



TO: THE MEMBERS OF HUGHENDEN PARISH COUNCIL

Cllr J Armshaw, Cllr M Byrom, Cllr G Cadwallader, Cllr L Derrick, Cllr C Janes, Cllr S Jones, Cllr S Kearey, Cllr D Main, Cllr U Prashar, Cllr S Thomas

Dear Councillor,

You are hereby summoned to attend an Extraordinary Full Council Meeting to be held on Monday 3 April 2023 at 7:30 pm at North Dean Village Hall, Speen Rd, Upper North Dean, HP14 4NL

Signed: Louise P Steele

Date: 22 March 2023

Parishioners and others in attendance are reminded that they must remain silent during the transaction of Council business.

AGENDA

- 1. Apologies for Absence**
To consider and approve apologies for absence.

- 2. Declarations of Interests and Dispensations**
In accordance with Sections 30 (3) and 235 (2) of the Localism Act 2011 and Hughenden Parish Council Code of Conduct, Councillors are requested to disclose personal and prejudicial interests on matters to be considered at the meeting.

- 3. Code of Conduct Complaints about Councillor Linda Derrick – Recommended Sanctions Following Findings of Breach**
To receive
 - the report of the Deputy Monitoring Officer (Appendix A); and
 - the Decision Notice of the Hearings Sub-Committee following a hearing held on 19 January and 2 March 2023 (Appendix B)

To consider the recommended sanctions (at A-F below) made by the Buckinghamshire Council Hearings Sub Committee consequent upon breaches of the Hughenden Parish Council Member Code of Conduct by Cllr Linda Derrick. The Buckinghamshire Council Hearings Sub-Committee decided to recommend the following sanctions to Hughenden Parish Council as an

appropriate and proportionate means of addressing the various breaches found (see also paragraph 11 sanctions A-F of the Decision Notice at Appendix B):

- A. Ask Cllr Derrick to issue a written apology to the complainants of PC 32 and PC 52, (to recognise the upset caused to both former employees)
- B. Censure Cllr Derrick for each of the breaches (given the seriousness of the findings and to place on record the Council's collective commitment to high standards of public conduct)
- C. Issue a press release to report the breaches and sanctions to the wider public (to demonstrate the importance of high standards of public conduct and the integrity of the Member Code of Conduct complaints process); and to note where breaches were not found
- D. Place a statement on the Parish Council's website and public notice boards about the breaches and sanctions; a similar notice to be placed on Buckinghamshire Council's website (for the same reason as in C, with particular emphasis on informing local people of the same); and to note where breaches were not found
- E. Require Cllr Derrick to attend arranged training in observing the member code of conduct; councillor-officer relations; and in handling personal data (to ensure proper understanding of these areas of governance and to ensure Cllr Derrick can be more fully effective in future as a councillor)
- F. That from the date of Hughenden PC's resolution until Cllr Derrick attends this training, she be excluded from attending any premises of HPC except to attend meetings of the Council (given that Cllr Derrick's behaviour was directed towards an employee outside of a meeting context)

4. Ethical Governance – Best Practice Suggestions from the Buckinghamshire Council's Hearing Sub-Committee

To consider the best practice suggestions made below by the Buckinghamshire Council's Hearing Sub-Committee as a separate issue from the complaints referred to in the previous agenda item (see also paragraph 13 of the Decision Notice at Appendix B); that the Parish Council:

- 1) Consider adopting a Councillor-Officer Protocol – such as the model protocol issued by the Civility & Respect Project
- 2) Consider adopting a Social Media Protocol
- 3) Consider further developing the Council's ethical culture by, for example, giving consideration to the Civility and Respect Pledge formulated by the Civility and Respect Project.

Appendix A



Report to Hughenden Parish Council following a meeting of the Buckinghamshire Council Hearing Sub-Committee

Member Code of Conduct – Complaints about Cllr Linda Derrick (PC 32, 47 and 52)

Recommended sanctions and governance

RECOMMENDATIONS:

- 1) Following breaches of the Hughenden Parish Council Member Code of Conduct by Cllr Linda Derrick, Hughenden Parish Council is **recommended to adopt** the sanctions A-F listed at paragraph 11 of the annexed Decision Notice.
- 2) **Note and consider** the suggestions at paragraph 15 of this report to assist the Parish Council in its ongoing commitment to maintaining strong and inclusive ethical governance.

BACKGROUND

1. On 19 January 2023, a Hearing Sub-Committee of Buckinghamshire Council found that Cllr Linda Derrick breached your Council's Member Code of Conduct in several respects in relation to three complaints made about her. On 2 March 2023, the same Sub-Committee reconvened and recommended that, given the seriousness of the breaches, several sanctions be recommended to your Council as the most appropriate and proportionate means of supporting a change in Cllr Derrick's behaviour.
2. The Sub-Committee also found that Cllr Derrick had not breached the Code in two other respects (outlined in the Decision Notice) and no sanctions arose on those points.

PURPOSE OF THIS REPORT

3. The purpose of this report is to invite the Parish Council to adopt the sanctions recommended by the Hearing Sub-Committee.

4. Additionally, and not related to any sanctions, the Sub-Committee has suggested certain governance steps which your Council may find helpful in developing your existing commitment to high standards of public conduct.

THE COMPLAINTS AND THE FINDINGS OF THE SUB-COMMITTEE

5. The Decision Notice annexed to this report sets out the nature of the complaints, the findings of the Sub-Committee and the rationale for the sanctions now recommended to you.

BUCKINGHAMSHIRE COUNCIL'S ROLE AND PROCESS

6. The decisions of the Sub-Committee were the culmination of a three-stage complaints process carried out by Buckinghamshire Council under the *Arrangements for dealing with complaints against councillors*.
7. Under legislation, Buckinghamshire Council is the authority charged with investigating Code of Conduct complaints within the county. The process involved a formal investigation carried out by an external investigator appointed by Buckinghamshire Council. The investigator's report was then heard by the Hearing Sub-Committee.
8. At all relevant stages, including the hearing stage, the process was informed by the views of the statutorily appointed Independent Person. While the findings and sanctions were determined by the Sub-Committee members, the independent person concurred with them.

ROLE OF THE PARISH COUNCIL

9. The Parish Council is asked to implement the sanctions for the reasons given in the Decision Notice. The findings of breach are a matter of fact and must be accepted as such. The Council's role is to determine *whether* the sanctions should be applied.
10. It is not open to the Parish Council to reconsider the investigation or to reach any different conclusions about it. Nor can the Council determine other sanctions to those recommended by the Sub-Committee. This is because a failure to abide by the Code cannot be dealt with otherwise than through the principal council's *Arrangements* (Localism Act 2011, Section 28(4)).
11. In short, your Council can choose to implement the sanctions in whole or in part, or not at all. It cannot add to them. Having considered the rationale for the recommended sanctions, you may for example, have a perspective on the proportionality or timing of them.

UPHOLDING THE ETHICAL STANDARDS

12. The Decision Notice gives the rationale for the recommended sanctions. The operation of the standards regime (under the Localism Act 2011) is an integral part of maintaining

and demonstrating high standards of public conduct. The sanctions are recommended on this basis.

13. Similarly, there is a Code of Conduct expectation on Cllr Derrick to abide by any sanctions agreed. The Hughenden Member Code of Conduct, following the national model, contains the following commitment: "I will comply with any sanction imposed on me following a finding that I have breached the Code of Conduct".
14. In each case, the recommended sanctions are not intended to be punitive. Rather they have been recommended on the basis of all the evidence received as the best means of securing compliance with the Code by Cllr Derrick in future. They are intended to help Cllr Derrick achieve a more productive way of working with colleagues in the best interests of the people of Hughenden Parish, in keeping with the highest standards of conduct.

ADDITIONALLY

15. As a separate issue from the complaints and having regard to the future arrangements of Hughenden Parish Council, the Sub-Committee agreed to highlight the following areas of best practice to the Council. This is offered in recognition of the Council's known intention to develop and maintain a strong and inclusive governance culture, to help all councillors and officers of the Council to work productively together.
 - 1) Consider adopting a *Councillor-Officer Protocol* – such as the model protocol issued by the Civility & Respect Project
 - 2) Consider adopting a *Social Media Protocol*
 - 3) Consider further developing the Council's ethical culture by, for example, giving consideration to the *Civility and Respect Pledge* formulated by the Civility and Respect Project

Nick Graham
Deputy Monitoring Officer
Buckinghamshire Council

Appendix B



Decision Notice - Hearings Sub-Committee

A HEARING HELD ON 19 JANUARY AND 2 MARCH 2023 AT THE GATEWAY, GATEHOUSE ROAD, AYLESBURY

SUBJECT MEMBER: COUNCILLOR LINDA DERRICK, HUGHENDEN PARISH COUNCILLOR

Members of the Sub-Committee

Councillor T Broom (Chairman), Councillor B Chapple OBE, Councillor D Thompson

Mr T Dobson (Independent Person), advisory and non-voting.

Participants

Mr N Graham – Deputy Monitoring Officer, Buckinghamshire Council, advisory

Mr J Thomas – external investigator appointed by the Council

Complainant for Complaint PC 32, as a witness called by Mr Thomas

The Sub-Committee noted that the Subject Member, Cllr Derrick, whilst invited, was not in attendance at the meeting. She had however submitted written comments for the meeting on 19 January.

PURPOSE OF THE NOTICE:

1. This is a notice of the decisions made by the Hearing Sub-Committee of Buckinghamshire Council into three complaints made against Cllr Linda Derrick of Hughenden Parish Council. Each complaint alleged that Cllr Derrick had breached the Hughenden Parish Council Member Code of Conduct. In considering the complaints, the Sub-Committee followed the Buckinghamshire Council procedure for undertaking hearings.

SUMMARY OF THE COMPLAINTS

Complaint PC 32

2. This complaint was made by an employee who has since left the Parish Council. The complaint alleged that on 14 May 2021, Cllr Derrick made unreasonable demands of the officer to see documentation held by the Council, despite Cllr Derrick having been informed that this was contrary to the Council's previous resolutions. The employee felt that Cllr Derrick disrespected the employee's role and felt bullied by her into providing the file on Cllr Derrick's terms and not on the Council's.

PC 47

3. This complaint was made by a Hughenden Parish Councillor (since resigned). The complaint was two-fold.
 - 1) That, as in PC 32, Cllr Derrick made unreasonable demands of the employee on 14 May 2021 to access the documentation
 - 2) That Cllr Derrick made unreasonable criticisms of the same employee in online blog posts.

PC 52

4. This complaint was made by a second employee, who has since left the Parish Council. The complaint was that Cllr Derrick unreasonably required that any meetings between Cllr Derrick and the employee be recorded or witnessed by a third party. The employee considered this to be disrespectful of her role and that the behaviour was tantamount to bullying and harassment of her.

DECISIONS:

5. Buckinghamshire Council had appointed an external investigator who presented a report of his findings to the Sub-Committee. In reaching his conclusions, the investigator had reviewed all written evidence and had interviewed each complainant and Cllr Derrick.
6. Following consideration of all of the evidence presented to it, the Sub-Committee upheld each of the recommendations contained in the Investigator's report. Consequently, it found that Cllr Derrick had breached the Hughenden Parish Council Member Code of Conduct in relation to each of the three complaints as set out below. The Panel also upheld two recommendations to find that the Code of Conduct had not been breached as set out below.

PC 32 – complaint:

- A. Cllr Derrick breached paragraph 7.1 of the Hughenden Parish Council Member Code of Conduct, in that Cllr Derrick failed to show respect to an employee of the Council in relation to the incident on 14 May 2021
- B. Cllr Derrick breached paragraph 7.2 of the Code in relation to that incident, in that Cllr Derrick was found to have bullied the employee

PC 47

The first part of this complaint was, in essence, the same as in PC 32. In relation to this (as above):

- C. Cllr Derrick breached paragraph 7.1 of the Code, in that Cllr Derrick failed to treat an employee with respect in relation to the incident on 14 May 2021
- D. Cllr Derrick breached paragraph 7.2 of the Code in relation to that incident, in that Cllr Derrick bullied the employee

The second part of this complaint related to blog posts by Cllr Derrick which allegedly made public criticisms of the same employee. In relation to this:

- E. Cllr Derrick breached paragraph 7.1 of the Code, in that Cllr Derrick failed to treat the employee with respect as an employee of the Council in posting the public blog posts critical of the employee
- F. Cllr Derrick did not breach paragraph 7.2 (duty to refrain from bullying) in relation to this complaint.

PC 52

- G. Cllr Derrick breached paragraph 7.1 of the Code, in that Cllr Derrick failed to treat the second employee with respect in saying that she would only meet with the employee if the meeting were witnessed or recorded
- H. Cllr Derrick breached paragraph 7.2 of the Code in that Cllr Derrick bullied the employee in making this requirement
- I. Cllr Derrick did not harass the employee with regard to this matter and so did not breach the Code (paragraph 7.2) in respect of harassment.

REASONS FOR DECISIONS

PC 32 and equivalent part of PC 47:

- 7. The Sub-Committee agreed that the employee had been put in an invidious and intimidating position in being made to provide documents in a manner expressed by Cllr Derrick, contrary to what the employee genuinely believed to be the stated will of the Council. The Sub-Committee agreed with the investigator that this represented a failure to treat the employee's position and person with respect, that there were other procedural ways in which any disagreement with the employee's role and position could have been addressed; Cllr Derrick's insistence on acting contrary to the employee's statement of the Council's stance and then taking pictures of the material in direct opposition to that stance, was disrespectful. The Sub-Committee considered that the deep upset caused to the employee, albeit during one-off incident, and seemingly not intended as such by Cllr Derrick, was an instance of bullying, having regard to the ACAS definition.

PC 47 – second element

- 8. The Sub-Committee agreed with the investigator's conclusion that the blog posts were, effectively, a public criticism of the employee's performance. Such concerns should have been addressed through the Council's internal staffing procedures. Publishing the criticisms went beyond Cllr Derrick's rights to freedom of expression: it contravened the Council's processes for dealing with concerns about an employee's performance; and it raised the matters in an arena where the employee did not have a legitimate right of reply and when there was no compelling or immediate reason to have done so. The Sub-Committee considered that this behaviour was disrespectful of the role and position of an employee of Hughenden Parish Council and so breached the Code of Conduct in

that respect. The Sub-Committee also noted from the investigator's report that while the employee considered the posts to be "frustrating and on occasion humiliating" they did not have a sustained impact which could be considered bullying: as such the Sub-Committee did not find that bullying had occurred.

PC 52

9. The Sub-Committee agreed with the recommendation of the investigator that Cllr Derrick's requirement was inappropriate and unreasonable. The Sub-Committee agreed with the investigator that "the insistence on having a witness/recording by a councillor is an abuse of power which has very strong negative connotations regarding the trustworthiness" and accepts that the requirement caused the second employee a great deal of upset. As such, the Sub-Committee agreed that the requirement was disrespectful to the person and position of the employee and so breached the Code; and that the impact of the behaviour was such that it was bullying in nature, and consequently was a breach of the Code.

SANCTIONS

10. Having made its findings, the Sub-Committee adjourned the 19 January meeting to 2 March in order to discuss any appropriate sanctions that should apply where a breach of the Code had been found. The Sub-Committee noted that while Cllr Derrick had decided not to attend the proceedings of the Hearing Sub-Committee on 19 January, it would nevertheless offer her the opportunity to comment on the subject of sanctions, as envisaged in the Contested Hearing Procedure. In the event, Cllr Derrick did not make any comment and did not attend the reconvened meeting.
11. The Sub-Committee decided to recommend the following sanctions to Hughenden Parish Council as an appropriate and proportionate means of addressing the various breaches found:
 - A. Ask Cllr Derrick to issue a written apology to the complainants of PC 32 and PC 52, (to recognise the upset caused to both former employees)
 - B. Censure Cllr Derrick for each of the breaches (*given the seriousness of the findings and to place on record the Council's collective commitment to high standards of public conduct*)
 - C. Issue a press release to report the breaches and sanctions to the wider public (*to demonstrate the importance of high standards of public conduct and the integrity of the Member Code of Conduct complaints process*); and to note where breaches were not found
 - D. Place a statement on the Parish Council's website and public notice boards about the breaches and sanctions; a similar notice to be placed on Buckinghamshire Council's website (*for the same reason as in C, with particular emphasis on informing local people of the same*); and to note where breaches were not found
 - E. Require Cllr Derrick to attend arranged training in observing the member code of conduct; councillor-officer relations; and in handling personal data (*to ensure proper understanding of these areas of governance and to ensure Cllr Derrick can be more fully effective in future as a councillor*)
 - F. That from the date of Hughenden PC's resolution until Cllr Derrick attends this training, she be excluded from attending any premises of HPC except to attend

meetings of the Council (*given that Cllr Derrick's behaviour was directed towards an employee outside of a meeting context*)

This decision is final and there is no right of appeal.

ADDITIONALLY

12. The Sub-Committee also agreed that it would issue a press statement about the above decisions, to give transparency to them.
13. As a separate issue from the complaints and having regard to the future arrangements of Hughenden Parish Council, the Sub-Committee agreed to highlight the following best practice to the Council to it:
 - 1) Consider adopting a *Councillor-Officer Protocol* – such as the model protocol issued by the Civility & Respect Project
 - 2) Consider adopting a *Social Media Protocol*
 - 3) Consider further developing the Council's ethical culture by, for example, giving consideration to the *Civility and Respect Pledge* formulated by the Civility and Respect Project

Cllr Thomas Broom
Chairman, Buckinghamshire Council Hearings Sub-Committee

2 March 2023