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| <b>Member Complaint Ref:</b>                     | <b>NCC 18/11</b>  |
| <b>Subject Member</b>                            | <b>Councillor R. Parker of Blyth Town Council</b>   |
| <b>Subject Member's Representative/Supporter</b> | <b>Mr S Fahey</b>   |
| <b>Complainant</b>                               | <b>Ms S Noddings</b>  |
| <b>Chairman of Standards Committee</b>           | <b>Mr J Jackson</b>   |
| <b>Other Members of Committee in attendance</b>  | <b>Councillors A Tebbutt, A Murray, D. Buckle, E Armstrong, D Parker, P Kelly, C Homer</b>  |
| <b>Independent Person</b>                        | <b>Mrs J Common</b>   |
| <b>Legal Adviser</b>                             | <b>Mr. L Henry</b>  |
| <b>Investigating Officer</b>                     | <b>Mr. I Spafford</b>   |
| <b>Committee Clerk:</b>                          | <b>Ms. N Turnbull</b>   |
| <b>Date, time and place of hearing:</b>          | <b>Wednesday 11<sup>th</sup> December 2013 and Thursday 12<sup>th</sup> December 2013 at 9.30 a.m. at the Hirst Welfare Centre, Ashington, Northumberland</b> |

## **1. Hearing**

On 11th and 12<sup>th</sup> December 2013, the Standards Committee ('the Committee') of this authority considered a complaint from Ms S Noddings concerning the alleged conduct of Robert Parker, a member of Blyth Town Council.

## **2. Summary of Complaint**

It was principally alleged:-

- (i) That Councillor Parker has been confrontational and argumentative with the complainant and others since the complainant first commenced employment with the Town Council in November 2009.
- (ii) It is further alleged that the behaviour referred to above has worsened since he became Mayor in May 2011
- (iii) That Councillor Parker has constantly endeavoured to undermine the complainant's role and responsibilities on a number of occasions and in a variety of ways
- (iv) That the behaviours outlined in paragraphs 1. and 2. above have continued despite attempts by Councillor Parker's political group to have him moderate his conduct towards the complainant

**3. Relevant Section(s) of the Blyth Town Council Members' Code of Conduct in effect at the relevant time**

- paragraphs 2, 3 and 5 and 6

**4. Summary of evidence considered and representations made**

Evidence was considered from the following sources:-

- (i) Investigation report dated February 2013
- (ii) Written response to the investigation report from Councillor Parker submitted on his behalf by Mr S Fahey and dated the 25<sup>th</sup> October 2013
- (iii) Written representations from the Investigating Officer dated the 6<sup>th</sup> December 2013
- (iv) Oral representations were made as follows:-
  - (a) By the investigating officer in relation to the main elements of the investigation report and as to whether the relevant authority's Code of Conduct had been breached by the subject member
  - (b) By the subject member and his representative/supporter on the same matters as (a)

above.

- (iv) Oral witness testimony from three persons

**5. Principal findings of fact:-**

**(a) The Committee made the following principal findings of fact:-**

- (i) that Councillor Parker has been confrontational and argumentative with Ms Noddings, as Blyth Town Council Clerk, and others after May 2011 in his role as Mayor and Chair of the Assets Committee of that authority.
- (ii) that Councillor Parker did endeavour to undermine Ms Noddings role and responsibilities as Clerk.
- (iii) that Ms Noddings did not butt in or interrupt a Council meeting inappropriately on the 8<sup>th</sup> September 2011 but was seeking to convey appropriate advice in accordance with her role and that Councillor Parker did react in a way which was inappropriate and did not appear to want to consider the advice that was being given at that time
- (iv) that the email sent by Councillor Parker to Ms Noddings on the 10<sup>th</sup> September 2011 was inappropriate even if there was justification for taking up some of the issues set out in the email with her but that it also contained matters to do with the day to day running of the Council which were outside the remit of Councillor Parker which made his directional approach inappropriate
- (v) that Ms Noddings had become “increasingly defensive and vulnerable” as a result of Councillor Parker’s conduct towards her
- (vi) that Councillor Parker did at times cross the line between the mayor or chair of a committee “taking an interest” or expressing concerns in general terms about staffing matters which directly impact on the business of the Council or that committee and interfering in staffing matters
- (vii) that Councillor Parker at times acted beyond his sphere of responsibility as mayor and interfered in issues and processes that were Ms Noddings’ responsibility and thereby usurped Ms Noddings’ role and the necessity for a proper council decision

- (viii) that Councillor Parker viewed himself as effectively Leader of the Council and not only did he assert this frequently but his behaviour demonstrated that this was his belief.
- (ix) that there was no trust or mutual respect between Councillor Parker and Ms Noddings.
- (x) that Councillor Parker did waste Ms Noddings time by calling into the office and asking for “impromptu meetings with no prior notice or agenda” with her.
- (xi) that there was a meeting of significance on the 19<sup>th</sup> December 2011 at which there was some kind of agreement made that there was a need for a more professional approach and the development of mutual respect and trust between Councillor Parker and Ms Noddings
- (xii) that Ms Noddings’ did tell Councillor Parker that she would not mindlessly obey his orders because she would not be performing the role that she had been employed to carry and, further, that Councillor Parker did not appear to take that on board.
- (xiii) that Ms Noddings did also state to Councillor Parker that the position of mayor was an honorary title for one year and that Councillor Parker, in the office of Mayor, was required to have a civic presence on behalf of Blyth Town Council
- (xiv) that Ms Noddings did also say to Councillor Parker that she was employed to carry out the wishes of the members and as the responsible person manage the team and the Council’s business and finances
- (xv) that Ms Noddings did state that Councillor Parker has no current management skills and does not know how to motivate staff as in her email to another member of the Council 12<sup>th</sup> September 2011
- (xvi) that Councillor Parker acted quite inappropriately in an exchange with a Council contractor on the 4<sup>th</sup> August 2011 and that the contractor’s version of events in respect of that exchange is to be preferred to that of Councillor Parker
- (xvii) that Councillor Parker was a member of an interview panel convened by the Council to select a particular contractor in the spring of 2011; that he did visit a short listed contractor’s house in connection with and in advance of the interview process ; that

he told the contractor information which would be of advantage to the contractor at the interview; that the contractor felt that to do so was quite inappropriate and would potentially compromise both him and the interview process; that he reported the matter to Ms Noddings; that Ms Noddings reported it to a member of the Council; that both agreed that the interview process would be compromised if Councillor Parker remained on the interview panel; that the member spoke to Councillor Parker and it was agreed that Councillor Parker would stand down from the interview panel.

- (xviii) that Ms Noddings' appraisal in October 2011 did take place amid an atmosphere of great instability and lack of trust, on both sides, and that the timing of the appraisal was simply wrong.
- (xix) that in undertaking the appraisal Councillor Parker insisted on utilising a process that had neither been discussed with members or agreed by them at the Staff Committee or Policy Working Group and that the whole process was out of date, demeaning to Ms Noddings and unprofessional
- (xx) that the role of the other two members of the Council present at the appraisal was quite unclear and unsatisfactory but, in any event, the appraisal should not have gone ahead in the circumstances with or without their presence and that, also, their presence was likely to have compromised any appeal process
- (xxi) that the line management situation in respect of the post of Clerk at the Council was reviewed and revised with the result that the Chair of the Staffing Committee was designated as line manager in preference to the Mayor
- (xxii) that Ms Noddings was absent from work on Monday 6th February 2012 and Tuesday 7th February 2012 (but not the previous week) due to illness and returned to work on Wednesday 8th February 2012
- (xxiii) that Councillor Parker acted inappropriately in wishing to meet with Ms Noddings immediately upon her return to work on Wednesday 8<sup>th</sup> February 2012 to discuss an agenda or list of items for inclusion in the agenda of the forthcoming meeting of Council and that some of the items on that agenda or list were matters which did not concern Councillor Parker and which were otherwise confidential and that his efforts

to seek to discuss these items was inappropriate

- (xxiv) that Councillor Parker demanded that Council staff contracts of employment be discussed by the Policy Working Group and that he said it had nothing to do with the Staffing Committee; that he said that the Chair of Staffing Committee should not have been given a copy of Ms Noddings' contract of employment; that he requested copies of appraisal reports which were refused by Ms Noddings as being confidential and as issues that had already being discussed by the appropriate people which Councillor Parker stated was not appropriate
- (xxv) that the remarks attributed to Councillor Parker regarding Ms Noddings return to work on Wednesday 8<sup>th</sup> February 2012 by Ms Noddings were accepted as having been said by Councillor Parker
- (xxvi) that the issues arising from the exchanges between Councillor Parker and Ms Noddings on the 8<sup>th</sup> February 2012 had been discussed by the Labour Group on the evening of the encounter and Councillor Parker reminded of the "controls introduced in September 2011 and that he should not visit Ebor House unaccompanied or without prior arrangement"
- (xxvii) that Ms Noddings was advised that she and Councillor Parker were to be offered mediation through BLISS Mediation Services in Blyth, an offer which was agreed in the same Labour Group meeting referred to in paragraph (xxvi) above
- (xxviii) that Councillor Parker had since Wednesday 8<sup>th</sup> February 2012 until the submission of Ms Noddings' complaint visited her office on three occasions without prior arrangement and unaccompanied
- (xxix) that Ms Noddings invited another member of the Council to a meeting between the Council and Northumberland County Council on the 31<sup>st</sup> January 2012 in the honest belief that it was appropriate to do so because of his position and experience and that that member was excluded from the meeting by Councillor Parker
- (xxx) that Councillor Parker displayed an unacceptable attitude at meetings between the Council and a third party organisation in the spring and summer of 2012 and behaved, at those meetings, in a manner that was not that which would be expected of a member

**6. Findings as to whether the member failed to follow the Code including the reasons for that finding.**

**A. The Committee finds**

- (i) that the subject member has failed to comply with the Blyth Town Council Members' Code of Conduct**

**The detail and reasons for that finding are as follows:-**

- (a) That at all relevant times during the course of events referred to in paragraph 2 above the subject member had been acting in his official capacity and as a consequence his authority's Code of Conduct had applied to him at those times
- (b) That the subject member had failed to treat Ms Noddings and others with respect contrary to paragraph 3(1) of the then Blyth Town Council's Members' Code of Conduct in relation to his behaviour towards Ms Noddings detailed in the Committee's findings of fact in paragraph 5 above

In reaching its finding the Committee took into account the generality of the complaint in relation to Ms Noddings as well as such matters as Councillor Parker's interference with her role as Town Clerk; in staffing matters; his attendance at the office; his insistence that she should "obey his orders" on a number of occasions and subjects; his lack of acceptance of advice; his insistence effectively that his way was better or more appropriate than hers; his use of an appraisal system that was "out of date, demeaning and unprofessional" and indeed his insistence that her appraisal should take place when there was no scheme and he had no relevant experience of conducting an appraisal; the way in which he treated her at the Council meeting on 8 September 2011; the confrontation he engineered at his

meeting with her on 8 February 2012; the disparaging way he referred to her in his email on 10 September 2011 and indeed the disparaging way he referred to her in his interviews during the investigation including a challenge to her integrity that she had lied or fabricated certain information.

With regard to the two other persons which the Committee has found Councillor Parker to have failed to treat with respect the Committee took into account Councillor Parker's attempts to involve himself inappropriately in staff management issues and the confrontation he had with the contractor in August 2011. Further in relation to the same contractor, the Committee consider that Councillor Parker showed a lack of respect by putting himself in a position whereby contractor's application for a particular role with the Council was compromised. The Committee also considered that Councillor Parker also demonstrated a lack of respect for a member of the public in respect of his behaviour towards him at meeting in the spring and summer of 2012

- (c) That the subject member bullied Ms Noddings and two other persons contrary to paragraph 3(2)(b) of the then Blyth Town Council Members' Code of Conduct in relation to his behaviour towards those persons at various times

The Committee agreed with the reasoning of the investigating officer in this respect within his investigation report in relation to Ms Noddings and concluded that Councillor Parker's behaviour, in general, towards her had been offensive and intimidating which, for example, as a result had led her to take part in the flawed appraisal process against her better judgement. She was also clearly intimidated, the Committee considered, by his email to her of the 10<sup>th</sup> December. The Committee also agreed with the investigating officer that Councillor Parker's behaviour towards Ms Noddings, as outlined immediately above in particular but not exclusively, had been insulting and humiliating

The Committee also concluded that Councillor Parker had bullied the contractor during his exchange with him in August 2011 in that he had subjected the contractor to what constituted at least humiliating and/or insulting behaviour which sought to



undermine the individual concerned. Similarly the Committee considered that in his behaviour towards the member of the public at the meetings in the spring and summer of 2012 Councillor Parker had failed to comply with his authority's Code of Conduct in that he bullied the person concerned with intimidatory and humiliating behaviour

- (d) That the subject member had conducted himself in a manner which could reasonably be regarded as bringing his office and his authority into disrepute contrary to paragraph 5 of the then Blyth Town Council's Members' Code of Conduct, by virtue of his actions as Chair of his authority's Assets Committee in his dealings with the third party organisation at the meetings in the spring and summer of 2012 which were likely, the Committee concluded, to result in a reduction in public confidence in not just the subject member as a Councillor and Chairman of an important Committee such as the Assets Committee but also in the Council generally. The Committee also considered that his behaviour at the Council meeting on the 8<sup>th</sup> September 2011 should also be considered as evidence of his failing in this respect as well as his actions referred to in paragraph (e) immediately below
- (e) That the subject member had used or attempted to use his position as a member improperly to confer on, or secure for another person, an advantage contrary to paragraph 6 of the then Blyth Town Council's Members' Code of Conduct by visiting the home of the contractor in advance of the interview process in the spring of 2011 in an attempt to provide the contractor with information which would be of use to him at interview with the Council.

**7. Sanctions imposed, including the reasons for the imposition of the sanction**

The Committee, having heard from the subject member's representative and the Independent Person on the issue resolved to impose the following sanctions:-

- (i) **That it be recommended to Blyth Town Council that the subject member be**

**issued with a formal censure by that authority**

- (ii) That it be recommended to Blyth Town Council that the subject member be removed from all Committees and Sub Committees of that authority of which he is a member for a period of twelve months from the date of that authority agreeing such a recommendation**
- (iii) That it be recommended to Blyth Town Council that training be arranged for the subject member which shall include training in relation to the Members Code of Conduct.**

#### **8. Recommendations to the subject member's authority**

The Committee, having heard from the Investigating Officer on the issue resolved to make the following recommendation:-

- (i) That it be recommended to Blyth Town Council that they carry out a comprehensive review, as soon as possible, to ensure that all corporate governance policies and procedures relating to the matters considered by the Standards Committee as a result of this complaint are in place and fit for purpose and that all members and staff at the Council have a clear understanding of those policies**
- (ii) That it be recommended to Blyth Town Council that training be arranged for  
all members of the authority in relation to the Members' Code of Conduct as well as Equalities and Diversity**

#### **Right of Appeal**

There is no right of appeal from this decision which is final

**Mr J Jackson  
Chairman**

**17<sup>th</sup> December, 2013**