

Governance Committee Agenda



11 March 2026

Membership

Councillor K. Franks (Chair)

and Councillors

H. Ayres, I. Fuller, B. Massey, M. Steel, A. Thompson and
S. Young

Parish Council Representatives

Councillor K. Bentley (South Woodham Ferrers Town Council)
Councillor K. Golla (Chelmsford Garden Community Council)
Councillor P. Jackson (Great Waltham Parish Council)

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There is also an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please telephone the Democracy Team on (01245) 606480 or email committees@chelmsford.gov.uk

Governance Committee

11 March 2026

AGENDA

1. Apologies for Absence

2. Declaration of Interests

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

3. Chair's Announcements

4. Standards Complaints 8/25 Hearing Report

This item will determine the complaints made by way of a hearing pursuant to the procedure detailed at Part 5.1.2 Annex 5 of the Council's Constitution. In line with paragraph 6 of the procedure after the passing of an appropriate resolution the Committee will retire and consider the cases in question in consultation with the Independent Person before returning with their decision.

5. Urgent Business

To consider any other matter which, in the opinion of the Chair, should be considered by reason of special circumstances (to be specified) as a matter of urgency.



Chelmsford City Council Governance Committee

11 March 2026

Standards Complaints 8/25 - Hearing Report

Report by:
Monitoring Officer

Officer Contact:
Lorraine Browne, Legal & Democratic Services Manager & Monitoring Officer,
lorraine.browne@chelmsford.gov.uk, 01245 606560

Purpose

To undertake a hearing to determine whether Cllr Paul Clark has breached the code of conduct.

Recommendations

1. To consider and determine whether there has been a breach of the code of conduct by Cllr Paul Clark and if so, what action should be taken.
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1. Background

- 1.1 A complaint was received by the Monitoring Officer in June 2025 by an officer who alleged that Cllr Paul Clark had breached the code of conduct. This complaint was referred for investigation.
- 1.2 The complaint and outcome of the investigation are set out within an investigator's report which can be found at Appendix 2. The external investigator's report provides an overview of the complaint together with the background and the conclusions reached. The investigation report is a public document. It also includes representations made by the councillor during the investigation process, which are contained in the appendix to the investigation report. The appendix will not be published at this stage and is included in the agenda as a proposed exempt item under Part 2, due to the personal data it contains. A preliminary issue for the Committee will be to decide whether to move into private session at any point where the agenda items under Part 2 are discussed.
- 1.3. The investigator reported back their views concerning 2 allegations that were made. In relation to one allegation the investigator concluded that there was no evidence to support the allegation made. This allegation was dealt with administratively by the Monitoring Officer who determined that no further action should be taken in relation to this allegation. The Councillor has raised concerns about details of this allegation being put into the public domain and it is appropriate for such details to be redacted from the public report. Committee members are asked to note that they do not need to consider this allegation and that this is why parts of the investigation report and the appendix to the investigation report have been redacted.
- 1.4 The appendix to the investigation report has been included as Appendix 3 to this report.
- 1.5 The Committee is asked to hear and make a formal determination as to whether Councillor Clark has breached the code of conduct in relation to the remaining allegation of disrespect towards an officer (and if so any appropriate action that should be taken).
- 1.6 The relevant tests that members need to consider to determine whether there has been a breach of the code of conduct are also included in the investigation report and further advice will be available at the hearing as necessary.
- 1.7 The complainant's and witnesses' identity was kept confidential throughout the investigation process. However, confidentiality was lifted once the investigation was completed and the decision made for the matter to proceed to hearing. The details of the officers and their witness statements were provided to Councillor Clark as part of the pre hearing process.
- 1.8 Councillor Clark has indicated that he will not be attending the hearing. Details of further representations made by Councillor Clark during the pre hearing

process and correspondence with him about his attendance at the Hearing are also included in this report. These documents are included in Appendix 4 to this report. They are also exempt from publication and will be taken under Part 2 in the agenda.

- 1.9 If Councillor Clark does not attend the Hearing (he may turn up on the day), the Committee must decide whether to proceed in his absence as a preliminary issue before proceeding with the Hearing. The Committee is advised that it can proceed to hear the matter in Councillor Clark's absence. He has been provided with the full agenda and all papers, including the exempt items. He has confirmed that he does not wish to attend the Hearing.
- 1.10 The Committee should note that, Councillor Clark, the complainant, the investigator and the legal adviser to the Committee are entitled to see the exempt items at Part 2 and these have been provided to them. However, they have not been made available to the public with the agenda. The Committee must vote on whether to move into private session when discussing any of the Part 2 items. If it decides to maintain the exemption, the Committee should take care in discussing these items in open session.

2. Relevant procedures

- 2.1 The determination of complaints alleging breaches of the code of conduct by councillors is governed by the Complaints Procedure at Part 5.1.2 of the Constitution. This provides that the Monitoring Officer will review every complaint received and will consult an Independent Person before taking a decision to investigate a complaint.
- 2.2 The Committee should conduct a hearing to receive the report of the Investigating Officer and to hear the representations of the Councillor(s) against whom the allegations are made. Before reaching decisions on the complaints the advice of the Independent Person must be sought.
- 2.3 If the Committee decides that there has been a breach of the code of conduct it must consider what, if any, action to take. Before reaching a decision the advice of the Independent Person must be sought.

List of Appendices

Appendix 1 – Hearing Procedure for standards complaints

Appendix 2 - Final investigation report (redacted so only includes the one allegation referred to committee for determination).

Appendix 3- the appendix to the investigation report (Part 2)

Appendix 4 – Prehearing email traffic with councillor (Part 2)

Background papers:

Nil

Corporate Implications

Legal/Constitutional: These are set out in the report

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: None

Relevant Policies and Strategies:

Complaints Procedure

PART 5.1.2 ANNEX 5

GOVERNANCE COMMITTEE HEARING

PROCEDURE

<u>ITEM NO.</u>	<u>PROCEDURE</u>	<u>NOTES</u>
1.	<p><u>Quorum</u></p> <p>1.1 Three voting members must be present throughout the hearing to form a quorum.</p> <p>1.2 Where the complaint refers to a Parish Tier Councillor a co-opted Parish Tier Councillor of the Governance Committee should be present.</p> <p>1.3 The Governance Committee shall nominate a Chair for the meeting, where neither the Chair nor Vice Chair of the Committee are in attendance.</p>	
2.	<p><u>Opening</u></p> <p>The Chair will-</p> <p>2.1 Explain the procedure for the hearing and remind all parties to turn off mobile phones, audible alarms and pagers, or other equipment that either is capable of recording the meeting or interrupting proceedings.</p> <p>2.2 Ask all present to introduce themselves.</p> <p>2.3 Ask the Councillor against whom the complaint has been made (“the subject Councillor”), or their representative, whether they wish to briefly outline the subject Councillor’s position.</p>	

3.	<p><u>The Complaint and Investigator's Findings</u></p> <p>3.1 The Investigating Officer will be invited to present their report, including any documentary evidence or other material, and to call any witnesses they require.</p> <p>3.2 The subject Councillor, or their representative, may question the Investigating Officer upon the content of their report and any witnesses that have been called about the evidence they have provided.</p> <p>3.3 Members of the Committee may question the Investigating Officer on the content of their report and comments made to the Committee as well as any witnesses present.</p>	<p>3.1.1 The report and other information referred to must be based on the complaint made to the Council and no new points will be allowed.</p> <p>3.2.1 This is the subject Councillor's opportunity to ask questions arising from the Investigator's report only and not to make a statement</p>
4.	<p><u>The Councillor's Case</u></p> <p>4.1 The Subject Councillor or their representative may present their case and call any witnesses in support.</p> <p>4.2 The Investigating Officer may question the subject Councillor or witnesses.</p> <p>4.3 Members of the Committee may question the Subject Member or witnesses.</p>	<p>4.1.1 Only evidence related to the information in the Investigator's Report will be allowed, not new evidence or issues.</p>
5.	<p><u>Summing Up</u></p> <p>5.1 The Investigator may sum up the Complaint.</p> <p>5.2 The Member or their representative may sum up their case.</p>	
6.	<p><u>The Decision</u></p> <p>6.1 The Committee will leave the room to consider the case presented in consultation with the Independent Person,</p>	<p>6.1.1 This will include voting and non-voting co-opted members of the Committee</p>

	<p>if present, and may request the Monitoring Officer or other legal advisor to the Committee to accompany them.</p> <p>6.2 On the Committee's return the Chair will announce the Committee's decision, namely that either-</p> <ul style="list-style-type: none"> • The Committee decides that the subject Councillor has failed to follow the Code of Conduct; or • The Committee decides that the subject Councillor has not failed to follow the Code of Conduct; and • The Committee will give reasons for its decision. <p>6.3 If the Committee decides that the subject Councillor has failed to follow the Code of Conduct, it will then hear from the Investigator and the subject Councillor or their representative as to-</p> <ul style="list-style-type: none"> • Whether any action should be taken in relation to the subject Councillor, and if so • What form that action should take; and • Whether any recommendations should be made to the Council, or where appropriate the Parish or Town Council, with a view to promoting high standards of conduct amongst Councillors. <p>6.4 The Committee will leave the room to consider these representations and to decide what if any action should be taken, in consultation with the Independent Person, if present, and may request the Monitoring Officer or other legal advisor to the Committee to accompany them.</p> <p>6.5 On the Committee's return the Chair will announce the Committee's decision.</p> <p>6.6 The Chair will confirm that a full written decision shall be issued within 10 working days following the hearing and that the Committee's findings will be published as</p>	<p>6.4.1 & 6.5.1 Where the subject Councillor is a Parish Tier Councillor the Committee can only make recommendations to the Parish Tier Council as to the action that it feels appropriate.</p> <p>6.6.1 This will include the publication of a decision on the Council's website and</p> <p>6.6.2 A copy will be sent to</p>
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	appropriate.	the subject Councillor, complainant(s) and where appropriate the relevant Parish Tier Council.
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John Austin Associates

Chelmsford City Council

Investigation Report

Complaint from a Council employee against
Councillor Paul Clark

December 2025

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Investigation Report

Chelmsford City Council

Complaint by a Council employee against Councillor Paul Clark

1. Introduction

- 1.1 I was commissioned by Chelmsford City Council to investigate a complaint from an employee in the Planning Department against Councillor Paul Clark. Councillor Clark is a City Councillor.
- 1.2 I am a former Council Monitoring Officer and am totally independent of Chelmsford City Council.
- 1.3 The Council employee alleged that Councillor Clark showed her disrespect when he visited her at her desk on 5 June 2025.
- 1.4 The complainant alleges that Councillor Clark attended the Council offices unannounced and questioned the officer regarding an enforcement notice and the related decision. It was further alleged that the Councillor was hostile and argumentative from the outset. He reportedly raised his voice and repeatedly questioned the officer in a dismissive manner. The Councillor's challenge focused on the validity of the enforcement notice, which, in his view, should not have been issued. His demeanour was described as threatening. This behaviour was said to be consistent with previous occasions when he attended council offices unannounced and acted disrespectfully towards staff.
- 1.5 The Councillor was given an opportunity to respond to the allegation. He refuted the allegations and expressed dissatisfaction with the interim measures. He was not willing to meet with me as the investigating officer despite me offering numerous dates in 3 separate emails. He emailed me on 28 August and 20th October 2025 – see paragraphs 7.1 to 7.3 below.
- 1.6 The officer requested anonymity due to concerns about potential reprisals. The Council's Interim Monitoring Officer agreed to their identity being protected, although it was clear that the Councillor is aware of the officer's identity.

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- 1.7 Paragraph 1.2 of the Council's Councillor Code of Conduct states that councillors must treat local authority employees with respect and respect the role they play. The Code states that respect means politeness and courtesy in behaviour, speech, and in the written word.
- 1.8 The Council's Code of Conduct is underpinned by a number of principles including one of mutual respect and courtesy between officers and members (see the Council's Protocol for Relationships between Councillors and Officers – paragraph 5.3.0.2)
- 1.9 I am satisfied that Councillor Clark was acting in his capacity as a councillor when in conversation with the officer concerned on 5 June and that the Code of Conduct therefore applies.

2. **Summary of Findings**

- 2.1 The evidence from the complainant and witnesses indicates a lack of respect by Councillor Clark towards the complainant in breach of paragraph 1.2 of the Council's Code of Conduct.

3. **Documents and other evidence reviewed**

In the course of my investigation, I reviewed the following:

- (a) The complaint submitted by the officer
- (b) Email exchange between the Council's Interim Monitoring Officer and Councillor Clark
- (c) The Council's Decision notice in relation to the complaint dated 8 August 2025
- (d) The Council's Councillor Code of Conduct adopted on 20 July 2022
- (e) The Council's Protocol for Relationships between Councillors and Officers (updated September 2019)
- (f) The Council's Complaints Procedure

4. **Evidence Gathering & Consultation on Draft Report**

- 4.1 I interviewed the complainant on 16 September 2025, supported by her line manager. I also interviewed two officer witnesses together on

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8 October. Despite several invitations, Councillor Clark declined to meet with me (see paragraph 1.5 above).

4.2 Details of these interviews are set out in paragraphs 5 and 6 below.

4.3 Both Councillor Clark and the complainant were sent copies of my draft report for their comments on accuracy/fact. The complainant had no comments. Councillor Clark sent back a detailed response and this is attached as an appendix to this report – pages 14 - 20.

5. **Interview between John Austin and the Complainant – 16 September 2025**

5.1 The complainant was accompanied by her line manager, Kirsty Dougal.

5.2 I explained the Council's procedure for my investigation as an independent investigator and the complainant confirmed that she understood the process.

5.3 I asked the complainant to describe the actions of Councillor Clark when he visited her at her desk. She replied that the details had been set out in the complaint so she would not repeat it all. She stated the following: Councillor Clark turned up unannounced. There was a backstory. The Council had been dealing with a site occupied by travellers which had a history of inappropriate development. The Councillor had challenged planning enforcement staff on action they had taken. He had tried to get them to leave it alone. He had put staff under pressure. He turned up unannounced asking for Kirsty Dougal as the team manager. She was at lunch, so the complainant said she attended to him. He asked why the notice had been issued. The complainant said that he had a loose understanding of planning. He said that the Council had no cause to submit the notice. He was abrupt. The complainant said that she calmly explained why officers had taken the action. He talked over her. He implied that if the notice was not withdrawn, the owner would sell the land to other travellers who would mass develop the site in question. The complainant said that she explained how the owner could appeal. Councillor Clark threw his hands up, walked away and muttered something officers didn't hear as he was leaving. The complainant said that he is known to be difficult. He never speaks to people with respect. He has been rude to staff before, but not as rude as he was on the occasion in question. The complainant said that he has a lot to do with the site under discussion.

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- 5.4 I reminded the complainant that she had referred to previous incidents with Councillor Clark, I asked for more information. She replied that although she deals with all travellers' sites, a lot of his rudeness had been directed at Kirsty Dougal as the manager. The complainant said that he would dismiss her, but he would speak to male colleagues. One of those colleagues previously told him that he needed to speak to her (the complainant) as she was sitting at the next desk. The complainant remarked that he sneered and ignored her. She feels that Councillor Clark does not respect her.
- 5.5 Ms Dougal confirmed that Councillor Clark arrives in the office unannounced. Other councillors make appointments to ensure that the right staff are available, particularly with remote working. In her view, Councillor Clark is reluctant to speak to her as a female manager. He will tend to speak to a male officer.
- 5.6 She added that he looms over desks, telling officers to sort issues out - not in a discussion or problem-solving way. He has even done it when she was in a remote meeting. He still tried to talk to her whilst she was on-line. She confirmed that she wasn't present when the incident happened which led to the complaint.
- 5.7 I referred to the complainant's understanding that he may have previously been advised not to visit officers in this way. I asked if this was done verbally or in writing? Ms Dougal replied that this either came from her Director or the Monitoring Officer, although she wasn't sure if it was verbal or written. It was a result of the remote meeting interruption referred to earlier. She then told the team that councillors had to make an appointment. I said I would speak to the Monitoring Officer about any previous communication.
- 5.8 We then discussed witnesses. Ms Dougal undertook to speak to other members of her team who had said they would be willing to meet me. I said that I was open to either a joint session with all those staff or separate ones, depending on their preference.

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5.9 I asked the complainant if she had anything else to add. She referred to an error in the Monitoring Officer's decision notice. Paragraph 5 stated that the Councillor challenged a notice dating back to 2020. The notice in question was in fact in 2025. She had no knowledge of the 2020 notice as it was before her employment with the Council.

6. Interview between John Austin and Two Council Officers (witnesses) – 8 October 2025

6.1 Having set out the details of the complaint and my investigation process, I asked both officers to describe what they saw and heard.

6.2 Officer A said that he sits directly next to the complainant and was present for the majority of her conversation with Councillor Clark. He stated the following: The complainant was busy when Councillor Clark arrived, so he waited before talking to her. The Councillor began querying a notice which the complainant had served. He was dismissive, asking why the notice had been issued. He kept waving a document in the air saying that the complainant hadn't considered it and that the decision to serve the notice was wrong. Officer A said that he didn't recognise the document in Councillor Clark's hand. Councillor Clark told the complainant that it was silly to make the decision she did. The complainant replied that she hadn't seen the document, so she couldn't have taken it into account, adding that she couldn't ignore something she hadn't seen. She advised Councillor Clark that the landowner could appeal the notice if he wished. Officer A said that he could see that Councillor Clark was still not happy. He raised his voice a little and scoffed, cutting the complainant off midsentence. Officer A said he distinctly remembered the Councillor stating "well this is pointless" and he walked away. In answer to my question, Officer A didn't feel that Councillor Clark shouted. There was more frustration and annoyance in his voice. He added that he wouldn't like to have been spoken to like that.

6.3 Officer B added that they sit opposite the complainant but couldn't hear or remember everything that was said. What they could see was that when Councillor Clark was talking, the complainant remained calm and level headed. The Councillor became more frustrated as it went on. He stormed off, mumbling stuff as he walked away. Officer B said that they

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wouldn't want to be spoken to in that way, adding that the complainant was only trying to do her job.

- 6.4 Both officers agreed that they did not hear Councillor Clark use offensive or aggressive language. Officer A said that Councillor Clark uses a tone of voice that makes them feel uncomfortable and reluctant to say no or disagree with him. Officer B said that it's more of a one-sided conversation with him. He talks at you if he doesn't get what he wants. Officer A said that it has got to the point where officers wonder whether to speak up in his presence.
- 6.5 I asked about Councillor Clark's attitude and demeanour. Both agreed that the complainant was sitting down and Councillor Clark remained standing and appeared to be towering over her. His language wasn't aggressive, but he spoke like you would to a child – as if the complainant was silly. She is not in their view. She is good at her job. They felt that Councillor Clark should have respected the enforcement decision. He had a right to disagree but not in the way that he did.
- 6.6 Officer B said that she noticed that when Councillor Clark visited the complainant, he never looked her in the eye. This in their view showed a lack of respect towards their colleague. Officer B further commented that Councillor Clark visited the office previously on a number of occasions and discussed the complainant's cases with an ex colleague, even when the complainant was sitting nearby. He wouldn't talk to the complainant directly even when the ex colleague reminded him that she was present. He only started talking to her after the colleague left the Council. On another occasion, Officer A said that Councillor Clark came into the office and wanted a case file set up for a particular piece of land. No other councillor has done this. Officer A was sure that wasn't the right approach. The Councillor should have emailed the request.
- 6.7 Officer B commented that the complainant has been in her job for a long time. Councillor Clark equally has been around a while too. He has visited their office countless times. He never calls the complainant by name or appears to understand what her job role is. He never appears to want to talk to her. He speaks to her as if she doesn't know anything.

7. Evaluation and Findings

- 7.1 As stated in paragraph 1.5 above, Councillor Clark was not willing to meet with me. In response to me writing to him on 28 August to introduce myself and offer him meeting dates, he responded the same day as follows:

"These dates do not work"

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In addition, since you already have my comments about the allegations you should know I require the evidence not an opinion that these groundless allegations are correct.

You have not supplied this.

I don't have an answer to groundless allegations, because I would be trying to comment on conjecture, not proof.

This is a biased investigation, the complaint has been aided by officers.

This has not remained confidential as it has been discussed by several officers at the council, which has resulted in my access to the building being denied.

It represents a predetermination without the facts or evidence, based on Ms xxx (my redaction) groundless allegations.

If I am a "threat to the safety of staff", which is taken as a serious allegation, then why have I not been interviewed under caution by the police?

Take a look at the complaint email on the 9th June 2025, then compare this to your list of 4 points.

This complaint has been changed significantly from allegations in the email I received on the 9th June 2025.

It is further suggested there have been similar cases.

When and regarding what? Again no evidence, just conjecture, in order to make this look serious enough to warrant a waste of time and money with an external investigation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Please present facts based on evidence, not opinion, in writing by return email.”

7.2 I responded as follows:

“The purpose of my investigation is to establish the facts, collate and evaluate the evidence and report my independent findings to the Council. It will then be for the Council to decide whether there has been a breach of its Code of Conduct based on my findings.

I will also be requesting a meeting with the complainant and any witnesses to obtain evidence to support the allegations.

I asked to meet with you to give you the opportunity to answer the allegations as part of my investigation. You can also at that meeting tell me where you think the complaint has changed. That offer still stands. Please note however that I will continue with my investigation regardless and produce my findings. You will still have the opportunity to comment on my draft report at the appropriate time.”

7.3 I wrote to Councillor Clark on three separate occasions offering him dates to meet me (emails on 28 August, 18 September and 18 October 2025). He never took up the offer. The Council’s arrangements for dealing with complaints do not require him to meet me. Councillor Clark has engaged in email correspondence with me as shown above. On 20th October, he wrote to me saying that he was unable to meet with me on the dates offered due to work commitments, He suggested that I proceed with my report, which he looked forward to reading and commenting on should it not reflect what he had previously stated.

7.4 I have reviewed the email dated 9 June which Councillor Clark has referred to and my email to him dated 28 August in relation to his claim that the complaint has been significantly changed. The 9 June email from the Council’s Democracy Team Manager set out the complaint in detail. My email summarised the issues into 4 bullet points. I am satisfied that there were no differences in the substance of the allegations and do not agree with Councillor Clark that the complaint changed significantly. Councillor Clark was given the opportunity to state what those significant changes were, but he has not done so. If he had met with me, I would also have given him the opportunity to evidence his claim.

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- 7.5 Councillor Clark has asked for evidence to support the allegations. The first part of the complaint related to his behaviour and conduct when he visited the Planning Enforcement Office on 5 June. The evidence presented to me are the testimonies of the complainant and witnesses. I would have presented this to him if I had met him.
- 7.6 The complainant's allegations in relation to Councillor Clark's behaviour and conduct have been supported (wholly or in part) by two of her colleagues who were present in the office on 5 June when Councillor Clark visited (see paragraph 6 above). The complainant's line manager (Kirsty Dougal) also told me that Councillor Clark is reluctant to speak to her as a female manager. He will tend to speak to a male officer. This coincides with the views of the complainant and Officer B (see paragraph 6.6) and their view that Councillor Clark is reluctant to speak to female staff.
- 7.7 Ms Dougal also stated that Councillor Clark looms over desks, telling officers to sort issues out - not in a discussion or problem-solving way. He has even done it when she was in a remote meeting. He still tried to talk to her even though he could see she was in a meeting. She confirmed that she wasn't there when the incident happened which led to the complaint.
- 7.8 Ms Dougal's description of Councillor Clark's manner is similar to the views of Officers A and B in section 6 above although she didn't witness the events on 5 June.
- 7.9 Prior to him receiving the draft report, Councillor Clark offered very little evidence in response to the complaint relating to his conduct during the visit in question. The attached appendix was received in response to the draft report. On the other hand, I had witness testimony from colleagues of the complainant supporting her complaint. The complainant's line manager told me that Councillor Clark shows a reluctance to speak to a female officer and that he looms over desks, telling officers to sort issues out - not in a discussion or problem-solving way. The evidence presented to me follows a similar pattern or trait in the way Councillor Clark particularly relates to female officers.
- 7.10 In paragraph 5.7 above, Ms Dougal said that she thought that Councillor Clark had been advised not to visit the Council's officers unannounced in the way that he did. I checked with the Council's Monitoring Officer and can confirm that she wrote to Councillor Clark on 7th October stating that to ensure that councillor queries are dealt with efficiently and appropriately, councillors are asked not to enter the officer area(s) in these situations without a prior appointment being made. This was followed up with an e mail to all members on 8

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November giving the same message and clarifying how members' enquiries should be submitted to Council officers.

- 7.11 In considering the evidence before me, I have had regard to the Local Government Association's Guidance on the Model Councillors' Code of Conduct. That says that failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.
- 7.12 Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with councillors because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour. (my underlining).
- 7.13 The final part of the above paragraph (underlined) is in my view important to this complaint. Officer A told me that it had reached the point where they question whether to speak out in Councillor Clark's company (see paragraph 6.4 above). I have found the complainant and her two officer colleagues to be credible and consistent in giving their statements. I have taken in account the fact that a young Council Officer has felt it necessary to complain about a councillor and that her colleagues have also spoken out in support. I'm sure that was not done lightly, and it took some courage to do so.
- 7.14 I regard the comments from Ms Dougal as the line manager as helpful background information as it accords with the views expressed by the complainant. However, given that she wasn't present during the incident in question, I have given less weight to her evidence. I find that, on the balance of probability, there is evidence to support the element of the complaint relating to Councillor Clark's behaviour and conduct when he visited the complainant at her desk on 5 June. In my view, the evidence from the complainant and the two witnesses points to a lack of respect by Councillor Clark towards the complainant in breach of paragraph 1.2 of the Council's Code of Conduct.

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- 7.20 My understanding is that Councillor Clark usually appears in person unannounced at the planning enforcement office. Whilst officers want to be supportive towards members, this method of communication is not always productive or helpful. I suggest that Councillor Clark considers giving advance notice of such visits in the future (as requested by the Monitoring Officer), particularly to ensure that the most appropriate officer is present to deal with his issues.
- 7.21 In reaching the above findings, I would like to record my thanks to all who assisted and co-operated in this investigation.

03.12.25