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**Joint Standards Hearings Sub Committee**

**20 April 2022**

Complaint against Councillor Richardson (Haxby Town Council)

- Complainants:**
- (1) Councillor Carmichael (Haxby Town Council)
  - (2) Councillor Preston (Haxby Town Council)
  - (3) Former Clerk of Haxby Town Council
  - (4) Former Clerk of Haxby Town Council
  - (5) Councillor Guilford (Haxby Town Council)
- Subject Councillor:** Councillor Richardson (Haxby Town Council)
- Investigator:** Stephen Pearson, Freeths Solicitors

**Background**

1. These complaints were brought by Haxby Town Councillors and also the former Clerk of Haxby Town Council against Councillor Richardson of Haxby Town Council. The complaints relate to the following allegations:
  - a. Complaint 1 – Made by Councillor Carmichael regarding Councillor Richardson’s conduct in emails between August and October 2019. It is alleged that Councillor Richardson corresponded with other Haxby Town Councillors and the Clerk in a manner which, it is alleged, was bullying, threatening and intimidating.
  - b. Complaint 2– Made by Councillor Preston of Haxby Town Council regarding Councillor Richardson’s conduct at a Meeting in November 2019. Councillor Richardson is accused of disruptive, aggressive and confrontational behaviour during the Meeting, in particular towards the Clerk.

- c. Complaint 3 – Made by Clerk of Haxby Town Council regarding Councillor Richardson’s conduct at a Town Council Meeting in November 2019. The Complainant alleges that Councillor Richardson assaulted him during the Meeting, and left the Meeting before a vote being taken to have him ejected from the Meeting, due to allegations around Councillor Richardson’s behaviour.
  - d. Complaint 4 – Made by Clerk of Haxby Town Council regarding Councillor Richardson’s conduct at a Town Council Meeting in February 2020. It is alleged that he was disrespectful, bullying, he was using position to create advantage over the Clerk and intimidating witnesses in the criminal investigation. Councillor Richardson was ejected from the Meeting.
  - e. Complaint 5 – Made by Councillor Guilford. This complaint was made during the course of the investigation, however, as the allegations were so similar to those already complained of, it was decided that the investigating officer should also deal with this complaint as part of his investigation. The allegations within this complaint included that Councillor Richardson had repeatedly bullied, threatened and harassed Councillors and staff.
2. The Investigating Officer, Stephen Pearson of Freeths Solicitors, was asked to investigate these complaints. The complaints and also Mr Pearson’s report can be found at Annex A. Haxby Town Council’s Code of Conduct can be found at Annex B. It will be noted from the report that Mr Pearson is of the opinion that Councillor Richardson did breach the Code of Conduct by being disrespectful, in breach of limb 1 of paragraph 3.1 of the Code of Conduct, towards the Clerk, the Chair and other Members of Haxby Town Council and that he also behaved, on a number of occasions, in a manner which was bullying and/or intimidatory, in particular towards the Clerk to Haxby Town Council, in breach of limb 2 of paragraph 3.1 of the Code.
3. The Investigation Report has been shared with the parties. The draft report was presented to the Joint Standards Committee Assessment Sub Committee on 15 December 2021 where the Sub Committee determined that the draft report of the Investigating officer be ruled complete and the findings in it accepted and that the matter be referred for a hearing. This decision was made by the

Chief Operating Officer under urgent decision powers, also on 15 December 2021.

## **The Code of Conduct for Haxby Town Council**

4. As required by the Localism Act 2011, Haxby Town Council has adopted a Code of conduct which sets out the conduct expected of Councillors when acting as such. The Code of Conduct appears at Annex B. Particularly relevant to this complaint are the following sections:

### *“3. Member Obligations*

*3.1 Member Obligations: When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:*

- *He/she shall behave in such a way a reasonable person would regard as respectful.*
- *He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.”*

## **The Hearing Process**

5. The Joint Standards Committee has approved a procedure for hearings which can be found at Annex C. In line with that procedure the complainant and subject member have been asked to indicate whether they intend to attend the hearing, to identify facts which they say are in dispute, and provide their views as to whether any part of the hearing should be in public. These responses have been shared with the Panel.

## **Issues to be determined**

6. Has Councillor Richardson breached Haxby Town Council’s Code of Conduct?
7. In the event that the Sub committee finds that the Code has been breached, it will need to determine whether a sanction should be imposed and if so, what sanction.

## **Implications**

### **Financial**

8. Not applicable to this report.

## Human Resources (HR)

9. Not applicable to this report.

## Equalities

10. The Equality Act 2010 places specific duties on Local Authorities, including the presence of a clear and concise Code of Conduct which prohibits unlawful discrimination and gives the public confidence in Councillors. Ensuring that the Code of Conduct is maintained meets the Nolan principles and also supports the prohibition.

## Legal

11. As detailed within the report.

## Crime and Disorder, Information Technology and Property

12. Not applicable to this report.

### Author:

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Monitoring Officer

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### Chief Officer Responsible for the report: Janie Berry

Director of Governance &  
Monitoring Officer

Tel: 01904 555385

Report  
Approved



Date 6<sup>th</sup> April  
2022

### Specialist Implications Officer(s):

Wards Affected: Haxby Ward

**For further information please contact the author of the report**

### Annexes:

- Annex A – Investigating Officer's report
- Annex B – Haxby Town Council's Code of Conduct
- Annex C – Hearing procedure