

AUDIT AND GOVERNANCE (HEARING) SUB-COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 11 JANUARY 2024

Present: Cllrs Pauline Batstone, Susan Cocking and David Gray

Also present: Mrs E Whatley (independent person), Cllr Jon Andrews, Cllr Les Fry, Cllr Nick Ireland, Cllr Cathy Lugg, Cllr Bill Pipe, Cllr Claire Sutton

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

Jacqui Gooding (Assistant Director – Counter Fraud and Investigations, SWAP Internal Audit Services)

Chris Harrod (Senior Democratic Services Officer)

Lisa Kirkman (Legal Advisor, VWV Solicitors)

1. Election of Chairman

It was proposed by Cllr Batstone and seconded by Cllr Gray:

Decision

That Cllr Cocking be elected as Chairman of the Sub-Committee.

2. Apologies

There were no apologies for absence

3. Declarations of Interest

There were no declarations of interest.

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

The terms of reference and complaint process were noted.

5. Urgent Items

There were no urgent items.

6. Exempt Business

The Chairman of the Sub-committee asked if there were any objections to the meeting being held in public, as there were none the meetings was held in open session.

7. Code of Conduct Complaint

The Chairman opened this item by inviting Cllr Pipe to outline his position as the subject member of the complaint before the sub-committee.

Cllr Pipe explained that:

- He had historically greeted Interviewee A using by mimicking their accent, and had done so for many years.
- Interviewee A had never raised this as an issue with him, nor, to his knowledge, with the leader of the council, Interviewee A's line manager or a superior officer about this.
- He would not have carried on with this way of greeting them had he have known that it offended or belittled them and would have stopped immediately and apologised.
- He was not a 'nasty' person, but as he had not been made aware of the situation believed that Interviewee A had taken the greetings in the spirit in which it was intended, which was to be jovial.
- He had drafted an apology subsequent to the issue finally being raised with him, which was never sent to Interviewee, due to a miscommunication, which he subsequently read to the sub-committee.

He further added that there were other accusations in the report that he did not recognise, which he listed and stated that he would therefore not provide comment on them.

The Investigating Officer introduced her report which set out the nature of the complaint received, the process she followed when undertaking the investigation and set out her findings. She referred sub-committee members to the interviews that had been included in Appendix A to the report and the supporting information that had been included as Appendix B.

In setting out her findings, she raised the following points:

- Cllr Pipe mimicked the accent of Interviewee A at an internal officer team meeting in May 2023
- At the meeting of the People and Health Scrutiny Committee held on 11 September 2023, he mocked Interviewee A, making a point of he was speaking in an English accent.
- Cllr Pipe discussed where Interviewee A had parked their car and then jokingly gave the impression that he would steal their parking space.
- Cllr Pipe didn't dispute the findings of the above points and had drafted an apology, which was sent to the leader and deputy leader of the council, but this was not sent to Interviewee A or their line manager and therefore it was considered that an apology was not made.
- Although not formally stated in the reason for Cllr Pipe's resignation from the role of Lead Member for Education, the behaviour of Cllr Pipe at the internal officer Meeting was a significant factor in his resignation from this position.
- Cllr Pipe's comments and behaviour amounted to bullying and harassment as the actions were directed to one individual.

- Although Cllr Pipe did not view his actions in this way, there was a perceived racist element to his actions.
- There was one concern raised in the complaint where the Investigating Officer did not consider the evidence was conclusive, which related to the full council meeting in July 2023 and whether a briefcase and the wearing of an orange tie demonstrated that Cllr Pipe had issues with people of the same heritage as Interviewee A. While both definitely took place, it was not possible to conclude that the actions were intentional.
- There was no evidence to suggest that Cllr Pipe made an inappropriate comment about a visible panty line.
- Other matters were raised in section 6.8 of the report, but were not raised in the original complaint or further concern that came to light during the investigation. Two of these matters related to Cllr Pipe's lack of awareness for the use of language that is considered unacceptable and that one highlighted the seriousness of Cllr Pipe's actions and behaviour that resulted in the Chief Executive taking action to restrict Cllr Pipe's access to County Hall and other council offices.

In conclusion, the Investigating Officer explained that, in her opinion, Councillor Pipe's actions had fallen below the minimum standards of conducted expected by a councillor and that he had breached the following sections of the code of conduct for councillors in relation to two standards:

1. Respect
2. Bullying and Harassment

She further added that, in her opinion, Cllr Pipe had breached principles 1.2 (d) and (e) of the Member/Officer Protocol.

In concluding the Investigating Officer confirmed that during Cllr Pipe's interview, he had stated that he did not consider his actions as offensive, but in retrospect accepted that he had breached the code of conduct, although this was not intentional or malicious. In her view, the Investigating Officer, stated that Cllr Pipe had failed to see how his actions and behaviour had been received and the effect, stress and humiliations of his actions had.

There were no questions from either the Sub-committee or Cllr Pipe of the Investigating Officer.

The Chairman invited Cllr Pipe to address the sub-committee.

Cllr Pipe explained that:

- He welcomed the findings relating to the unsubstantiated allegations.
- He had no issue with people of the same heritage as Interviewee A and had family history dating back to 1803 until 1922 that shared this heritage.
- He had no issue with the whether or not people were catholic, protestant or indeed another religion and considered that to say that he had an issue with Interviewee A's heritage was "ridiculous".

Cllr Pipe was accompanied to the hearing and Cllr Lugg explained that:

- She felt that Cllr Pipe was deeply sorry and that he was not “a nasty person” and that had he realised that he was causing Interviewee A stress and that they’d complained to him at any point, he would have stopped.
- She could vouch for the fact that he wasn’t anti-Interviewee A’s heritage and therefore had no problem with them in any respect.
- She believed that his sense of humour came from his time in the forces and that was not appropriate for modern times and that perhaps some training would help modify his behaviour.
- He remained a very good councillor and was well thought of in his ward.

The Investigating Officer was invited to respond and clarified that she had raised the point about Cllr Pipe having a problem with people of the same nationality as Interviewee A, because he had not demonstrated to her that he didn’t. This was due to the way that she felt he addressed himself to people generally.

Cllr Pipe asked the Investigating Officer why it had taken this long for a complaint to be raised, when he had considered to have a very amicable working relationship with Interviewee A in the workplace and in passing. He further questioned why it had taken 11 weeks for a complaint to be raised after the initial incident. This was not something that the Investigating Officer was in a position to answer, however, her findings were detailed in the report.

Cllr Pipe responded to Sub-Committee questions and requests for clarification, details included:

- He had composed an email of apology and sent it to Cllr Suttle to undertake a check on the wording and sincerity of the apology and he was under the impression that once checked, it would be sent onwards to Interviewee A. This did not happen as it seemed that Cllr Suttle was under the impression that Cllr Pipe would send the email, the result was that the email did not get sent. The apology was not made in the strictest terms, but Cllr Pipe was under the impression that it had been made.
- Until 19th October he was unaware that a complaint had been officially lodged, which was after both incidents and was not aware of an investigation until South-West Audit Partnership (SWAP) made contact.
- He had not received emails which were said to have been sent, but as they had been shown as sent, no further checks were done to verify that they had not been received.
- In hindsight, he regretted his actions of the second incident as soon as he’d said it.
- He had greeted Interviewee A in this way for many years and it did not occur to him that this wasn’t acceptable.

In summarising the Investigating Officer highlighted that:

- Cllr Pipe had been sent an email informing Cllr Pipe that a complaint had been received against him.
- She had reached the conclusion that in her view, Cllr Pipe had breached the code of conduct in respect of:

- Respect
- Bullying and Harassment
- Cllr Pipe had also breached principles 1.2 (d) and (e) of the Member/Officer Protocol.
- Based on the evidence gathered and the proceedings of the sub-committee, she remained of this view.

In summarising and in his closing statement, Cllr Pipe explained that he accepted the report and that in hindsight he concluded that the behaviour was not fitting of the expected behaviour of a councillor. He explained that if he'd know that his actions were disrespectful or harmful, he would have stopped. He added that this matter had taken its toll on him and that he deeply regretted his behaviour, had learnt a great deal and he sincerely apologised for bringing the council into disrepute.

Upon the conclusion of Cllr Pipe's summary, the Sub-committee discussed its options for communicating its decision and it was moved by Cllr Gray and seconded by Cllr Batstone that:

Decision

The Sub-Committee would adjourn to undertake its deliberations and would reconvene to communicate its decision.

ADJOURNMENT

The Sub-Committee adjourned at 10:07 and reconvened at 11:14

On returning to the meeting with all parties present the Chairman announced the following decision:

Decision

The sub-committee found that Councillor Pipe failed to treat officers with respect firstly at an internal officer team meeting in May 2023 and further at a People and Health Scrutiny Committee meeting in September 2023. The sub-committee further found that Councillor Pipe's behaviour amounted to bullying and harassment. The behaviour was offensive and not acceptable in any circumstance.

The conduct of Cllr Pipe amounted to a breach of the following provisions of the Dorset Council Code of Conduct.

Dorset Council Code of Conduct

- Section 1 – Respect
 - As a councillor:
 - 1.2 I treat local authority employees, employees and representatives of partner organisations and those

volunteering for the local authority with respect and respect the role they play.

- Section 2 - Bullying, Harassment, and Discrimination
 - As a councillor:
 - 2.1 I do not bully any person.
 - 2.2 I do not harass any person.

The conduct of Cllr Pipe amounted to a breach of the following sections of the Member/Officer Protocol;

- 1.2 The relationship between Members and Officers is based on the following principles:
 - (d) in everything they do, Members and officers of the Council must act within the law and comply with relevant codes of conduct;
 - (e) dealings between Members and officers are based on mutual trust and respect;

Sanctions

The Sub-committee decided that the sanctions set out below were an appropriate and proportionate response to the complaint.

It was agreed that Cllr Pipe:

1. Send a written apology to the relevant Executive Director to share with their staff, plus any officers that had since left the authority, if considered appropriate.
2. Undertake external Equality, Diversity and Inclusion training tailored in response to the details of this complaint and to be determined by the Monitoring officer in addition to a mentor being put in place to offer ongoing guidance and support after the training has been concluded.

This decision will be confirmed in writing and a decision notice posted on the council website.

This now concludes this hearing.

Appendix - Decision Notice

Duration of meeting: 9.30 - 11.16 am

Chairman

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