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AUDIT AND GOVERNANCE (HEARING) SUB-COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 20 SEPTEMBER 2021

Present: Cllrs Matthew Hall, Susan Cocking and Bill Trite

Apologies: There were no apologies for absence

Also present: Mrs C Commons (Shaftesbury Town Clerk), Mrs K Tippins (Shaftesbury Town Councillor), Mr P Lousley (Independent Person)

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

Grace Evans (Head of Legal Services and Deputy Monitoring Officer) and Susan Dallison (Democratic Services Team Leader)

45. Election of Chairman

It was proposed by Cllr S Cocking seconded by Cllr B Trite

Decision

That Cllr M Hall be elected Chairman

46. Declarations of Interest

There were no declarations of interest.

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

The terms of reference were noted.

48. Urgent Items

There were no urgent items.

49. Exempt Business

The Chairman announced that the meeting would be held in public unless there were any valid reasons for holding the meeting under exempt business.

Cllr K Tippins requested that the meeting be held in private as the report by the Investigating Officer contained details of her personal circumstances and mentioned her family members.

The Deputy Monitoring Officer advised the members of the Sub-committee that the balance of public interest would need to be satisfied against the public

interest to hold the meeting in private. It was noted that some of the information contained within the Investigating Officer's report was already in the public domain.

On balance the sub-committee agreed that the meeting should be held in public.

50. **Code of Conduct Complaint 1**

The Sub-committee received an investigation report into a complaint made by Mrs C Commons which alleged bullying and harassment by Cllr K Tippins towards Mrs C Commons and behaviour in contravention of the Shaftesbury Town Council Code of Conduct. The complaint alleged that Cllr K Tippins had breached parts 2.1a, 2.1b, 2.2b, 2.2c and 2.2g of the Code of Conduct.

The Investigating Officer, Anna Lake introduced herself to the meeting and highlighted the main points of her report to the Sub-committee. Anna Lake confirmed that she had no previous involvement with Shaftesbury Town Council or anyone from the town council prior to the Code of Conduct Investigation. Anna Lake explained that she had approached a selection of potential witnesses, including those who were at relevant meetings, who might be more supportive of Cllr K Tippins or of Mrs Clare Commons. The witnesses who had given statements were those that were specifically involved with the complaint and all witnesses had signed to confirm that the statements were accurate. Cllr K Tippins had declined to meet with the Investigating Officer.

Anna Lake reiterated that she had approached the investigation with no prior knowledge of Shaftesbury Town Council, its councillors or officers so there was no bias in the investigation. As a result of conducting the investigation into the complaint made by Clare Commons, Shaftesbury Town Clerk into Cllr K Tippins, the Investigation Officer concluded that there had been breaches of the Code of Conduct.

The Chairman invited Cllr K Tippins to ask questions of the Investigating Officer. Cllr K Tippins stated that she hadn't refused to meet with Mrs Lake, as she had asked Mrs Lake and Jonathan Mair (Monitoring Officer) to tell her what she had done wrong. Cllr Tippins asked why did Mrs Lake not provide her with the evidence that she had requested? She had asked for confirmation of what she had said that was deemed to be bullying behaviour. Cllr K Tippins stated that she had not received an answer to her questions and she had not been provided with a transcript of the meetings. Cllr Tippins stated that she had taken legal advice and should be have been told exactly what she had done wrong. Cllr Tippins stated that she had protected rights as a councillor and was able to ask the town clerk questions in public.

The Deputy Monitoring Officer, Grace Evans confirmed that it was a legal requirement to conduct a fair hearing and Cllr K Tippins was entitled to see the allegations made against her. The Deputy Monitoring Officer confirmed that Cllr K Tippins had been sent a copy of the complaint made against her.

Cllr K Tippins confirmed that she had been sent a copy of the complaint. She had taken legal advice and was advised that she needed to have the precise allegations and transcripts of the meetings referred to in the complaint. The Deputy Monitoring Officer advised the Sub-committee that the Monitoring Officer was satisfied that the details of the complaint had been provided to Cllr K Tippins and the legal duty had therefore been complied with.

Cllr K Tippins stated the Investigating Officer had a copy of all the meetings so there should have been a transcript of exactly what she had done wrong, Cllr Tippins expressed her concern that the Investigating Officer was going to interview her based on perceptions and not fact. Cllr Tippins also stated that there were many inaccurate statements in the report that went as far back as 2014 that included members of her family. In response the Deputy Monitoring Officer advised that there was no legal requirement to provide Cllr K Tippins with a transcript of the meetings and that Cllr K Tippins had had the opportunity to respond to the allegations via the Investigation Officer and had the opportunity today to make at the Code of Conduct Hearing. The Investigating Officer confirmed that she had provided Cllr K Tippins with a number of dates and times to meet but she had not responded.

Cllr K Tippins repeated that she had the right to hear what she had done wrong and asked why the report had included so many defamatory statements that went back to 2014 and included a time when she was not a councillor. Cllr K Tippins felt that she had been treated unfairly and prejudicially and that as a result she had complained to the Chief Executive Matt Prosser and the Monitoring Officer, Jonathan Mair. The Investigating Officer confirmed that her report did not include reference to any incidents when Cllr K Tippins was not a town councillor.

In response to a question from the Chairman Cllr K Tippins confirmed that correspondence from her solicitor had been sent to the Monitoring Officer, the Investigating Officer and the Town Clerk. Cllr K Tippins added that she had lost her mother at the end of March and that the Town Council, the Investigating Officer, Jacqui Andrews and Jonathan Mair were all contacting her about her alleged unacceptable behaviour a time when she was grieving for her mother.

The Chairman asked if she had made the officers aware of her personal circumstances at the time and Cllr K Tippins confirmed that she had and that she considered the contact to be harassment. The Investigating Officer confirmed that in none of her communications with Cllr K Tippins had she said that her behaviour was unacceptable and that at no point had Cllr K Tippins mentioned the death of her mother.

Cllr K Tippins stated that her complaint sent to the Chief Executive, Matt Prosser should have been looked into and that officers had been talking about her during pre-election purdah period, she therefore felt that the Monitoring Officer already has a prejudicial view of her. Cllr K Tippins thought that the Town Clerk had been writing a dossier about her and that it was not until the 17th April when she found out that the Town Clerk had an issue with her. Cllr K Tippins stated that contents of the dossier had been leaked and that she

had been subjected to abuse on social media abuse and reports in the national press.

In response to a question from Cllr Susan Cocking the Investigating Officer confirmed that she had received 2 emails from Cllr K Tippins' solicitor in August and September 2020 and that she had replied direct to the solicitor, which included a response about the impact statement and the ACAS definition of bullying but had not heard anything further from the solicitor. Cllr K Tippins stated that her solicitor had asked the Investigating Officer for the details of the allegations and that the Investigating Officer had not responded.

In response to the allegations made Cllr K Tippins stated that her role as a town councillor was to scrutinise and that she was answerable to the electorate on how decisions were made and how money was spent by the Town Council. Cllr K Tippins stated when she was elected all of the committee seats had been filled before the election and that she had received a threat from another councillor that she had to vote in line with everyone else otherwise it would be very difficult for her and that she would not fit in and the councillors voted so that she was not able to sit on any of the standing committees of the council. Cllr K Tippins stated that she wanted to know the breakdown for all the staff salaries as the cost represented over 55% of the precept. Cllr K Tippins felt that Investigating Officer's report referred to her as a bully for asking for information on the payroll. Cllr K Tippins stated that information on salaries should be made available for transparency for the electorate and that people felt that the payroll costs were too high. Cllr K Tippins stated that she was not being a bully, but she was trying to find out the information and challenging the fact that she wasn't on any of the committees. Cllr K Tippins told the Sub-committee that she had received 986 votes in the election, more votes than many other councillors on the council and that the public liked her because she was independent and that she challenged, but that was not the same as being a bully, it was scrutinising. The Town Clerk had put forward a resolution to enable decisions to be made by standing committees and not by Full Council and a requirement for 3 councillors to request items on an agenda. This meant that all decisions were taken by standing committees and herself and Cllr Yeo were not allowed to speak at the committee meetings, thereby excluding them from meetings and taking key decisions. Cllr K Tippins stated that her only way to improve governance was by going to the external auditor, but again this was not bullying as she was looking after the public purse and it was her right to ask questions and to submit FOI requests. Cllr K Tippins stated that by not serving on a committee she could not represent the people in her ward and she referred to decisions being made regarding S106 money that she could not participate in. Cllr K Tippins also made reference to a Town Council meeting when the Police had been called to remove her for a breach of the peace and she explained that she had just been sat at a table. Cllr Tippins also stated that she had been the subject of a vote of no confidence in order to get her to resign and that she had been muted when speaking at meetings.

At that point in the meeting Cllr K Tippins concluded her representation and the Chairman invited questions to be put to Cllr K Tippins.

The Investigating Officer asked why Cllr K Tippins chose not to meet with her prior to the Code of Conduct Hearing. In response Cllr K Tippins stated that the Investigating Officer had not verified anything and that she was attending the hearing in order to defend herself. Cllr K Tippins asked why she had not received the report when it had been finished in July 2020. The Investigating Officer stated the report had been completed in April 2021 and Cllr K Tippins had been provided with a copy of the report.

Cllr B Trite addressed Cllr K Tippins and asked, with reference to the accusations made against her and her reports of corruption of contract awards, was he correct in thinking that she considered herself to be victimised by the Town Clerk and councillors and what was the cause of this long standing vendetta? In response Cllr K Tippins stated that it was because she had spoken out about a planning application when she last served on the town council. The planning application was to build houses outside of the settlement boundary and her view was that the application was deceitful.

Cllr B Trite asked Cllr K Tippins why she had not taken up her right of reply to the allegations that had been made and why she did not take the opportunity to refute the allegations. Cllr K Tippins stated that she did not want to take part in an interview based on perceptions, she did not feel comfortable or trust the process as it was not a legal process.

Cllr S Cocking asked Cllr K Tippins why she had not reported a threat from another councillor under the Code of Conduct. Cllr K Tippins stated that she had already reported that particular councillor under the Code of Conduct and it had been dismissed.

Cllr S Cocking asked Cllr K Tippins about the committees that she had been excluded from. Cllr K Tippins reported that she had a seat on the planning committee but had been excluded from all committees when she was elected, the most significant of those committees being the General Management Committee which took decisions relating to S106 agreements.

In response to a question from Cllr S Cocking Cllr K Tippins stated that all decisions were made by the standing committee and the committees did not make recommendations to Full Council.

Mr C Lousley, Independent Person asked Cllr Tippins why she had not participated in the investigation when he had suggested to her that she should take part. Cllr K Tippins replied that it was her right to understand what the allegations were, that she was unable to deal with perceptions and that the statements were defamatory and that the Investigating Officer wanted to interview her before she had received a copy of the report. Cllr K Tippins also stated that she would co-operate in accordance with the Localism Act but she had not been provided with the facts for the transcripts of the meetings.

Mr C Lousley asked Cllr K Tippins if she understood that she had a duty to the council officers and faced with a complaint in which the Town Clerk was stating that she was upset by Cllr K Tippins behaviour, wouldn't she want to try and sort out the issues directly with the Town Clerk. Cllr K Tippins stated

that she had only found out that the Town Clerk had issues with her through social media, that she had been treated unfairly and prejudicially and that the allegations were petty.

The Chairman advised those in attendance that Cllr K Tippins has requested to call her husband, Dr Tippins and Cllr Yeo as her witnesses, however she had been informed that only witnesses who had provided a statement in the investigation report could be called as witnesses at the hearing. The Deputy Monitoring Officer advised the Sub-committee that Cllr K Tippins was entitled to have the allegations put to her, to be part of the investigation process and engage with that process. If she had engaged with the process she could have asked for witnesses to be included as part of the investigation process. Dorset Council was required to comply with the legal requirements in its Code of Conduct complaint process. One requirement was for the hearing to be proportionate in all the circumstances of the case. Dorset Council considered it appropriate that witnesses could only be called at the hearing if their statements had been included in the Investigation report as any information provided by witnesses on the day could not be corroborated by other witnesses or taken into account in the report. The Deputy Monitoring Officer advised that the process was lawful and fair and that her recommendation to the Sub-committee was not to accept the 2 additional witnesses at this late stage in the process.

Members of the Sub-committee agreed with the legal advice and did not accept the request to hear the additional witnesses.

At that point the members of the Sub-committee, the Independent Person and the Democratic Services Officer retired in order for Sub-committee to make their decision.

After deliberations the Sub-committee returned to the meeting and the Chairman announced the following decision:

Having heard all of the views today and having read all the papers and taken account of the view of the independent person, the Committee has made a unanimous decision to agree with the recommendations of the Investigation officer and find that there have been multiple breaches of the Code, in particular 2.1(b), 2.2(b),(c), (g), and (h). Where the investigating officer found that there was no breach of the Code the Committee agreed with that finding. The Committee is satisfied that a legally compliant process has been followed, which accords with the rules of natural justice and the decision is made on the evidence provided.

The Sub-committee therefore requires

Cllr K Tippins to attend a training course on interactions with other councillors and officers within 3 months;
Shaftesbury Town Council to identify a single point of contact for Cllr Tippins other than the Town Clerk, to protect Cllr K Tippins and the Town Clerk from direct dealings outside of formal council meetings;

The Town Council to make arrangements, to apply until the date of the next town council election, for any meeting between Cllr K Tippins and Town Council staff (outside of formal council meetings) to be by appointment only so that staff can be accompanied at the meetings.

In accordance with our complaints process there is no right of appeal.

Duration of meeting: 3.00 - 6.30 pm

Chairman

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DORSET COUNCIL DECISION NOTICE

Complaint Reference: 19/20
Subject Member: Cllr K Tippins
Date of Hearing: 20 September 2021
Audit and Governance (Hearing) Sub-Committee

1. Summary of the Complaint

The Complainant alleged that Cllr Tippins had breached the Shaftesbury Town Council Member Code of Conduct in respect of Cllr K Tippins behaviour towards the Complainant that amounted to bullying and harassment over a period of time and on specific dates between 18 December 2019 and 20 April 2020.

2. The Conduct of the Hearing

The conduct of the hearing is as detailed in the Audit and Governance (Hearing) Sub-Committee minutes, a copy of which will be available on the Dorset Council website when published and forms part of this Decision Notice. [Link](#)

3. The Hearing Sub-Committee's Decisions

3.1 The Hearing Sub-Committee's decisions are detailed in the minutes. However, the Hearing Sub-Committee's key conclusions are also set out below.

3.2 Members of the Sub-Committee having heard all of the views at the hearing and having read all the papers and taken account of the view of the Independent Person, made a unanimous decision to agree with the recommendations of the Investigating Officer and found that there had been multiple breaches of the Shaftesbury Town Council Member Code of Conduct by Cllr K Tippins; in particular:

section 2.1 (b):

"A Councillor musttreat others with respect;"

section 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 (iii) involved in the administration of any investigation or proceedings in relation to an allegation that a councillor has failed to comply with the code of conduct;"

"(g) behave in a way which could reasonably be regarded as bringing their office or the Council into disrepute;"

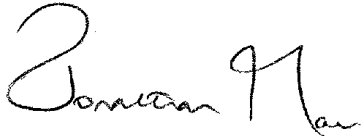
"(h) use or attempt to use their position improperly to confer on or secure for them or any person, an advantage or disadvantage".

3.3 Where the Investigating Officer found that there was no breach of the code the Sub-Committee agreed with that finding.

3.4 The Sub-Committee therefore required the following actions as an appropriate and proportionate response to the complaint:

- Cllr K Tippins to attend a training course on interactions with other councillors and officers within 3 months;
- Shaftesbury Town Council to identify a single point of contact for Cllr K Tippins, other than the Town Clerk, to protect Cllr K Tippins and the Town Clerk from direct dealings outside of formal council meetings;

- Shaftesbury Town Council to make arrangements, to apply until the date of the next Town Council election, for any meeting between Cllr K Tippins and Town Council staff (outside of formal council meetings) to be by appointment only so that staff can be accompanied at the meetings.



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Jonathan Mair
Monitoring Officer

Right of Appeal: There is no right of appeal against the decision of the Audit and Governance (Hearing) Sub-Committee.