

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