meeting and so did not form part of their decision to request an investigation.

It is entirely for the complainant whether they will accept an apology. However, as an investigation has been requested and carried out the decision about whether the apology is acceptable is one for the Hearing Sub-Committee and not Cllr Welch.

There have been no breaches of the Code or failure to follow process. This matter will progress for initial consideration by the Hearing Sub-Committee on 9th December where they will take account of your apology and decide whether or not to (a) dismiss the complaint, (b) refer the complaint to the Monitoring Officer to seek an informal resolution, (c) hold a hearing of the Sub-Committee.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 03 December 2020 20:43
To: Grace Evans <grace.evans@dorsetcc.gov.uk>
Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk; 'Cllr Peter Yeo' <>
Subject: Breach of Code of Conduct Dorset Council Members Conduct Process - Complaint # 013/20

Dear Ms Grace

Thank you for highlighting to me that Dorset Council are in breach of their own process regarding Complaint #013/20. The emails you have sent to me prove that there has been a breach of process as per 'Hearing Sub-Committee Terms of Reference and Dorset Council Member Complaint Process.

Therefore, the process for 013/20 needs to be re-started by Dorset Council.

Breach of Process Number 1. Process 4.5b Ignored:- Mr Mair can't just jump to 'investigation' when an informal option has been requested by the Complainant; as the person whose been complained about I want to know why Mr Mair is not following what the Complainant wanted as a resolution in 013/20 version I received from Dorset Council. The meeting where Mr Mair determined 'formal investigation' without stating why to either myself or Cllr Yeo, was held and

decided on the 1st June 2020. (The fact that Cllr Welch changed his mind after this meeting has held on the 4th June, 3 days after Mr Mair met with the Committee members on the 29th Apr 2020 013/20 version). The process states that I should have had a summary of that meeting, and I should be told on what basis I'm to be investigated and why the Committee didn't want to take the informal Section 4b route as per the Code of Conduct form 013/20. Based on the complaint form, there should not have been an formal investigation, it was not necessary.

I do not know on what basis I was found to be formally investigated and why the informal options (as found on the Code of Conduct form 29th Apr 2020 013/20) was deemed not the correct course of resolution. Section 4.6 from the process stipulates that I should have:- A copy of the complaint **and a summary of the Audit and Governance (Assessment) Sub-Committee will be sent to the Councillor and to the complainant by the Monitoring Officer or the deputy Monitoring Officer.**

I will re-iterate, I have never called Cllr Welch a name before the 14th Apr 2020 and never called him a name since. My mother had died two weeks beforehand and the meeting on the 14th Apr 2020 was 3 days before her burial. I stated v clearly and several times to the investigator J Andrew that I've been traumatised. I also told her that I could not remember being asked to retract my statements during the Full Council as I felt physically sick. I have re-read J Andrew report on 18th June 2020 and I can see, incredibly, J Andrew doesn't believe I have any mitigating circumstances. (I will be sending a separate complaint about this as discussed in earlier emails).

If you look at how A Raynor Labour MP was treated in the Houses of Commons in Oct 2020, she called a Conservative MP scum. The speaker stated only that that was not acceptable language and the debate continued. In the next number of day, A Raynor MP was requested to write an apology, which she did. In her apology she stated her aunt had died 2 weeks beforehand and that the debate was 'emotional'. The matter surrounding the complaint was closed. Bullying is not a 'one off' out of character situation due to frustration, especially when someone has suffered a trumatic bereavement, there is a known right of reasonable adjustment to be applied. (And I have a right of reasonable adjustment, and this currently has not been taken into account and I have a right to know why). Council's operate as per the intentions of Parliament. Like A Raynor MP, she apologised and the matters closed, and I have apologised to Cllr Welch and the matter now should be closed. The fact it isn't and I'm receiving these 'fresh' unknown emails to try and change the course of the Code of Conduct complaint is highlighting a lack of governance and breaches in process.

Breach of Process Number 2. This email you have sent to me, where Cllr Welch changed his mind on the 4th June is not acceptable. The Sub-Committee made a decision on the 1st June, he can't change his mind 3days later because he has another 'fresh' issue with us. The only way Cllr Welch can change is mind based on his 'new' or 'latest' issue is for him to re-submit a new Code of Conduct. This new Code of Conduct needs to evidence the Facebook postings, and he needs to state where the breach of the Code of Conduct is. This is what the form states if the complainant says 'no':- **If you are not willing to accept an apology what would you like to happen as a result of you making a complaint**

Dorset Council should have informed both Cllr Yeo and myself of Cllr Welch's 'change of mind' and we were not informed, and at that point the process should have been restarted with a new Code of Conduct form stating what Cllr Welch would accept as a resolution. We just can't have

a situation where neither Cllr Yeo nor myself know what the resolution is to be after we've gone through an investigation and I've made an apology to Cllr Welch personally.

Because the process has not been followed, as the attached. Dorset Council must restart the process.

(I haven't tried this on the form, but I'm fairly sure when putting the Code of Conduct form in online you can't leave a blank area after putting in 'N' for not accepting an apology because it is a **fundamental part of the process**)

Kind regards

Cllr K Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 03 December 2020 16:22

To:

Cc: Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>; stephen.pearson@freeths.co.uk

Subject: RE: Members Conduct Process - Section 4.5 - Complaint # 013/20

Dear Councillor Tippins

The sections of the Code of Conduct that you refer to apply to the Assessment Sub-Committee stage of the complaints process.

The Monitoring Officer emailed you on 29th April with a copy of the complaint and informed you that it the Assessment Sub-Committee would decide how to proceed (copy attached). That Sub-Committee met on 3 June 2020. That Sub-Committee have the option, under section 4.5 of the Code, to seek informal resolution, including seeking an apology. They did not decide to pursue informal resolution or an apology but required the complaint to be investigated. The Monitoring Officer informed you of this on 4th June, but did not provide a further copy of the complaint, as you already had this (copy attached).

The Monitoring Officer appointed Mrs Andrews as Investigating Officer to investigate and prepare a report which was concluded and emailed to you on 21 August.

An apology could have been offered at any time. Your apology was given after the report was concluded and so does not appear in it. Your apology does not automatically conclude the complaint process.

Councillor Welch stated in his original complaint that he would accept an apology, but in an email to the Monitoring Officer on 4th June he confirmed that was no longer the case; he was not willing to accept an apology. The email is attached and will be supplied to the Hearing Sub-Committee.

As the Assessment Sub Committee asked for an investigation, the Investigating Officer is required to report to the Hearing Sub-Committee. The Hearing Sub-Committee have been supplied with a copy of Mrs Andrews report, a copy of your apology and Cllr Welch's email of 4th June. It will be for the Hearing Sub-Committee to decide how it wishes to proceed.

This approach complies with the Code of Conduct and is consistent with the approach taken in all complaints, including ones where apologies have been given during or following an investigation.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



From: >
Sent: 02 December 2020 15:04
To: Grace Evans <grace.evans@dorsetcc.gov.uk>; Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>
Cc: stephen.pearson@freeths.co.uk
Subject: Members Conduct Process - Section 4.5 - Complaint # 013/20

Dear Ms Evans

Thank you for your response. However, the process has not been followed and I consider this to be serious.

The Complaint 013/20 states that Cllr Welch will accept an apology for this complaint and I have apologised. Therefore, Section 4.5b has been achieved as per the Members Code of Conduct process published by Dorset Council and stated within Dorset Council's constitution.

I have not received a copy of the report as per section 4.6 therefore, I should never have been investigated by J Andrew considering that I was always willing and wanting to apologise. I have never been asked to apologise by the Monitoring Officer or the Standards Sub-Committee and I absolutely would have apologised. Now I find out I have apologised and the investigation is still continuing! 4.5b has been achieved by myself and not from any assistance from Dorset Council.

Why have I had to endure this investigation, where, and I'm sure Ms Andrews will confirm, I spent most of the interview crying because it was too close timewise to my mothers death and I

can prove this fact! But why put me through this investigation, how has section 4.5 & 4.6 from the published process been missed out completely by Dorset Council?

4.5 The Standards (Assessment) Sub-Committee may:

- (a) reject the complaint or to decide to take no action – in which case the Sub-Committee will give their reasons for doing so;*
- (b) seek an informal resolution (including, for example, **an apology**, or mediation); or*
- (c) ask the Monitoring Officer to investigate the complaint.*

4.6 A copy of the complaint and a summary of the Standards (Assessment) SubCommittee will be sent to the Councillor and to the complainant by the Monitoring Officer.

I look forward to hearing from you in your capacity as Deputy Monitoring Officer, why I have not received a copy of report 4.6 and why I was not contacted under 4.5 as I would have always apologised, how come Dorset Council are stipulating I must be investigated, when I believe I have significant mitigating circumstances to the situation on the 14th Apr 2020 that Dorset Council appear to not be taking into account or appear not to want to reach a resolution.

Kind regards

Cllr Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>

Sent: 02 December 2020 12:29

To: ÷ Cllr. Matt Hall <cllrmatt.hall@dorsetcouncil.gov.uk>

Cc: stephen.pearson@freeths.co.uk

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Councillor Tippins

Thank you for your email. I have nothing further to add to my explanation of process and note your intention to complain.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305 225021)





From: >
Sent: 01 December 2020 18:29
To: Grace Evans <grace.evans@dorsetcc.gov.uk>; Cllr. Matt Hall
<cllrmatt.hall@dorsetcouncil.gov.uk>
Cc: stephen.pearson@freeths.co.uk
Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Ms Evans

Thank you for your response.

The apology I wrote to Cllr Welch in Aug 2020 was not included in the Sub-Committee papers sent out to the Committee members. I phoned up and checked today. This is just not acceptable.

The form is clear to me, if a person apologises no further action is required. The complaint should have been closed in August 2020. I find no justification for your actions. This is heavy-handed.

Added to this, the complaint 013/20 is about my conduct on the 14th April Full Council, which was 2 weeks after my mother died in a Care Home (I was not allowed to see her) and days before her burial (I could have a church service) and I spoke in frustration at Cllr Welch for less than 1 minute. It was not a pre-meditated act by myself. I have not called Cllr Welch a name before and I haven't called him a name since and I have since apologised to him personally for my inappropriate language.

There appears to be a lack of impartiality.

I will be writing a complaint tomorrow.

Kind regards

Cllr Tippins

From: Grace Evans <grace.evans@dorsetcouncil.gov.uk>
Sent: 01 December 2020 16:42
To: stephen.pearson@freeths.co.uk
Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Dear Councillor Tippins and Mr Pearson

Your emails have been forwarded to me, as Deputy Monitoring Officer and legal adviser to the Sub-Committee.

The complaint is being dealt in accordance Dorset Council's Code of Conduct. This matter is correctly listed on the Agenda for the Sub-Committee on 9th December. The Assessment Sub-Committee had previously requested an investigation and report and although an apology has been made the Hearing Sub-Committee will need to receive that report. They have been supplied with the report and the subsequent apology and will take this into account at their meeting.

Kind regards

Grace Evans
Head of Legal Services
Legal Services
Dorset Council

[01305 225021](tel:01305225021)
dorsetcouncil.gov.uk



Stephen Pearson [<mailto:Stephen.Pearson@freeths.co.uk>]

Sent: 01 December 2020 15:42

To: ÷ Cllr. Matt Hall

Cc: Jacqui Andrews; Fiona King (Democratic Services)

Subject: RE: Apology - Code of Conduct - Complaint # 013/20

Thank you Karen

What I am slightly confused about is whether you are being expected to comment on a report which you have not seen. Could that be confirmed please as I would feel that the requirements of Natural Justice and ECHR demand this.

regards

Stephen Pearson

Partner

T: 0845 274 6900

F: 0845 050 3255

M: 07810 034 917

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From:

>

Sent: 01 December 2020 15:22

To: 'Cllr. Matt Hall' <cllrmatt.hall@dorsetcouncil.gov.uk>

Cc: Stephen Pearson <Stephen.Pearson@freeths.co.uk>; jacqui.andrews@dorsetcouncil.gov.uk;

'Fiona King (Democratic Services)' <f.d.king@dorsetcc.gov.uk>

Subject: FW: Apology - Code of Conduct - Complaint # 013/20

Dear Cllr Hall

I feel I am now again in a position to complain about the Dorset Council Code of Conduct process.

I made an apology to M Welch on 25th Aug 2020 (see below) and I was not pleased to see I'd been called into an Assessment Meeting regarding this Complaint 013/20; which should have been dropped and closed after I'd made the full apology to Cllr Welch. After discussions with Ms King, Democratic Services, I understand that the report containing Cllr Welch Code of Conduct 013/20 submitted to the Assessment Committee does not include the apology I made – Dorset Council appear to be acting as if I haven't apologised.

To re-stress the situation, I have not called Cllr Welch a name before the meeting on the 14th Apr 2020 and have not called him a name since. The meeting on the 14th April was 2 weeks after my mum had died in a Care Home and 2 days before her burial. I was not in a good place. Any organisation would have taken this into account as significant mitigating factors. I called Cllr Welch these names out of sheer frustration, there was no

pre-meditated action on my part. I can't see how this be defined as 'bullying' and continued to be called 'bullying' especially after I've apologised.

The Code of Conduct complaint from Cllr Welch stated that he'd accept an apology from me and that no further action would be required. Considering I have apologised, I am really concerned that this now is going to an Assessment Committee without any record of my apology.

Kind Regards

Cllr K Tippins

From: Karen Tippins <Karen Tippins>
Sent: Tuesday, August 25, 2020 11:46 AM
To: jonathan.mair@dorsetcouncil.gov.uk <jonathan.mair@dorsetcouncil.gov.uk>;
mwelch@shaftesbury-tc.gov.uk <mwelch@shaftesbury-tc.gov.uk>;
jacqui.andrews@dorsetcouncil.gov.uk <jacqui.andrews@dorsetcouncil.gov.uk>;
stephen.pearson@freeths.co.uk <stephen.pearson@freeths.co.uk>
Subject: Apology - Code of Conduct - Complaint # 013/20

Dear Cllr Welch

I am writing to you to apologise about the use of inappropriate language I directed towards you at a Full Council meeting 14th April 2020 where I referred to you as being 'Thick' and an 'Idiot'. I hope you accept my apology.

The Council meeting on 14th April 2020 was an awful meeting to attend, it was poorly run and extremely nasty. My stress was compounded at the meeting on the 14th April 2020 because of the bereavement I was suffering over the recent loss of my mother under unbelievably difficult circumstances, who died on the 28th Mar 2020.

I understand you are leaving Shaftesbury next month, in September to live in Bristol to go to university and I wish you every success in your endeavours.

Kind regards

Cllr K Tippins

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