

Borough Council of  
**King's Lynn &  
West Norfolk**



**Borough Council of King's Lynn and West Norfolk**  
**Standards Committee Hearing**

**Date: 11, 12, 18 and 25 September 2013**

**Complaint Reference Numbers: 21/11, 22/ 11, 31/11 and 32/11**

**Terrington St Clement Parish Councillor Mrs S Thompson**

**DECISION NOTICE**

Complainants	Terrington St Clement Parish Councillor Miss B Hill Terrington St Clement Parish Councillor Mrs S Young
Standards Committee Members	Borough Councillor Mrs K Mellish (Chairman) Borough Councillor G McGuinness Borough Councillor D Whitby
Council Officers	Wendy Vincent, Democratic Services Officer Cara Jordan, Legal Adviser
Local Investigator	Emma Duncan
Date of Investigator's Report	12/01/13

## Decision Notice

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**Date: 11, 12, 18 and 25 September 2013**  
**Reference: 21/11, 22/11, 31/11 and 32/11**

### **1. Summary of the Complaint:**

It is alleged that Councillor Thompson:

- (a) Exceeded her authority in relation to the removal of a planning condition and misleading the public (21/11).
- (b) Used her position to "block" provision of youth facilities (21/11).
- (c) On 4 September 2011 shouted and mocked Councillor Hill (22/11).
- (d) Failed to declare an interest in land acquired by the Parish Council which Councillor Bobbins had also tendered for (22/11).
- (e) On 26 October 2011 bullied Councillor Hill (22/11).
- (f) On 16 November 2011 bullied Councillor Hill (22/11).
- (g) On 14 March 2012 failed to declare interests relating to Terrington Youth Club and Community Room (31/11 and 32/11).
- (h) On 14 March 2012 failed to treat other Members with respect by shouting and gesticulating at the Chairman (31/11 and 32/11).
- (i) On 14 March 2012 failed to declare interests on item relating to youth facilities (31/11 and 32/11).
- (j) On 14 March 2012 bullied other Members by shouting, gesticulating and ridiculing (31/11 and 32/11).
- (k) On 14 March 2012 brought the Council into disrepute by her conduct (31/11 and 32/11).
- (l) On 14 March 2012 attempted to secure an advantage for herself or PACT (31/11 and 32/11).

### **2. Relevant sections of the Code of Conduct**

Paragraphs 3, 5, 6, 8, 9, 10, 11 and 12.

### **3. Summary of evidence considered and representations made**

The Local Investigator found no breach in respect of allegations (a), (d), (h) and (j) above. The Standards Committee of 18/4/13 agreed with the Investigating Officer's findings where no breach was found. Those findings are confirmed by this Standards Committee.

The Committee considered allegations (b), (c), (e), (f), (g), (i), (k) and (l) above.

The Committee read the report and the relevant documentation. The Investigating Officer presented her report and Councillor Thompson gave evidence in person. The Committee considered additional statements from witnesses and documents provided by Councillor Thompson. The Committee listened to evidence given by witnesses at the Hearing.

#### 4. Facts and Reasons

The Committee carefully considered the report and the oral evidence, documents and witness statements in coming to their decision as to whether there had been a breach of the Code of Conduct, and in particular a breach of paragraphs 3, 5, 6, 8, 9, 10, 11 and 12.

##### FAILING TO TREAT OTHERS WITH RESPECT

Councillor Thompson, in her evidence, said that she has never bullied anyone, including the complainant, Councillor Hill. She denied ever mocking her or ever asking Councillor Hill if she had been CRB checked. A number of Terrington Parish Councillors provided statements in support of her assertion and in support of other Subject Members. The Committee was informed that Councillor Thompson showed the Investigator's report to two of these witnesses before they wrote a statement. As such, their witness statements may have been influenced by seeing the report rather than being their own recollections. In addition, the Committee noted that the statements of Councillors Hurn, Eves, Hodgson, Shepperson, Howling and Mr Hornigold were so strikingly similar in format and content, that it was the Committee's view that a common assistance was provided. As such, the Committee attaches little weight to these witness statements.

Some witnesses attended to give evidence. Councillor Hodgson, in his oral evidence, said that he was unable to recall any details of a verbal exchange at the meetings he attended. He had difficulty in remembering what he had written in his statement without reference to it. He did however say, in response to questions at the Hearing, that he did recall Councillor Thompson asking Councillor Hill if she had been CRB checked.

Councillor Howling gave oral evidence. He said that he did not recall any bullying of Councillor Hill by anyone. He said that he thought Councillor Thompson raised the issue with Councillor Hill as to whether she had a CRB check.

Councillor Eves gave oral evidence. He said that he prepared his statement using bullet points he had made, Councillor Thompson's notes and also some assistance from his wife. He said that he had a poor memory. He was unable to recall Councillor Thompson saying to Councillor Hill that she didn't know what she was talking about.

Mr Hornigold is the Chairman of PACT and has a business relationship with one of the other Subject Members. His allegiances to PACT are strong. Evidence was heard regarding a late night angry phone call he made to one of the complainants which he later apologised for. In oral evidence he said that he couldn't remember much said at the meetings in issue. The Committee considers that this evidence is partisan for the reasons outlined and as such holds little weight.

Councillor Spooner was unable to remember much about what was said at any of the Parish Council meetings in issue and Mrs Mannion was unable to give evidence regarding these meetings.

The Committee found that the witnesses on behalf of the Subject Member generally lacked clear independent recollection of what was said at the relevant meetings and detail.

On 4<sup>th</sup> September 2011, the Parish Council met and were to discuss an item relating to the skate park. When Councillor Hill was giving a verbal update, the complainant says that Councillor Thompson shouted over her and later asked her to produce a written report which was refused. Councillor Hodgson recalls Councillor Thompson being annoyed at no reports being brought back, though does not recall how this annoyance manifested itself in

Councillor Thompson. The complainant says that Councillor Thompson mocked her with the words "So Barbara says she won't do it, Barbara says she refuses to do it". Councillor Thompson accepts that she asked for a written report from this complainant and considered her refusal as being "in defiance of a reasonable request". The Committee considers that this comment, made by Councillor Thompson in evidence, betrays her true view of the situation: that she was in a position of power over the complainant. Councillor Thompson has no authority over the complainant as a Member of the Parish Council and did not make her request through the Chairman, but directly. The Committee considers that the complainant's recollection of the words used is convincing. She is detailed in her complaint which was made closer to the incident. The Committee is of the view that the request for the report and ensuing comment is part of a course of behaviour towards the complainant by Councillor Thompson and others. Whilst the Committee is not persuaded that Councillor Thompson shouted, it is of the view that on balance, she spoke to the complainant in a patronising and mocking way.

On 26<sup>th</sup> October 2011 Councillor Thompson accepts that she held the view that Councillor Hill had a conflict of interest relating to CCTV and her voluntary police role and asked her questions about this. However, Councillor Thompson says she did not ask Councillor Hill if she had been CRB checked. Both complainants say that this did happen and Councillor Hodgson and Councillor Howling also recalled this in oral evidence. The Committee finds that Councillor Thompson did ask this of Councillor Hill. These comments were made at a public Parish Council meeting. Given Councillor Hill's connection with the police, it questions her good name by indirectly raising doubts about her trustworthiness. The Committee considers that this is part of a pattern of behaviour undermining Councillor Hill which is disrespectful and amounts to bullying.

On 16<sup>th</sup> November 2011, just a few weeks after the incident of 26<sup>th</sup> October 2011, another meeting of the Parish Council took place. Again this was a public meeting and the complainant gives details as to Councillor Thompson revisiting the question of whether Councillor Hill had been CRB checked. The Committee, with reference to the other incidents, is of the view that this issue was raised again as part of a subtle and sustained approach by Councillor Thompson and others, in a repeated pattern of undermining Councillor Hill which is disrespectful and amounts to bullying.

## INTERESTS

The Chairman, at the beginning of the meeting of 14<sup>th</sup> March 2012, spoke to Members about needing to leave the room if they had a prejudicial interest. In particular, he mentioned that a prejudicial interest would arise where a relevant item was discussed and a Councillor was a member of PACT and a sporting club. Councillor Thompson is a member of PACT, a voluntary member of the Youth Club and her son plays football for the Terrington Tigers.

At the beginning of the Parish Council meeting of 14<sup>th</sup> March 2012, Councillor Thompson declared an interest in item 6 and item 12. Item 6 related to communications which were, in essence, requesting that the Parish Council waive a shortfall of £75 incurred by the Youth Club regarding use of the Pavilion. The Committee is of the view that Councillor Thompson had a prejudicial interest in this item and that it is likely that a member of the public would consider that her connection to the Youth Club would be likely to prejudice her view of whether money owed by the Youth Club should be waived by the Council. When item 6 was discussed, Councillor Thompson, in her oral evidence, said that she raised her hand and pointed to the relevant correspondence. She said that she did speak but only for two minutes and then withdrew from the discussion, placing her hands to her ears to indicate her

withdrawal. The Committee is of the view that Councillor Thompson did participate in the discussion of item 6 and, in any event, her actions of raising her hand followed by the covering her ears are not sufficient to make a declaration and withdraw from an item.

At this same Parish Council meeting, there was an item listed as 'item 11' called "Planning Application re Field Extension Land for facilities". Councillor Thompson did leave the room at item 11. In oral evidence, she said that prior to leaving the room she did not know the substance of item 11. Two witnesses, Councillor Hodgson and Councillor Spooner of the Parish Council, gave evidence that they believed, before the meeting, that item 11 related to the skate park. Other Subject Members agreed with Councillor Thompson's position. The Committee is of the view that although item 11 is not fully detailed in the Agenda, there had been a history of differing views, which had caused some discord, as to what this piece of land should be used for. It considers it likely that, with regard to the history and the wording in the Agenda, Parish Councillors would think that the item related to the piece of land purchased as an extension to the field for youth facilities.

As a member of PACT, the Youth Club, and also having a son who played for Terrington Tigers, the Committee is of the view that Councillor Thompson had a prejudicial interest in item 11 on the Agenda of the Parish Council meeting of 14<sup>th</sup> March 2012. PACT is a stand alone working group as detailed in its Constitution. PACT was considering the whole of the Memorial Field in its plans for sports facilities. In oral evidence from Councillor Thompson and other PACT members, it was apparent that members of PACT did not think that the new piece of land was the appropriate site for a skate park. Further, a planning permission for a skate park would be likely to affect the facilities of the Youth Club and of the Terrington Tigers. It is likely that a member of the public would consider that her connection to PACT and the Youth club, as well as her family connection with the Terrington Tigers, would affect her consideration of a planning application for a skate park on the land in issue.

These are interests which should have been declared at the beginning of the meeting or when the content of item 11 became apparent to her. Having left the meeting when this item was initially discussed, Councillor Thompson was made aware of the content of item 11 when the Clerk informed her of this in the waiting area. Councillor Thompson, now knowing the content of item 11, returned to the meeting and took part in the discussion, asking questions. Item 11 had not concluded. Councillor Thompson said, in her evidence, that she was not discussing item 11 but matters relating to prejudicial interests. Councillor Thompson is seen on the CCTV footage standing with two other Councillors who also had also left and returned. The Committee finds that Councillor Thompson's body language is reflective of a person who knows that she should not be in the room at that time. She does not return to her seat but remains standing with these two other Councillors, for around the next 20 minutes. Such conduct, individually and taken together, was visible to those in the meeting who did not have a prejudicial interest and who were entitled to discuss and vote on item 11. Whilst we accept that Councillor Thompson did not specifically speak about the piece of land in issue, she asked for item 11 to be deferred. The Committee considers that this amounts to Councillor Thompson using her position to block certain youth facilities. Given that there was some urgency in considering this item in order to obtain funding, any action to delay a decision was likely to frustrate its progress. Item 11 was not concluded at the meeting of 14<sup>th</sup> March 2012. The Committee finds that her presence in the room, during this controversial item, her physical alignment with two other Councillors re-entering the room, and her asking questions, including a request to defer the item, was an attempt to secure an advantage for herself or for the organisations in which she had an interest.

The Committee further finds, as a result of this conduct, that Councillor Thompson has brought the Council into disrepute.

## 5. Finding of Breach/non Breach of Terrington St Clement Parish Council Code of Conduct

- (a) Standards Committee of 18/4/13 refers.
- (b) Using position to “block” provision of youth facilities (21/11). **COUNCILLOR THOMPSON DID BREACH TERRINGTON ST CLEMENT PARISH COUNCIL’S CODE OF CONDUCT.**
- (c) On 4 September 2011 shouted and mocked Councillor Hill (22/11). **COUNCILLOR THOMPSON DID BREACH TERRINGTON ST CLEMENT PARISH COUNCIL’S CODE OF CONDUCT.**
- (d) Standards Committee of 18/4/13 refers.
- (e) On 26 October 2011 bullied Councillor Hill (22/11). **COUNCILLOR THOMPSON DID BREACH TERRINGTON ST CLEMENT PARISH COUNCIL’S CODE OF CONDUCT.**
- (f) On 16 November 2011 bullied Councillor Hill (22/11). **COUNCILLOR THOMPSON DID BREACH TERRINGTON ST CLEMENT PARISH COUNCIL’S CODE OF CONDUCT.**
- (g) On 14 March 2012 failed to declare interests relating to Terrington Youth Club and Community Room (31/11 and 32/11). **COUNCILLOR THOMPSON DID BREACH TERRINGTON ST CLEMENT PARISH COUNCIL’S CODE OF CONDUCT.**
- (h) Standards Committee of 18/4/13 refers.
- (i) On 14 March 2012 failed to declare interests on item relating to youth facilities (31/11 and 32/11). **COUNCILLOR THOMPSON DID BREACH TERRINGTON ST CLEMENT PARISH COUNCIL’S CODE OF CONDUCT.**
- (j) Standards Committee of 18/4/13 refers.
- (k) On 14 March 2012 brought the Council into disrepute by conduct (31/11 and 32/11). **COUNCILLOR THOMPSON DID BREACH TERRINGTON ST CLEMENT PARISH COUNCIL’S CODE OF CONDUCT.**
- (l) On 14 March 2012 attempted to secure an advantage for herself or PACT (31/11 and 32/11). **COUNCILLOR THOMPSON DID BREACH TERRINGTON ST CLEMENT PARISH COUNCIL’S CODE OF CONDUCT.**

## 6. Sanctions imposed

The Panel recommends that Terrington St Clement Parish Council arrange training for Councillor Thompson in the following terms:

A tailored training course provide by NALC or other appropriate provider dealing with the following topics to be completed by 31 March 2014:

- Role of the Parish Council.
- Roles of the Councillors and the Chairman.
- Role of the Clerk.
- Code of Conduct.
- Disclosable Interests.
- Conduct of Meetings.
- Records/Minutes.
- Committees.

- Sources of help and advice and where to obtain this information from.
- Treating those attending Parish Council meetings with respect.
- Dealing with Difficult situations.

Signed..... Date: 27 September 2013

(Councillor Mrs K Mellish, Chairman of the Standards Committee Hearing)