

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

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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

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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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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

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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

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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

[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

FREETHS

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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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