

Notice of a meeting of

Joint Standards Committee Hearings Sub-Committee

- To:** Councillors Pavlovic and Rowley BEM (CYC Members)
Councillor Rawlings (Parish Council Member)

Mr Oram (Independent Person)
- Date:** Friday, 2 September 2022
- Time:** 10.00 am
- Venue:** The George Hudson Board Room - 1st Floor West
Offices (F045)

AGENDA

- 1. Appointment of Chair**
To appoint a Member to chair the hearing.
- 2. Declarations of Interest**
At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.
- 3. Exclusion of Press and Public**
To consider whether to exclude the Press and Public during the deliberations and decision-making at the end of the hearing.
- 4. Complaint against Councillor Cuthbertson** (Pages 1 - 118)
(City of York Council)
To consider a complaint made against the above Member of City of York Council, which has been referred to the Hearings Sub-Committee for determination following an investigation.
- 5. Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services officer responsible for this meeting:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services officer responsible for servicing this meeting:

- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550



Standards Hearing Sub Committee**2 September 2022**

Complaint against Councillor Cuthbertson (City of York Council)

Complainants: Councillor Mark Guilford (Haxby Town Council)

Subject Councillor: Councillor Cuthbertson (City of York Council)

Investigator: Stephen Pearson, Freeths Solicitors

Background

The complaint was brought by Haxby Town Councillor Mark Guilford, against Councillor Cuthbertson of City of York Council.

The complaint relates to the following allegations:

- The Councillor is alleged to have behaved in a disrespectful manner towards Councillor Guilford, having described the Town Council as a “dysfunctional” organisation which was being “run like a wild west town” and verbally attacking Councillor Guilford;
- It is alleged that Councillor Cuthbertson demanded to speak at a Town Council meeting and when the Chairman refused permission he described Councillor Guilford as being a “*dictator*” and “*undemocratic*” as part of what Councillor Guilford regards as a politically motivated campaign against the Town Council;
- Within a meeting of the Town Council Recreation and Open Spaces Committee he is alleged to have “*erupted in a fit of anger*”, threatening to file complaints and making insults, whilst insisting that, as a City Councillor, he had “*oversight*” over Town Council decisions;

- It is alleged that Councillor Cuthbertson took over a meeting with Yorkshire Water concerning local complaints over sewerage/flooding, in order to secure maximum publicity for himself and to undermine the Town Council.

The Investigating Officer, Stephen Pearson of Freeths Solicitors, was asked to investigate the complaint. The Complaint and Mr Pearson's report can be found at Annex A. City of York Council's [previous] Code of Conduct can also be found at Annex A. It will be noted from the report that Mr Pearson is of the opinion that Councillor Cuthbertson did breach the Code of Conduct by failing to treat Councillor Guilford and other Members of Haxby Town Council and the Clerk with respect in breach of paragraph 3(1) of the Code. Councillor Cuthbertson does not accept this opinion.

The Investigation Report has been shared with the Parties. The draft report was presented to the Joint Standards Committee Assessment Sub Committee on 9th August 2022, where the Sub-Committee referred the matter to a hearing so that the opinion arrived at by the Investigator and the views of Councillor Cuthbertson could be further explored.

The Code of Conduct for City of York Council

As required by the Localism Act 2011, City of York Council has adopted a Code of Conduct which sets out the conduct expected of Councillors when acting as such. The Code of Conduct for City of York Council appears at Annex A. It should be noted that for this complaint, the Code pre October 2021 was the relevant Code of Conduct for City of York and it is this Code which the Investigator has considered. Particularly relevant to this complaint are the following:

- 3(1) – “You must treat others with respect”
- 3(3) – “You must not bully or intimidate any person, or attempt to bully or intimidate them”
- 3(7) – “You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute”

The Hearing Process

The Joint Standards Committee has approved a procedure for hearings which can be found at Annex B. 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 private. These responses have been shared with the Panel.

As part of this pre-hearing activity Councillor Cuthbertson has provided additional emails and a position statement which can be found at Annex C.

Mr Pearson has requested the attendance of one witness, Councillor Carmichael.

Issues to be determined

Has Councillor Cuthbertson breached City of York Council's Code of Conduct?

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

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

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 supports the prohibition.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

**Author & Chief Officer
Responsible for the
report:**

Janie Berry

Director of Governance &

Monitoring Officer

Tel: 01904 555385

**Report
Approved**



Date 24th August
2022

Specialist Implications Officer(s):

Wards Affected: Haxby Ward

All

For further information please contact the author of the report

Background Papers:

- Annex A – Investigating Officers report
- Annex B – Hearing Procedure
- Annex C – Position Statement and additional material provided by Councillor Cuthbertson

FREETHS

Strictly Private & Confidential

**Report to the Monitoring Officer of City of York Council concerning
Cllr I Cuthbertson**

**Stephen Pearson (Partner)
Freeths LLP
(Resubmitted 24 August 2022)**

1. **EXECUTIVE SUMMARY AND OFFICIAL DETAILS**

I have been appointed by the Monitoring Officer of York City Council to carry out an investigation into the following complaint, made by Cllr M Guilford, the Chair of Haxby Town Council, concerning Cllr I Cuthbertson (City of York Councillor for Haxby & Wigginton Ward).

Accordingly, this report takes into account the alleged breaches of the Code with respect to each Council as appropriate.

I have spoken to Cllr Guilford in order to obtain a full understanding of his complaints. Cllr Cuthbertson initially indicated that he would prefer not to speak to me in person, but has responded to written questions. He has asked that this should not be subject to any negative connotations.

In summary, Cllr Guilford's complaints relate to:

- Being submitted to inappropriate pressure, including by Councillors using their role to behave inappropriately towards the Clerk and Chair.
- Disrespect and alleged intimidatory behaviour shown to Cllr Guilford at public meetings.
- Disrespect on social media and in publications in order to undermine the Town Council (and Cllr Guilford individually).

2. **BASIS OF THE COMPLAINTS**

Cllr Guilford has submitted the attached Complaint Form. To briefly summarise Cllr Guilford's complaint and following guidance given by the City of York Council Standards Committee in terms of what they feel it is appropriate for me to investigate (in particular, to ignore certain items related to the holding of elections), the complaint is as follows:

Cllr Cuthbertson:

- Is alleged to have behaved in a disrespectful manner towards Cllr Guilford, having described the Town Council as a "dysfunctional" organisation which was being "run like a wild west town" and verbally attacking Cllr Guilford.
- It is alleged that Cllr Cuthbertson demanded to speak at a Town Council Meeting and when the Chairman refused permission he described Cllr Guilford as being a "dictator" and "undemocratic" as part of what Cllr Guilford regards as a politically motivated campaign against the Town Council.
- Within a meeting of the Town Council Recreation and Open Spaces Committee he is alleged to have "erupted in a fit of anger", threatening to file complaints and making insults, whilst insisting that, as a City Councillor, he had "oversight" over Town Council decisions.
- It is alleged that Cllr Cuthbertson took over a meeting with Yorkshire Water concerning local complaints over sewerage / flooding, in order to secure maximum publicity for himself and to undermine the Town Council.

3. **POTENTIAL BREACHES OF CODES OF CONDUCT**

Based on the complaints made, the following potential breaches of the Haxby Town Council and / or York City Council Code of Conduct (I note that the Code was reissued during October

2021) may have taken place. Since the matters referred to within this complaint occurred before the adoption of the reissued Code, my findings are based on the old code, which is substantially the same as the reissued Code:

York City Council Member Code of Conduct:

- 3(1) – “*You must treat others with respect*”.
- 3(3) – “*You must not bully or intimidate any person, or attempt to bully or intimidate them*”.
- 3(7) – “*You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute*”.
- 3(8) – “*You must not use your position as a Councillor improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so*”.

Haxby Town Council Code of Conduct:

- 3.1 – “*When a Member of the Council acts, claims to claim or gives the impression of acting as a representative of the Council, he / she have the following obligations:*
 - *he / she shall behave in such a way that 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;*
 - *he / she shall not seek to improperly confer an advantage or disadvantage on any person*”.

It should be noted that these requirements are very similar although not precisely identical – the key issue is whether the Member behaved in a disrespectful or bullying manner.

4. **OFFICIAL DETAILS**

Cllr Cuthbertson – has been a Member of City of York Council for 15 years in total, having been elected to his current Ward in 2011 and has also served as Clerk to a Parish Council.

5. **CHRONOLOGY**

- May 2019 – appointed as Lib-Dem Ward Member to City of York Council. Cllr Cuthbertson was originally selected in 2010.

Cllr Cuthbertson:

- Late 2019? – alleged description of Town Council as “*dysfunctional*”
- July / August 2020 – alleged to have accused Cllr Guilford as a “*dictator*” and “*undemocratic*” at Town Council Meeting and to have shouted and insulted Cllr Guilford.
- September 2020 – issues re Yorkshire Water Meeting.
- January 2022 – Freeths instructed.

6. **AGREED AND DISPUTED FACTS**

Cllr Cuthbertson:

Cllr Cuthbertson denies behaving in an "angry" manner at relevant meetings, in particular at the Town Council Meeting of 9 August or the Recreation & Open Spaces Committee Meeting of 12 August. He accepts that he may have raised his voice a little, but only to express his feelings over how poorly he felt a meeting had been run, and to stress that standing orders were not being followed.

Cllr Cuthbertson agreed that he was involved with meetings with Yorkshire Water, but these commenced before the Town Council became involved.

General

Allegations have been made that Cllr Guilford has been accused of being a "dictator" with regard to the petition. These comments have been ascribed to Cllr Cuthbertson. However, ex-Cllr Beverley says that she used these words.

7. **EVIDENCE GATHERED**

I have spoken to Cllr Guilford and taken responses to questions from Cllr Cuthbertson who elected not to speak to me direct.

I have spoken to two other Members of Haxby Town Council (and one ex-member) who witnessed some of the events complained of, Cllrs Carmichael and Wyatt.

Copies of Liberal Democrat "*Focus*" and other material published by or on behalf of individuals complained of have been supplied.

Following the supply of my draft report, Cllr Cuthbertson indicated that the identified witnesses may have been biased. As such, I was persuaded to interview ex-Councillor Lesley Beverley.

Following circulation of the draft report, I have also received unsolicited, various items of correspondence from City of York Cllr Widdowson, ex-Cllr Derek Harkess and ex-Cllr Crawford.

I have also been passed copies of various minutes in connection with the meetings concerned.

8. **SUMMARY OF MATERIAL CONCLUSIONS AND FINDINGS**

General

- (a) There are clearly major differences of facts in terms of what was said, by whom, and when. Cllr Guilford clearly has major issues in terms of the behaviour of both Town Councillors and those who attend Town Council Meetings in a capacity as City Councillor, and feels that an attack on the Town Council is, by implication, an attack on him personally.
- (b) I have noted (and do not disagree with) the view of the Independent Person that there is nothing wrong in a City Councillor seeking to overturn decisions of the Town / District Council in principle.
- (c) I appreciate that it is the nature of politics for a Member of one party to seek to raise his / her standing at the expense of others. Such behaviour only breaches the Code of Conduct where it constitutes something which is (applying the relevant provisions of the

Code referred to above) disrespectful, bullying / intimidatory or where it might place the individual or the relevant Council into disrepute.

(d) Cllr Cuthbertson

Cllr Cuthbertson has given detailed evidence over the way in which certain Town Council Meetings have been conducted and has concern over changes in practice. He states that he has treated the Town Council and its Members with respect. Although he accepts that he has been involved with a petition, he denies demanding that it be dismissed at a specific meeting in July / August and also denies seeking to undermine the Town Council by making posts on social media. He states that he suffers from hearing loss, and this may be why he has failed to be clear when some items have been discussed and, potentially why he is accused of raising his voice / shouting. As an experienced Councillor and previously Clerk to a Parish Council, he is entitled, within reason, to express a view where he feels that Council Meetings have not been conducted in a proper and appropriate manner, provided the extent of this criticism is not expressed in a manner such as to constitute a breach of the relevant Code of Conduct.

(e) Specific Issues

- I have sought corroboration, including asking Cllr Guilford to provide other witnesses who witnessed the alleged misbehaviour at what were clearly public meetings.
- Because of the clear contradiction of evidence between the statement made by Cllr Guilford and those of Cllr Cuthbertson, I thought it would be helpful to speak to three Members of Haxby Town Council who were in attendance on at least some of the occasions complained of. Their evidence related to the behaviour alleged which is denied by the Councillors concerned. I also sought to speak with Councillor Craven, but he was unavailable at the appointed time for our meeting.
- There are a number of criticisms of the behaviour, in particular, of Cllr Cuthbertson. He have been involved with the organising of a petition (which is a democratic right of any person), but it is clear (and this is corroborated by Cllrs Wyatt and Carmichael) that on occasion his behaviour has been aggressive, insulting and disruptive towards Cllr Guilford. In particular, I note situations where Cllr Guilford has sought to maintain order at meetings and to make the point (quite properly) that a matter cannot be discussed at a Council Meeting unless it has been placed on the agenda and appropriate notice given to those attending.
- Ex-Councillor Lesley Beverley has a different recollection of events. In particular in terms of a meeting in August 2021 where her recollection was that the agenda concerning the potential non-receipt of a grant towards the playing field was refused by the Chairman. Cllr Guilford says that this comment is "patently untrue".
- I have reviewed the content of various material published by the Council Members. They clearly are misleading with respect to the reasons for Town Councillors having concerns over the acceptance of a grant by the Town Council for spending on a play area, which was motivated by concerns over whether a comparatively prosperous area such as Haxby should take funding earmarked for providing play facilities in deprived parts of the City. The negative reference therein to "*some members of Haxby Town Council*" in Focus No.166 (See enclosure 6) is clearly aimed towards Cllr Guilford, and would seem to be part of an attempt to undermine him, as evidenced by the behaviour of Cllr Cuthbertson in the meeting of the Town Council.

- There is an undercurrent that, by virtue of his position as a City Councillor, he has a right to dictate to the Town Council how it conducts its meetings, and what decisions it makes. This is not a correct interpretation of the law in my view.
- In the case of Cllr Cuthbertson:
 - I note in particular that he is reported to have told Cllr Carmichael off for defending proper procedures, and his reaction to this, rather than accepting that he was out of order, was to threaten to report Cllr Carmichael himself under the Code of Conduct.
 - What I would say, is that lively public debate is properly part of Council Meetings and behaviour exhibited at Council Meetings, whether by members of the public or other Councillors is only unacceptable where it would constitute a breach of the law, standing orders or they would constitute a breach of the Code because for example, they included bullying or intimidatory behaviour, or behaviour that a “reasonable person” would regard as disrespectful.
 - He expresses an argument that the City Council does have some formal power of influence over a Town Council, although there might be debate in terms of how correct his interpretation is.
 - Cllr Cuthbertson has explained, at length, his response to the allegation that he sought to exclude the Town Council from a meeting with regard to drainage and sewerage in the area, which might be regarded as an act of disrespect to Cllr Guilford. Whilst I might not have a view whether or not it is appropriate to exclude the Town Council from these discussions, given the history of flooding in the York area this is a matter of legitimate concern.
 - It appears that Cllr Cuthbertson’s behaviour in Haxby Town Council Meetings has on occasion been excessive and unacceptable on occasion. He is reported to have used bad tempered language in meetings which has been alleged to be intimidatory in nature, although this can be a subjective determination.
 - Cllr Cuthbertson agrees that he described the Council as potentially behaving like “*The Wild West*” but explains the context to justify this.

9. **COMMENTS ARISING FROM THE DRAFT REPORT**

Cllr Cuthbertson:

- He denies that he demanded to speak at the Haxby Town Council Meeting on 9 August and therefore states that no refusal to speak could have been made. He denies describing Cllr Guilford as being either a “dictator” or as “undemocratic”. He says others may have made such comments – this is corroborated by the comments made by ex-Councillor Beverley.
- He denies that he “erupted in a fit of anger”, that he threatened to file complaints, that he made insults and that he had oversight over Town Council decisions and states that he was insulted himself by Cllr Guilford, rather than vice versa.
- He states that the issues with regard to the Yorkshire Water meeting are misleading and not properly explained, on the basis that the meeting in question had already been

arranged between Yorkshire Water and City of York Council, and this did not directly impinge on a matter of a sewage leak which had taken place in Haxby during August.

- He denies that he used language which was intimidatory or bad tempered.
- With regard to powers over Parish Council Meetings, he has pointed out (correctly), that there is the ability of District Councils to fill vacancies, appoint a chairman and to instigate a community governance review of a Town Council. He says that his observations on this point were misunderstood.
- He makes the fact that other Councillors have been particularly disruptive and have been excluded from meetings and that he has not. He says that he has not interrupted the dealing with business by Haxby Town Council and there is no proper record of him using bad tempered language.
- He has produced a separate document with his response to extracts of comments made by Cllr Guilford to Cllr Carmichael and Cllr Wyatt. In view of the length and detail within that document, it seems appropriate to simply annex that document to this report which I have done (see Section 5A). In brief summary, this refers to issues relating to the behaviour of Cllr X, a history of issues related to Committee structures and the extent to which he denies allegations made, in particular with regard to Cllr [X] presenting a petition and his denial of the alleged words used to describe Cllr Guilford. He regards this as a smear and also disputes Cllr Carmichael's allegations that Cllr Cuthbertson demanded a right to speak.

Third Parties

I have received an email from Cllr Paula Widdowson (City of York Council and lead for Environment and Climate Change). She claims that she requested that the flood lead of City of York Council arranged the meeting with Yorkshire Water referred to in Cllr Guilford's complaint.

Ex-Cllr Mrs Crawford-Williams (Chair of Haxby Town Council 2017 – 2019) states that in her time as Chair Cllr Cuthbertson behaviour was always "exemplary".

Ex-Cllr Derek Harkess states that Cllr Cuthbertson was always "*polite, well-informed ... and very personable*" in his interactions with Haxby Town Council.

Cllr Guilford:

Cllr Guilford has responded as follows:

- With regard to the allegation that Ward Councillors had asked for an agenda item to be presented, he states that this is patently untrue and attaches the agendas and minutes of the Recreation and Open Spaces Committee for April and August which make it clear that Ward Councillors had shown up in force to a full Council Meeting after being vocal in media accounts that he were going to present a petition to accept funding. At that meeting, he ruled that those Members could not address the Council and that play equipment was not an agenda item. He mentioned that the Chairman of the Recreation and Open Spaces Committee had called an Extraordinary Meeting of the Committee where he would be updating the Committee on the funding issue. He advised that the Ward Councillors would be free to attend that session. However, by the time of the Council Meeting an Extraordinary Meeting had been called and the agenda published. Since the Ward Councillors thought that they could force a full Council discussion they had not asked for an agenda item on the Committee.

- Cllr Guilford states that Cllr Cuthbertson did attend the Committee Meeting but his actions were, in his view, meant to damage the Council by creating a “false narrative” that he had made Haxby Town Council accept the funding. Cllr Guilford feels that this was a blatant attempt of “politicking” in the meeting so he could publish he had “won the day” in the “Focus” newsletter.¹ Cllr Guilford stated to the Committee Chairman that the order in which people could speak in a meeting was the Chairman’s decision, and it was his suggestion that he should wait until after he had voted on the play equipment proposal before he was called on to speak. This was in order to protect the Council and to prevent the Ward Councillors from stating that they could state that they had achieved a victory over the Town Council, resulting in Cllr Cuthbertson’s outburst. He confirms that at no point was there a Committee decision about the petition or any decision to stop the City of York Ward Councillors from speaking.
- With regard to the meeting with Yorkshire Water, Cllr Guilford repeats that one of his complaints was that Cllr Cuthbertson, when asked by the Clerk for assistance told him that the Ward Councillors would arrange for a meeting with Yorkshire Water and exclude Haxby Town Council so, in his view, it is not a surprise that Cllr Widdowson sought to arrange this meeting and would not seek to keep Haxby Town Council informed.

9A. **HAVE THE CODES OF CONDUCT BEEN BREACHED?**

I do understand and accept that there has been behaviour exhibited at Haxby Town Council Meetings that has led to both Councillor Guilford, but also the subject matter of the complaints being unhappy. It appears that both sides are saying that they were insulted or unfairly treated by the other. However, the complaint before me concerns whether Cllr Guilford should be allowed to carry out his role as Chairman, without being undermined or insulted. This is a difficult role to undertake at the best of times, whilst political “point scoring” is of course generally permissible. When all matters are taken into account, I find as follows:

Cllr Cuthbertson:

I find that Cllr Cuthbertson has breached paragraph 3(1) of the City of York Council Code of Conduct by failing to treat Cllr Guilford on certain occasions with respect, as well as other Members of the Haxby Town Council and the Clerk.

After some consideration I find, on balance, that Cllr Cuthbertson has not sought to bully / intimidate Members of Haxby Town Council including Cllr Guilford, and I find that he is not in breach of paragraph 3(3) of the City of York Code of Conduct. This is largely because there is a very genuine difference in recollection of the parties in terms of who apparently accused Cllr Guilford of behaving as a “dictator” at the meeting in August, and there is evidence from some ex-members of Haxby Town Council that they generally found him to be polite in his dealings with them.

Additional Comments

I do understand that feelings may run high in political debate and that it is conceivable that the issues raised by Cllr Cuthbertson in particular may have been motivated by support for his community, rather than to further his own political ends. I think it might be useful for the Town Council to consider, possibly in conjunction with City of York Councillors, in what circumstances they might allow people (whether members of the public or Councillors) to speak and to allow petitions to be presented – for example, an agenda item could be created “*Questions from the public and petitions*” which would make this an agenda item, and would allow relevant individuals to be able to “*let off steam*”.

¹ See article “Playground Boost Announced” annexed.

I would also say that it needs to be understood by Councillors from City of York Council that decisions of the Town Council are separate and that despite being a different tier of Authority, a Town Council is not a subsidiary of the City of York Council. It is not an unusual scenario that Councillors from a principal Council regard themselves as having a superior status to those of a Town / Parish Council, and perhaps a better understanding of the separate status of "First Tier" Authorities could form part of City of York Councillor training.

Enclosures

1. Haxby Town Council Code of Conduct.
2. City of York Code of Conduct.
3. Original complaint.
4. Statements of:
 - 4.1. Cllr Guilford;
 - 4.2. Cllr Carmichael;
 - 4.3. Cllr Wyatt;
 - 4.4. Cllr Lesley Beverley.
5. Responses to Questions from:
 - 5.1. Cllr Cuthbertson.
- 5A Additional comments from Cllr Cuthbertson.
6. Copies of Liberal Democrat Focus / "Annual report" documents.
7. Correspondence re Petition 11 August 2021.
8. Agenda / minutes of:
 - 8.1. Joint Recreation and Open Spaces Community Assets Committee Agenda and Minutes of 27 April 2021; and
 - 8.2. Recreation and Open Spaces Committee Agenda and Minutes of 12 August.
9. Unsolicited Comments:
 - 9.1. Cllr Paula Widdowson;
 - 9.2. Ex-Town Council Chair Mary Crawford; and
 - 9.3. Ex-Cllr Derek Harkess.

ENCLOSURE 1

HAXBY TOWN COUNCIL
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HAXBY TOWN COUNCIL

CODE OF CONDUCT

This Code of Conduct has been adapted for implementation by the Council based on the requirements of Section 27 of the Localism Act 2011.

Approved by the Council: 14 November 2016
Adopted by the Council: 14 November 2016

Note:

Amendments are summarised on the Amendments History Page and are also identified with a vertical **Red line** in the Left Hand margin.

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1. INTRODUCTION

1.1 Pursuant to section 27 of the Localism Act 2011, **Haxby Town Council** ('the Council') has adopted this **Code of Conduct** to promote and maintain high standards of behaviour by its members and Co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council. This Code of Conduct is based on the following principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

2. DEFINITIONS

2.1 Co-opted Member: For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

2.2 Meeting: For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

2.3 Member of the Council: For the purposes of this Code, and unless otherwise expressed, a reference to a 'member of the Council' includes a co-opted member of the Council.

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 that 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.
- He/she shall not seek to improperly confer an advantage or disadvantage on any person.
- He/she shall use the resources of the Council in accordance with its requirements.
- He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

3.2 Registration of Interests.

3.2.1 Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B below.

3.2.2 Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.

3.2.3 A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

3.2.4 A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'.¹

¹ A 'sensitive interest' is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

3.3 Declaration of Interests at Meetings

3.3.1 Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.

3.3.2 Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.

3.3.3 A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

3.3.4 Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A) the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

3.4 Dispensation

3.4.1 On a written request (*Application for Dispensation form*) made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

APPENDIX A.

TABLE OF INTERESTS	
Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the <u>Trade Union and Labour Relations (Consolidation) Act 1992</u> .
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director ¹ or a body that such person has a beneficial interest in the securities ² of) and the Council - (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge) - (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director ¹ of or has a beneficial interest in the securities ² of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities ² of a body where - (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either - (i) the total nominal value of the securities ² exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

¹ 'director' includes a member of the committee of management of an industrial and provident society.

² 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

APPENDIX B.

AN INTEREST WHICH RELATES TO OR IS LIKELY TO AFFECT:

(i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;

(ii) any body—

- exercising functions of a public nature;
- directed to charitable purposes; or
- one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which the member of the Council is a member or in a position of general control or management;

(iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

END

AMENDMENT HISTORY

Date	Summary of Amendment
June 2013	Document reformatted from the document approved and adopted by the council dated 9 July 2012 to be consistent with other documents.
November 2016	Reviewed and new logo incorporated.

ENCLOSURE 2

Part 1: General Provisions**Introduction**

1. (1) This Code sets out the standards of behaviour required of you whenever you are acting as a Councillor of the City of York Council.
- (2) This Code also applies to any person appointed as a co-opted member of the City Council or any of its Committees when acting as such.
- (3) A person will be acting as a Councillor or as a co-opted member when:
 - Present at formal meetings of the Council.
 - Performing duties entrusted to them by the Council
 - Performing functions associated with the ordinary role of Councillor – such as undertaking casework for residents
 - Otherwise acting, claiming to act or giving the impression that they are acting as a Councillor

But a person will not be acting as a Councillor or as a co-opted member when acting as a trustee or director of another organisation even where the appointment to that role was made by the Council.

- (4) The Code has been adopted by the City Council and is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Definitions

2. (1) A "co-opted member", is a person who is not an elected member of the authority but who –
 - (a) is a member of any committee or sub-committee of the authority, or

- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority and

in either case is entitled to vote at any meeting of that committee or sub-committee
- (2) "meeting" means a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the authority or of the Executive or any committee of the Executive.
- (3) A "sensitive interest" is one where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees.

General Duties as to Conduct

- 3. (1) You must treat others with respect.
- (2) You must not do anything which may cause the Council to breach any equality enactment.
- (3) You must not bully or intimidate any person, or attempt to bully or intimidate them.
- (4) You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Authority, or do anything that is likely to compromise their impartiality.
- (5) You must not disclose information which is confidential, unless:
 - (a) You have the permission of a person authorised to give it; or
 - (b) You are required by law to disclose the information; or
 - (c) You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or

- (d) The disclosure is reasonable; and is in the public interest; and is made in good faith.
- (6) You must not prevent another person gaining access to information which that person is entitled by law.
- (7) You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute.
- (8) You must not use your position as a Councillor improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
- (9) When you use or authorise the use by others of the resources of the Council you must:
 - (a) abide by the Council's reasonable requirements; and
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (10) You must have regard to relevant advice given by the Council's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Council.

Part 2: Interests**Disclosable Pecuniary Interests*****Registration of disclosable pecuniary interests***

4. (1) Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'. These will be included in the register of interests which is published on the Council's website

Definition of disclosable pecuniary interests

- (2) A 'disclosable pecuniary interest' is an interest of a kind described in the first schedule to this Code. An interest is disclosable if the interest is of yours or of your partner. Your partner means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

Non participation in items of business in the case of disclosable pecuniary interest

- (3) Where a matter arises at a meeting which relates to one of your disclosable pecuniary interests,
- (a) You may not participate in any discussion of the matter at the meeting.
 - (b) You may not participate in any vote taken on the matter at the meeting.
 - (c) If the interest is not registered, you must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Standing Orders require you to leave the room where the meeting is held while any discussion or voting takes place.

Non participation in individual executive decision making in case of disclosable pecuniary interest

- (4) Where an Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the Executive Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

Notification of Interests

5. (1) In addition to the disclosable pecuniary interests you must, notify the Monitoring Officer of any interests you have of a kind described in the second schedule. You must make that notification within 28 days of this Code coming into effect or of you becoming a Member or co-opted Member if that is later.
- (2) You must notify the Monitoring Officer of any changes to these interests or of any new interests within 28 days of becoming aware of them.

Disclosure of Interests

6. (1) You have a personal interest in any business of your authority where it relates to or is likely to affect you, a body named in the second schedule or any person with whom you have a close association.
- (2) If you are present at a meeting and you have a personal interest in any matter to be considered or being considered at the meeting:
- (a) If the interest is not registered, you must disclose the interest to the meeting.
- (b) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

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- (3) If you have a personal interest and a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it would be likely to prejudice your judgement of the public interest then you have a prejudicial interest. This is subject to the exceptions set out in paragraph 6.4.
- (4) You do not have a prejudicial interest in any business of the authority where that business:
- (a) does not affect your financial position or the financial position of a person or body named in the second schedule;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in the second schedule; or
 - (c) relates to the functions of your authority in respect of:
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

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- (5) A member with a prejudicial interest must leave the room during the debate and voting on the matter in question.

Sensitive Interests

7. (1) If you have a sensitive interest which is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.
- (2) If you are required to declare a sensitive interest at a meeting you need only declare the fact of the interest and not the details of the interest itself.

Dispensations

8. (1) The Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he or she has an disclosable pecuniary interest or a prejudicial interest. The Council may grant such a dispensation if:
- It believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or
 - considers that without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote relating to the business
 - It is in the interests of the inhabitants in the Council's area to allow the member to take part; or
 - It is otherwise appropriate to grant a dispensation.
- (2) The Council has granted the Monitoring Officer in consultation with the Chair of the Joint Standards Committee the power to grant dispensations. These can only be granted following a written request from the Member and the existence of and reason for the dispensation should be recorded in the minutes of the meeting.

First Schedule – Interests which are Disclosable Pecuniary Interests

<i>Interest</i>	<i>Description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial</p>

Securities	<p>interest.</p> <p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <ol style="list-style-type: none"> i. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“relevant period” means the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) of the Act;

“relevant person” means you or any your partner as defined in paragraph 4.2

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

Second Schedule – Other Interests

1. Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
2. Any body —
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
3. Any person from whom you have received the offer of a gift or hospitality with an estimated value of more than £50 (whether or not you accept the offer) which is attributable to your position as an elected or co-opted member of the Council.

ENCLOSURE 3

Complaint Form

1. Your details

Title	Cllr
First Name	Mark
Last name	Guilford
Address	
Daytime telephone number	
Evening telephone number	
Mobile telephone	
E-mail address	

Your address and contact details will not usually be released unless necessary to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- *The Member you are complaining about*
- *The parish or town clerk (if applicable)*
- *The Independent Persons who advise the City Council on handling standards complaints*

We will tell them your name and details of your complaint. If you have serious concerns about your name or details of your complaint being released please discuss those concerns with the Council's Monitoring Officer before submitting your complaint.

2. Making your complaint

You should submit your complaint to the Council's Monitoring Officer by e-mail to monitoringofficer@york.gov.uk or by post to:

Janie Berry
The Monitoring Officer
City of York Council
West Offices

Station Rise
 York
 YO1 6GA

3. Please provide the name and address of the Councillors who you believe have breached the code of conduct and the name of their Council:

Title	First name	Last name	Name of Council
Cllr	Ian	Cuthbertson	CYC

4. Please explain in this section (or on separate sheets) what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual has done that you believe breaches the code of conduct.

Cllr Cuthbertson:

1. Similar to Cllr [X] they have contravened your code of conduct Section 3 para (1). Cllr Cuthbertson in particular in both the August Full Council meeting where he interrupted the proceedings on several occasions and in the Recreation and Open Spaces Committee that same week he quite literally erupted in a fit of anger shouting at both the committee chairman and myself threatening to file a code of conduct complaint and hurling a number of insults. Cllr. Cuthbertson insisted in that meeting that as a ward councillor he had oversight authority over our council's decisions. The councillors view has resulted in numerous attempts by ward councillors to override town council decisions and to undermine HTC in their Focus newsletter and on social media.

At the Full Council meeting this month, the town council was approached by residents asking us if we could organise a discussion with Yorkshire Water regarding the recent discharge of sewage into

the Foss at Haxby. When the clerk attempted to organise this meeting he was approached by Cllr Cuthbertson and treated to a 45 minute long diatribe about how horrible our council was and that he was going to file a code of conduct complaint and that our council was being run like a wild west town with no law. He warned our clerk not to try to set up a meeting with Yorkshire Water as he was going to do this and that the Town Council would be excluded from participation.

It is important that you provide all the information which you wish to have taken into account by the Monitoring Officer and Independent Persons in considering whether your complaint requires a detailed investigation. For example:

- *You should be as specific as possible as to what you are alleging the Councillors did. For example instead of saying that a Councillor insulted you, you should state what they said or did.*
- *You should provide dates of the the alleged incidents if possible or a general timeframe if you cannot remember dates.*
- *You should confirm whether there were any witnesses.*
- *You should ensure that your complaint is about the code of conduct. The Joint Standards Committee cannot deal with general complaints about decisions made by a Council or actions taken by Councillors in a purely private capacity.*

Additional help

5. Complaints must be submitted in writing. This includes by e-mail. We can make reasonable adjustments if you have a disability which prevents you making your complaint in writing or provide assistance if you have any other difficulty which prevents you completing this form.

ENCLOSURE 4.1

Comments of Cllr Mark Guilford

Cllr Guilford is Chairman of Haxby Town Council and has raised a complaint over the behaviour of Cllr Ian Cuthbertson.

By way of background, the subject of the complaint is a Liberal Democrat Ward Councillor for the Haxby & Wiggington Ward of City of York Council, after winning over from the Conservatives in 2019.

In Cllr Guilford's view this individual has behaved in a very critical way towards the Town Council, many for reasons which in his view he can best describe as "political" and have failed to reflect the separation of roles between the City and Town Council.

Cllr Cuthbertson

When Cllr Guilford was elected as chairman of HTC his first meeting was at the request of Cllr Cuthbertson.

Cllr Guilford met with him at a local coffee shop where Cllr Cuthbertson proceeded to advise him of his shortcomings and that HTC was a completely dysfunctional organisation. (Cllr Guilford adds that while it may look like that now, it most certainly was not then.)

As a ward councillor, Cllr Cuthbertson would frequently attend Town Council meetings. For example, at a meeting in July / August Cllr Cuthbertson asked to present a petition that he had organised to a Town Council meeting and demanded to speak. The Chairman (Cllr Guilford) refused permission for this as this was not an agenda item which resulted in Cllr Guilford being described as being a "dictator" and "undemocratic". Again, this is an example of Cllr Cuthbertson not adhering to the Code of Conduct and behaving in a disrespectful manner in order to support his political ambitions. As with the earlier comments regarding another Member, Cllr Cuthbertson made no attempt to sit down with Cllr Guilford or the clerk to discuss their concerns, instead he resorted to a politically motivated campaign against the council.

There have been other examples of negative campaigning.

Cllr Cuthbertson has repeatedly behaved badly. In particular, at an August meeting of the Council he interrupted proceedings on several occasions and in the Recreation and Open Spaces Committee he erupted in a fit of anger shouting at both the Committee Chairman and Cllr Guilford, threatening to file a Code of Conduct Complaint and making a number of insults. Within these meetings Cllr Cuthbertson had insisted on at least one occasion that as a Ward Councillor he has "oversight" over the Town Council decisions. This would appear to be a fundamental misunderstanding of the different role of the City and Town Council.

During the election period, Cllr Cuthbertson brought Ruth Pearson, the mother of Cllr Edward Pearson in an attempt to expose her to publicity in order to support her case to become a Town Councillor.

Ruth Pearson was successful in being elected at the by-election in November 2021. On being introduced, Mrs Pearson stated that she wanted a seat on the Oversight Committee. The Chairman was against this and although she was appointed to a role on two other Committees her reaction to this was "you are trying to stop me from representing my constituents". In Cllr Guilford's view this was clearly untrue.

At the full Haxby Town Council meeting in September, there was a report brought by local residents asking whether the Town Council could organise a discussion with Yorkshire Water concerning a recent unlawful discharge of sewerage into the River Foss at Haxby. The Clerk attempted to organise this meeting with the assistance of Cllr Cuthbertson as Ward Councillor. Cllr Cuthbertson responded by insulting the Town Council to the Clerk, stating he was going to file a Code of Conduct Complaint, that the Council was being run "like a wild west town" and stating that the Clerk should not try to set

up a meeting with Yorkshire Water as Cllr Cuthbertson was going to do this in order to receive the appropriate credit and exclude the Town Council from participation.

CONFIDENTIAL

ENCLOSURE 4.2

Councillor Carmichael

Council Carmichael is a member of Haxby Town Council and chair of the recreation and open spaces committee, although he is not a member of the playing fields working group.

He pointed out that the member complained about is a liberal democrat member who has created varying amounts of disruption to the deliberations of Haxby Town Council. Whilst Cllr Guilford may have a political affiliation, the town council is run on a non-political basis.

At a July/August meeting, Cllr Cuthbertson demanded the right to speak. When Cllr Carmichael, amongst others said that he did not have such a right as a member of the public, he commented to Cllr Carmichael "you should know better, you were a soldier". In fact, whilst Cllr Carmichael was in the Services, he was not a soldier.

It is also confirmed that when Cllr Cuthbertson was told that he could not speak as ordinary member of the public to support the petition, Cllr Cuthbertson accused Cllr Guilford of being a "dictator" and behaving in an undemocratic manner. Cllr Carmichael was one of those members who did have a concern that taking monies from City of York Council might have had "strings attached" and wished to be clear that Haxby Town Council was doing the right thing by taking the money.

Council Cuthbertson has threatened to report Cllr Carmichael under the code of conduct.

With regard to Cllr Cuthbertson and the meeting with Yorkshire water, whilst Cllr Carmichael does recall certain criticisms, he was not aware of the expression "like a wild west town" being used.

CONFIDENTIAL

ENCLOSURE 4.3

COMMENTS OF NEIL WYATT

Councillor Wyatt has been a member of the Town Council for 11 years and has worked with Cllr Guilford as Chair for three years. He would comment that the Liberal Democrat Councillor involved has been a particularly difficult individual, but this may be coloured by the fact that Cllr Wyatt ran against Cllr Cuthbertson for the City of York Council in 2019.

Councillor Wyatt has been Chair of one of the two Recreation and Open Spaces committees of Haxby Town Council. He is aware that another member, Lesley Beverley resigned from one of these committees as a result of concerns about the behaviour of certain individuals on it.

He does feel that Counsellors Cuthbertson in particular has been difficult to deal with and has his own agenda, rather than being interested in the interests of the community and sought on many occasions to use social media as "propaganda" to further their own political ends.

Councillor Wyatt does recall discussions at Council meetings with regard to the updating of play equipment. Councillor Cuthbertson organised a petition against the HTC position to reconsider accepting grant monies and at a meeting of the Council sought to raise this, when he attempted to force the Council to allow him to speak to it and accept a petition with the aim of overriding the vote of HTC Council on the matter. Counsellor Guilford was forced to have to defend himself by stating that the issue was not on the agenda and could not be entertained for debate which led to the meeting becoming very disorderly. Councillor Wyatt took matters into his own hands and shouted for "order" and for the Chairman to be respected. In subsequent meetings, Cllr Cuthbertson had become increasingly bad tempered and has used language which cannot be reproduced within this note.

CONFIDENTIAL

ENCLOSURE 4.4

COMMENTS OF FORMER COUNCILLOR LESLEY BEVERLEY

Ms Beverley is a former member of the Haxby Town Council, having resigned in August 2021 after serving for approximately one year, noting her short time at the Council was due to her "dreadful" experience as a member (further details of which can be found in her resignation letter (**attached marked "AF1"**)). Prior to her early retirement, Ms Beverley was a Bullying and Harassment Investigations Manager for Royal Mail.

In defining her relationship with the Chairman (Cllr Guilford), Ms Beverley would note that, initially, he was an overtly supportive Chairman. However, as time went on his behaviour became quite controlling with Ms Beverley being made to feel very uncomfortable if their opinions differed. It was Ms Beverley's understanding upon joining the Council that it was not "political". However, it was the events later in her time as a councillor on the Recreation and Open Spaces Committee where she witnessed political biases of certain councillors, naming Cllr Guilford in particular.

Commenting on her contribution to the Recreation and Open Spaces Working Group, Ms Beverley noted that it was her suggestion to update the play area / equipment. The initial objection to Cllr Guilford's view (that the grant monies were a "*Machiavellian political plot*" to favour Haxby where Haxby was not in need) also came from Ms Beverley.

Ms Beverley was so incensed by the thought of Cllr Guilford rejecting the monies that she took her feelings to social media.

Ms Beverley denies that it was Cllr Guilford's desire for the grants to be allocated to underprivileged neighbourhoods (as reported in the York Free Press), rather his concern was the fact that people from a certain political group might benefit from the monies being made available to Haxby. It was only after it became clear that the press article in the York Free Press was inaccurate, that he changed his mind and decided the funding could be accepted. His initial reaction was political, not that he believed the monies were designed for poorer areas – as Chairman he would know to be better informed before making such comments.

Ms Beverley noted one meeting in which certain councillors attempted to present a petition to keep the grant money. Cllr Guilford only allowed members to speak if their hand was raised and he had given them permission to speak. Ms Beverley was particularly quiet in that meeting as Cllr Guilford did not give her permission, noting that Cllr Guilford would tend to ignore members if he believed they would disagree with him.

What ensued was not a confrontation by Ms Beverley's understanding, but more of a questioning of whether they could speak, however, Cllr Guilford refused permission. Once the meeting was finished and the members were saying goodbye to one another, Ms Beverley said "goodbye" to Cllr Crawford in particular, to ensure no bad feeling, to which he ignored. Ms Beverley was left feeling so upset and uncomfortable, it ultimately caused her resignation.

At the next meeting Cllr Cuthbertson explained that he had followed all the processes in order to present the petition (in which around 600 people had signed). Again, he waited to speak. Halfway through the meeting he asked the Chairman whether he would get a chance to speak as he couldn't see the item on the agenda. Cllr Guilford's attitude was very dismissive and suggested it should be put to a vote. Ms Beverley would go onto say that Neil Wyatt, Cllr Crawford and Thomas Carmichael all discussed that they would raise their hand for "no", noting Neil Wyatt was not even listening at the meeting and didn't know what he was voting for. Cllr Cuthbertson was therefore not allowed to present his petition and was not allowed to speak, with Cllr Guilford stating it was "*at the Chairman's discretion*" whether the petition would be presented, refusing to make eye contact at all when he said this.

Although Cllr Cuthbertson followed all the procedures in order to get the item placed on the agenda, it was never included. Once Cllr Cuthbertson was refused the chance to speak it was in fact Ms

Beverley rather than Cllr Cuthbertson who called Cllr Guilford a "dictator" and accused him of being undemocratic, which she repeated in her letter of resignation (**attached marked "AF1"**).

It was after this meeting that Ms Beverley resigned. Ms Beverley notes that she has not witnessed Cllr Cuthbertson behave in a rude or disrespectful way at any meetings at all. Although Cllr Cuthbertson wasn't very happy that he couldn't present the petition he didn't raise an argument, in fact it was Cllr Beverley that was the loudest voice in the room. Cllr Guilford's behaviour was the main reason Ms Beverley resigned. She notes that she has been asked to come back by a number of people due to her enthusiasm and love for the place, but unfortunately cannot be in a room with Cllr Guilford again as he is a bully.

CONFIDENTIAL

AF1

Haxby Town Council

With a heavy heart I am forced to resign from Haxby Town council.

This is due to two recent council meetings at which I have felt bullied and demeaned by the chairman.

At the last full council meeting the Chairman spoke at length and attacked the work of the working party looking into how to improve the toddlers playing area on Ethel Ward playing field. He alleged we had been, in effect, useless at carrying out our remit.

This speech was at times rude and in my view a way of diverting attention from the fact the Chairman tried to send back a grant from York council meant to improve this play area. He believed the money was part of some political machinations. The best method of defence is attack so he attacked the working party.

Since then, after this funding issue became known on social media and he investigated further, he has changed his mind. Could he admit he was wrong? No.

As part of the three man working group I know, and have evidence to prove, that we have constantly chased the council senior officers to obtain quotes and pursue potential funding to no avail. I have personally spoken with mums at the playground to get their views and ask their concerns, again this feedback was not acted upon.

The working party has asked the clerk/chairman to chase potential suppliers and investigate funding over many months yet these requests were repeatedly ignored.

But, now we are accused of being ineffective!

As counsellors, we are told we cannot pursue these avenues ourselves. It has to come from the proper officer/s. Yet when we requested help this did not happen.

I put forward an agenda items to discuss funding etc which was refused as agenda items are "at the proper officer and/or chairman's discretion" So it was refused.

At the last meeting of the recreation committee, the chairman announced he would be recommending a particular company and one particular piece of equipment for the toddlers area. Overriding everything the working party has done.

I objected strongly to the council giving way to the Chairman's personal view of who should get the contract to improve the toddlers play area on Ether Ward field, and what equipment should be replaced. This is not democracy but a dictatorship and it is totally unacceptable to me.

From the start the chairman has repeated his personal approval of a certain company and his desire to install a play plane. This despite the fact that this company was one of three approached to give a final quote and they did not even reply! When I stated this in the meeting I was again ignored.

Recently, Ian Cuthbertson followed all proper procedure as a resident to ask to present a petition to the council signed by nearly 500 residents. This was in support of keeping the funding and improving our playground. No surprise then that Chairman decided it was at his discretion whether or not to allow the residents view to be presented and he refused!

In summary, as a new counsellor I had enthusiasm, a desire to try to help improve the Haxby area for its residents and a willingness to give freely whatever time this involved.

I feel bullied out of this council, I feel personally attacked and treated unfairly.

It's a sad state of affairs when in my view, a few "senior" counsellors have formed a clique to stop anything they don't approve of happening.

I would just say, Haxby town council is supposed to support the residents, it's their money and town, not the councils!

I hope whoever comes next to the council has a better welcome and experience than I have received.

Lesley Beverley

ENCLOSURE 5.1

Andrea Greensmith

From: Cllr. I. Cuthbertson <cldr.icuthbertson@york.gov.uk>
Sent: 21 February 2022 01:29
To: Stephen Pearson
Subject: RE: Confidential: Code of Conduct [FREETHS-ACTIVE.FID3064443]
Attachments: 22-02-21 Responses re M Guilford standards complaint.docx; 22-02-21 Haxby TC Full Council Minutes July 2021.pdf; 22-02-21 Haxby TC Full Council Minutes August 2021.pdf; 22-02-21 Haxby TC R&OSC Agenda August 21.pdf; 22-02-21 Haxby TC R&OSC Extraordinary Minutes August 2021.pdf; 22-02-21 R&OSC Meeting E-mail 10 August 2021.docx; 22-02-21 R&OSC Mtg Letter August 2021.pdf; 22-02-21 Haxby TC Standing Orders.pdf

Sensitivity: Confidential

Dear Mr Pearson

As requested, my answers to your questions are in the main attachment to this e-mail (22-02-21 Responses to M Guilford standards complaint.doc). I should like to point out that these are my own responses and not those of anyone else.

Attached to this e-mail should be Minutes of the TC meetings held in July and August 2021, together with the Notice of Meeting and Agenda, Minutes, my scanned letter requesting to speak and my e-mail to Cllr Carmichael forwarding that letter, his e-mail acknowledging that request, all relating to the R&OSC's meeting of 12th August 2021. There should also be HTC's Constitution, Standing Orders and Code of Conduct all in a single document.

I trust, too, that you will find the answer to the additional question which you put to me in your e-mail of 17th February at 3 (a) & (b) of my response. To be clear, I did not attend a Haxby TC meeting in July (see attached Minutes) and what little I had to say at the 9th August TC meeting and the 12th August R&OSC meeting is fully detailed at 3 (a) & (b). On no occasion did I use either of the two expressions attributed to me - I do not know who may have uttered such words.

I should also like to point out that Cllr Guilford's complaint suggests that I have been involved in activities relating to his complaint which are not included in the summary that you provided. I would therefore like to make some further responses over and above my answers to your original questions, which I hope will address these matters:

1. In part 1, para 2 of this complaint there is a suggestion that the ward councillors 'were putting together a group of like-minded Liberals to force elections in HTC to take over the council'. For my part, I do not know of any such plan, nor have I been asked to join in any such action. It is, of course, open to any individual or group of people, members of a political party or not, to take such steps in the lead-up to an election and it may be that this allegation reflects a certain paranoia and insecurity on the part of Cllr Guilford. Let me make it clear that I have not been involved in any such process.
2. In part 1, para 5 of the complaint, Cllr Guilford alludes in blanket terms to something which 'demonstrates a clear lack of respect the ward demonstrates in dealings with our council'. Allegations which he makes elsewhere in his complaint aside, I wish to make it clear that I do not accept this and have generally and consistently treated Haxby Town Council, its members and its staff with consideration and respect.

3. In part 2, para '1' of the complaint, most of which I have dealt with in my responses to your questions, Cllr Guilford refers to 'numerous attempts by ward councillors to over-ride town council decisions and to undermine HTC in their Focus newsletter ad on social media'. To my knowledge, Haxby and Wigginton ward councillors have not made, nor are involved in, any attempt to over-ride a town council decision or decisions. Neither Focus nor social media have been used to 'undermine' the TC. The petition referred to in my answer to your question 5 was an attempt (well before Cllr Guildford made any announcements at the 9th August TC meeting) to get the TC to consider revisiting the R&OSC's earlier decision on the basis of public opinion; this is quite different from 'attempting to over-ride' a TC decision.
4. In part 2, para '1a' of the complaint, it is alleged that 'ward councillors have interjected themselves into two town council matters (even when advised not to)' and that ward councillors 'contacted the resident of Wigginton and agreed to work with her to overturn the decision of the town council'. I am aware of a sequence of postings on social media which was started by local residents and was inflamed by abrupt postings made by the complainant himself. While I think I know of the 'resident of Wigginton' to whom he refers, I must make it clear that I have not been in contact with that person or any other resident about this, had any part in whatever activity to which Cllr Guilford is referring, nor have I or my fellow councillors been involved in any 'social media campaign'.
5. In part 2, para '1b' of the complaint, it is alleged that ward councillors started 'another' social media campaign and 'the raising of a petition that they are attempting to use for political gain'. I would point out that the petition, to which I refer in answering question 5, was not a 'campaign' but a straightforward request for public views via an e-mail list and the Focus newsletter; it had to be dealt with quickly (between mid-July and 9th August) because there was little time in which to advise Haxby Town Council of the scale of opinion, which is described in my response. It was therefore over in a very short time. Our concern was that, if the R&OSC's earlier decision over returning the money were to be upheld and news of this reached a wider public audience, it would be very embarrassing to City of York Council as well as to Haxby Town Council, both of which were things we hoped to avoid. In the event, the R&OSC's decision about returning the money was clarified, in response to the strong public view in the petition, through its decision to retain the money and spend it as had originally been planned.

I trust that these further responses will be reflected where necessary in the draft of your report, which I understand should follow the current round of your investigation.

Yours sincerely

Cllr Ian Cuthbertson

Liberal Democrat Councillor – Haxby & Wigginton Ward
City of York Council

From: Stephen Pearson <Stephen.Pearson@freeths.co.uk>
Sent: 19 February 2022 08:35
To: Cllr. I. Cuthbertson <cllr.icuthbertson@york.gov.uk>
Subject: Re: Confidential: Code of Conduct [FREETHS-ACTIVE.FID3064443]
Sensitivity: Confidential

Dear Cllr Cuthbertson
Many thanks for the update

Best regards

Stephen Pearson

Partner

T: 0345 274 6900

F: 0845 050 3255

M: 07810 034 917



FREETHS

Freeths LLP
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Nottingham NG1 6HH

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On 18 Feb 2022, at 16:57, Cllr. I. Cuthbertson <cllr.icuthbertson@york.gov.uk> wrote:

Hello Mr Pearson

Thanks for your e-mail.

I'm sorry that my response to your questions is not quite finished, but I will be sure to send it to you over the weekend so that you have it for Monday morning.

In respect of your additional question, I think you will find that my response already contains an answer; if anything is unclear, please don't hesitate to let me know.

Regards

Cllr Ian Cuthbertson

Liberal Democrat Councillor – Haxby & Wigginton Ward
City of York Council

From: Andrea Greensmith <Andrea.Greensmith@freeths.co.uk> **On Behalf Of** Stephen Pearson

Sent: 18 February 2022 15:37

To: Cllr. I. Cuthbertson <cllr.icuthbertson@york.gov.uk>

Cc: Stephen Pearson <Stephen.Pearson@freeths.co.uk>

Subject: Confidential: Code of Conduct [FREETHS-ACTIVE.FID3064443]

Sensitivity: Confidential

Dear Cllr Cuthbertson

I refer to my emails of 28 January and 14 February 2022 asking you to respond to my questions, which I understand you are working on.

As a result of further discussions, there is another point which would be added:

- It is suggested that at a meeting, probably in July or August, you asked to speak in order to present a petition to the Town Council and that Cllr Guilford refused permission for this to be done, which resulted it being shouted that Cllr Guilford was being "a dictator" and "undemocratic". To clarify, these allegations relate to comments which either you or another Councillor are alleged to have made, could you please give your account of events.

I look forward to hearing from you.

Regards,
Stephen Pearson

Andrea Greensmith

Secretary
T: 0345 274 6918
F: 0845 050 3255

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Cumberland Court, 80 Mount Str
Nottingham NG1 6HH

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ENCLOSURE 5A

Questions to Cllr Ian Cuthbertson

1. How long have you been a Councillor?

I have been a City of York (CoYC) councillor for nearly 15 years, from May 2003-7 for a nearby Ward, then elected for Haxby & Wigginton from May 2011 to the present.

Alongside my professional career, I was Clerk to Wigginton PC from 2001-11 and co-opted to another PC from 2007-9. I retired in 2010, and was a locum Clerk elsewhere for over a year.

2. Generally speaking, how would you describe your relationship with Cllr Guilford and with Haxby Town Council (Haxby TC) generally?

As a ward councillor, I have worked alongside Haxby TC since late 2011 and got on well with previous Clerks, Deputy Clerks and Chairmen including Cllr Guilford's predecessor.

I have been acquainted with Cllr Guilford since a few months after first attending TC meetings in 2011. I dealt with a planning objection which he asked me to pursue in mid-2017 and felt we had a reasonably co-operative relationship at the time. Since the local elections of May 2019 when Cllr Guilford became Chairman of the TC, however, I feel that things have been more difficult - that feeling has grown from mid-2020.

In my view, my relationship with most other members of Haxby TC has been generally friendly, respectful, constructive and supportive. I have helped several TC members, either by dealing with problems for them or by dealing with other Haxby residents' problems on their behalf.

3. It is alleged that within an August meeting of Haxby Town Council, despite not being a Member of that Council you repeatedly interrupted proceedings on several occasions and, within a Recreation and Open Spaces Committee (R&OSC) Meeting within the same week, you "erupted in a fit of anger" shouting at both the Committee Chairman and threatening to file a code of conduct complaint against Cllr Guilford, together with making other insults. Please confirm how you respond to this?

I will respond to these allegations separately for each meeting.

- a. The TC meeting on 9th August was at Oaken Grove Community Centre and the Chairman and Clerk (Mark Scott) sat at a table in the centre of the room. Members of the TC were at tables in a rectangle round them while members of the public were sitting further away with their backs to the wall. The room divider was open, making a single large room from what is usually two separate rooms. Having a hearing impairment, I find it difficult to hear clearly in that single room because it is prone to echoes.

As the Chairman opened the meeting, I sought his attention and asked if he could please speak more loudly and clearly as I couldn't hear him properly. He looked at me, but appeared to ignore my request as neither the sound level or its quality changed.

Until that date, Haxby TC meetings have dealt with public participation at the start, before the meeting proper, at every meeting I have attended since 2011. Standing Orders and Notices of Meeting confirm this arrangement. I knew Cllr Hollyer wanted to speak at that meeting about the petition over the R&OSC's decision and had asked to do so, but Cllr Guilford failed to call him at the start. Cllr Hollyer asked if he could speak, but Cllr Guilford refused him. It was the first time I have known this happen at a Haxby TC meeting. I was shocked, so I sought Cllr Guilford's attention, asking if he really was refusing to let Cllr Hollyer speak. He looked at me and said 'Don't interrupt the meeting'; it was clear that he was not going to allow public participation at that meeting. Other than these two very brief instances, I did not seek the Chairman's attention or interrupt the meeting in any way.

Haxby TC's Standing Order 3 (e) states that: "Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda".

The matter on which Cllr Hollyer wished to speak related to an item on the agenda.

After I had left, I understand that, in a discussion between TC members about the relevant agenda item, Cllr Guilford made it clear that an extraordinary meeting of the R&OSC would be called to re-visit its previous decision (about returning money awarded after a grant application) and it was stated that any petition could be presented at that meeting.

- b. The agenda for the extraordinary R&OSC meeting on 12th August had on it a decision about returning the playground equipment grant to CoYC. I wrote to the Clerk and the Committee's Chairman (Cllr Carmichael) beforehand, asking to speak at the meeting in respect of the relevant agenda items, and Cllr Carmichael acknowledged my email.

The R&OSC meeting was held in the TC's Office in the Memorial Hall. The local band was rehearsing in the main hall next door, with little sound insulation between the two rooms and the background noise level was high. I couldn't hear the Chairman (Cllr Carmichael) announce the start of the meeting, and, when I realised he was talking but hadn't called me to speak, I sought his attention to ask if he could please speak up on account of the background noise and my hearing impairment. Along with that, I asked if he would let me know when he was calling me to speak. Cllr Carmichael appeared to look at me but gave no acknowledgment and there was no change in the sound level or its quality.

Although I could hardly hear what was being said for background noise, it became apparent after about 15 minutes that the meeting was moving through the agenda items, so I once more sought the Chairman's attention to ask if he would warn me as the item on which I wished to speak was being reached. Again he appeared to ignore my request, and I think I heard Cllr Guilford (who was acting as minute taker) say 'Don't interrupt the meeting'. At this point, what seemed previously to have been a disagreement between members about an alleged lack of progress by the working group tasked with getting quotes for replacement play equipment for the toddlers' play area (the subject of the grant application mentioned at 5 below) now appeared to be becoming an open argument. This was the first of the two agenda items on which I had asked to speak.

The argument subsided and the discussion moved on, seeming to reach some kind of natural pause. At this point, I asked the Chairman when the agenda items on which I had asked to speak were coming up, because I wanted to speak about them before they were debated and a decision made. He replied that those items had just been discussed and decided, adding that I could speak at that point, but he 'didn't want any trouble or anything political'.

I declined the offer saying that, as a decision had been made, there was now no point in me speaking, even though members would not hear what I had wished to say. After having worked co-operatively with the TC for about 10 years without any problems, without making any 'trouble' or saying anything 'political', I was simply amazed at the Chairman's response. But I remained in my seat until the Chairman ended the meeting.

Once the meeting had closed, I asked the Chairman whether he realised that the TC's Standing Orders were the rules by which its meetings, from the Council itself to its Committees, were to be run. When I pointed out that Standing Order 3 (e) was actually serious and should be observed by every Chairman, he made no reply. I believed then (and still do) that he was hardly aware that the TC had Standing Orders for the conduct of its business and that they must be followed, also that he was not at all familiar with them.

At this point Cllr Guilford told me that I should not have interrupted the meeting and 'as an experienced Clerk I should know that'. I told him that I was there as a member of the public who had properly requested to speak in relation to agenda items 7 and 8, in accordance with the TC's Standing Orders and the Summons and Notice of Agenda for the meeting. I

was not present as 'an experienced Clerk'. The opportunity to speak had been denied to me and the relevant Standing Order had not been followed.

Cllr Guilford then appeared to start getting upset, telling me directly that Haxby TC was an independent authority, reporting direct to central government, and that CoYC had 'no authority whatsoever' over it. I saw no point in getting into a detailed argument over this and simply responded as described in 4 below.

Following this, raising his voice further to me, Cllr Guilford asserted that the Ward councillors for Haxby & Wigginton were 'not elected by the people of Haxby, did not represent the people of Haxby in any way and were totally irrelevant to Haxby as a community and its Town Council'; this is clearly quite untrue. I spoke briefly about the work that we as Ward councillors did for residents and the community (and also with the TC), irrespective of residents' political opinions, and I pointed out that the election results spoke for themselves not just for our Ward but across the city. I know he is aware that I am an experienced unitary authority councillor, so I saw his comments as being provocative, as deliberately intended to be humiliating and as quite openly disrespectful both to the Ward councillors and to CoYC itself.

His comments did make me annoyed and, because he had raised his own voice, I replied further, raising mine a little beyond the level of his own (but I did not 'erupt in a fit of anger' and shout). Knowing there were no residents or members of the public present other than TC members and myself, I explained what I felt was wrong about the conduct of the meeting. Not only had that evening's meeting been badly run and disrespectful to members of the public who were present, but it seemed that Cllr Carmichael wasn't aware of the significance of the TC's Standing Orders and their application. I believed that he (Cllr Guilford), as Chairman of the TC, had failed to ensure that Cllr Carmichael adhered to the Standing Orders and that he too, as Chairman of the TC, had also failed to follow Standing Orders at the TC meeting earlier in the week. Likewise, I believed, that both he and Cllr Carmichael had acted in an unacceptable way when chairing the two meetings by denying members of the public an opportunity to speak which they had requested, I suggested that there were training courses available to help members in chairing meetings, also in understanding the meaning and purpose of Standing Orders and the Code of Conduct.

I observed, too, that because what had happened at both meetings was in breach of both the TC's Code of Conduct and its Standing Orders, a Standards complaint could be raised against the two of them. I did not, however, threaten to make such a complaint and I have not done so because I feel that such differences should be resolved at local level wherever possible. It seems more than a little ironic that a Standards complaint has since been raised against me, over 2 months after such poor behaviour, by one of the two people who I believe (whether deliberately or through ignorance) infringed both sets of rules.

4. **Did you insist within a meeting with the Town Councillors that as a Ward Councillor you have "oversight" over the Town Council's decisions? Do you confirm that this is your understanding?**

No. In my exchange with Cllr Guilford after the R&OSC meeting on 12th August 2020, he asserted that CoYC had 'no authority whatsoever over the Town Council'. I did not argue, but observed that the City Council probably had more influence over the existence of Town and Parish Councils than he realised. I pointed out that the law concerning such powers was clearly outlined in the book in front of him ('Arnold-Baker on Local Council Administration' – a standard text) and I suggested he might usefully consult the appropriate chapter(s).

5. **Have you published critical material against the Town Council within the Liberal Democrat Focus Newsletter and on social media?**

No. An article in Focus sought readers' opinions about a decision by the TC's R&OSC Committee. It expressed surprise that the Committee had decided to return a grant that was previously applied for by the TC because it disapproved of the way that CoYC had allocated

the grant money across different parts of the city. The article also expressed the Focus team's disagreement with this decision and requested readers' views (via a petition) as to whether the TC should retain the money or return it to CoYC. The petition was also published online.

Within a very few days of distribution, some 500 signatures were received in favour of the TC retaining the money awarded while there were only some 10 signatures in favour of returning the money. As far as I am aware, the article and petition attracted no comments about being of an 'offensive' or 'critical' nature other than any views that might have come later from Cllr Guilford or Cllr Carmichael.

I have not published any material (critical or not) about Haxby TC on social media – I use Facebook privately, solely for contact with my family and a few close friends.

6. **Please confirm whether you were contacted by the Clerk with regard to arranging a meeting with Yorkshire Water concerning the discharge of sewage? At this meeting, did you make a number of criticisms about the Town Council to the Clerk and did you warn the Clerk not to set up a meeting with Yorkshire Water as you were going to do this, and that the Town Council should be excluded from participation? If so, why did you do this?**

I received an e-mail from Mark Scott, the Clerk, on 29th September 2021 asking for details of contacts at Yorkshire Water and CoYC for him to arrange a meeting between the TC and these bodies about a sewage leak that had occurred in late August 2021. I rang him that morning within a short time and we discussed that issue among probably 7 or 8 other matters in a call which (from my phone records) lasted just over 32 minutes. I would say that each individual matter discussed might have taken up anything from 2 to 5 minutes in that conversation - there was certainly no '45 minute long diatribe' on any one subject.

By that date a first discussion between CoYC and Yorkshire Water had already been held; it was concerned with storm drain overflows, where sewage is released to local surface water drains in times of high rainfall, finding its way into local becks, watercourses and rivers. York has a much higher than expected rate of storm drainage overflow incidents of this kind and a cross-city solution was being sought. Haxby's sewage leak was being discussed because it was relevant and a follow-up meeting (expected to include previous attendees and possibly Ward councillors) was due. I recall telling Mark Scott that yet another meeting at that point might be a distraction and it would not be appropriate to include only the TC in it - if such a meeting were held, it should also involve at least two other affected Parish Councils. I think I indicated that the TC should already have contact details for both CoYC's drainage manager and for Yorkshire Water from a previous meeting. Mark suggested that the TC was being excluded and I'm sure I told him that was not the case. I don't recall telling Mark Scott that the TC should be excluded, just that the second planned meeting would most likely be restricted to existing participants. If, ultimately, the TC wished to set up its own meeting, that was its prerogative; I was simply trying to avoid having parallel meetings about the same issue.

7. **Would you be willing to take part in a process of mediation in order to try and improve the relationship between Ward Councillors and the Town Council?**

As outlined above, I have enjoyed quite friendly and constructive relationships with most Town Councillors in the time I have been a Ward Councillor for Haxby and Wigginton. One or two Town Councillors have and still do let party politics get in the way of co-operation but this applies to only a small number; I feel we should be able to get along together overall.

I am willing to take part in a mediation process.

Eleanor Mangham

From: Cllr. I. Cuthbertson <cllr.icuthbertson@york.gov.uk>
Sent: 29 April 2022 15:32
To: Stephen Pearson
Subject: RE: Confidential: Code of Conduct Complaint [FREETHS-ACTIVE.FID3064443]
Attachments: 220429 Response to draft report re Cllr Guilford complaint.docx

Sensitivity: Confidential

Dear Mr Pearson

Draft Report - investigation into complaint against me by Cllr M Guilford

I am replying to your e-mails of 12th and 18th April.

Attached please find my response to the draft report which you have prepared and submitted. Also forwarded below is a further e-mail from Cllr Carmichael which makes clear his views on and feelings about the petition which was circulated to local residents (this needed to be done after requests for a discussion about a decision to return grant money to City of York Council were rejected by Haxby Town Council).

I regard it as fundamental to the continuation and progress of this matter that corroborative evidence is now sought from the people I have listed under 'Completeness of evidence, balance and corroboration' and that evidence already submitted by the complainant and his associates which has not yet been made available to me is now provided as a matter of urgency.

I look forward to hearing from you and to seeing your anticipated timetable for completion of this matter in due course.

Yours sincerely,

Cllr Ian Cuthbertson

From: Stephen Pearson <Stephen.Pearson@freeths.co.uk>
Sent: 19 April 2022 06:41
To: Cllr. I. Cuthbertson <cllr.icuthbertson@york.gov.uk>
Subject: Re: Confidential: Code of Conduct Complaint [FREETHS-ACTIVE.FID3064443]
Sensitivity: Confidential

Dear Cllr
Yes that is fine

Regards

Stephen Pearson

Partner

T: 0345 274 6900

F: 0845 050 3255

M: 07810 034 917



FREETHS

Freeths LLP
Cumberland Court, 80 Mount Street
Nottingham NG1 6HH

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From: Thomas Carmichael <cllr.tcarmichael@haxbytowncouncil.gov.uk>

Sent: 11 August 2021 14:04

To: Cllr. A. Hollyer <cllr.ahollyer@york.gov.uk>; Cllr. I. Cuthbertson <cllr.icuthbertson@york.gov.uk>

Cc: Cllr. E. Pearson <cllr.epearson@york.gov.uk>; Mark Guilford

<cllr.mguilford@haxbytowncouncil.gov.uk>; Mark Preston

<cllr.mpreston@haxbytowncouncil.gov.uk>; Mark Scott <mark.scott@haxbytowncouncil.gov.uk>;

Neil Wyatt <cllr.nwyatt@haxbytowncouncil.gov.uk>; David Rice

<cllr.drice@haxbytowncouncil.gov.uk>

Subject: Re: Haxby TC Recreation and Open Spaces Committee

Dear Cllr Hollyer,

Firstly thank you for contacting myself and my apologies that you could not speak at the HTC full council meeting , rules are rules . The chair of HTC is well seasoned with the rules and regulations and disruption from the floor.

The petition no doubt was conducted by means of media e.g. Facebook and to your mailing list. However regarding the numbers that you have is a small proportion to total residents in Haxby.

Not all residents support the Liberal Democratic Party nor are they on Social Media for whatever reason.

But in view that residents have taken the time to reply to your party this will be taken into consideration. Personally I do not wish to deprive the younger youth of Haxby their happiness I state there is no such thing as a free lunch and I want to ensure this money is not politically motivated.

In the past items that were being dealt with by HTC ended up in your publication of the Focus which in my view put HTC in a bad light. I also do not like HTC being ridiculed on Social Media as we as an Independent authority and only inflames the likes of myself and others who are trying to do what's best for our residents.

I joined this council to make sure that good was being done for one and all and that taxpayers money was being utilised in a correct and proper manner .

On Thursday as you are aware there will be a meeting of this committee , you are most welcome to attend as a member of the public but if anyone tries to hijack the meeting I will have no hesitation to suspend it.

Shalom Alechiem
Thomas I Carmichael

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From: Cllr. A. Hollyer <cldr.ahollyer@york.gov.uk>
Sent: Wednesday, August 11, 2021 1:02:16 PM
To: Thomas Carmichael <cldr.tcarmichael@haxbytowncouncil.gov.uk>; Cllr. I. Cuthbertson <cldr.icuthbertson@york.gov.uk>
Cc: Cllr. E. Pearson <cldr.epearson@york.gov.uk>; Mark Guilford <cldr.mguilford@haxbytowncouncil.gov.uk>; Mark Preston <cldr.mpreston@haxbytowncouncil.gov.uk>; Mark Scott <mark.scott@haxbytowncouncil.gov.uk>; Neil Wyatt <cldr.nwyatt@haxbytowncouncil.gov.uk>; David Rice <cldr.drice@haxbytowncouncil.gov.uk>
Subject: RE: Haxby TC Recreation and Open Spaces Committee

Dear Cllr Carmichael,

There are 498 names on the petition currently.

I'm not sure of the significance of whether they are of voting age (or indeed where they reside) in terms of accepting a petition, however if that is an actual requirement to accept a petition I'm sure I can find out.

The petition was through social media and our email list – do you have a concern that the people you asked hadn't heard directly?

Best wishes,

Andrew

Cllr Andrew Hollyer
Liberal Democrat Councillor for Haxby and Wigginton Ward
Chair of Area Planning Committee
City of York Council

cldr.ahollyer@york.gov.uk


From: Thomas Carmichael <cldr.tcarmichael@haxbytowncouncil.gov.uk>
Sent: 11 August 2021 12:44
To: Cllr. I. Cuthbertson <cldr.icuthbertson@york.gov.uk>

Cc: Cllr. A. Hollyer <cllr.ahollyer@york.gov.uk>; Cllr. E. Pearson <cllr.epearson@york.gov.uk>; Mark Guilford <cllr.mguilford@haxbytowncouncil.gov.uk>; Mark Preston <cllr.mpreston@haxbytowncouncil.gov.uk>; Mark Scott <mark.scott@haxbytowncouncil.gov.uk>; Neil Wyatt <cllr.nwyatt@haxbytowncouncil.gov.uk>; David Rice <cllr.drice@haxbytowncouncil.gov.uk>

Subject: Re: Haxby TC Recreation and Open Spaces Committee

Dear Cllr Cuthbertson,

Thank you for your correspondence and a copy of the letter which is addressed to our Town Clerk.

This petition of 400 + names that you wish to submit, how many people of voting age live in Haxby. I have asked residents in my ward if they had been approached by Liberal Democratic Ward Councillors regarding this petition, the answers were No .

This Thursday I have a meeting regarding this subject, a committee I chair. This will be discussed and I am sure that a positive outcome will ensue.

It was not stated that the money would be rejected, I have to ensure where the money was coming from and did not have political strings attached.

May I remind you Sir that Haxby Town Council receives its instructions from Central Government and not from City of York Council and we as a council are politically independent when in operation.

Shalom Alechiem
Cllr Thomas I Carmichael

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From: Cllr. I. Cuthbertson <cllr.icuthbertson@york.gov.uk>
Sent: Wednesday, August 11, 2021 9:35:06 AM
To: Thomas Carmichael <cllr.tcarmichael@haxbytowncouncil.gov.uk>
Cc: Cllr. A. Hollyer <cllr.ahollyer@york.gov.uk>; Cllr. E. Pearson <cllr.epearson@york.gov.uk>
Subject: Haxby TC Recreation and Open Spaces Committee

Hello Cllr Carmichael

Attached please find a letter addressed to you as Chair in which I ask to speak as a member of the public and present a petition (of which Haxby TC is already aware) at the meeting of the above Committee to be held on Thursday 12th August.

The petition which I wish to present expresses the view of over 490 residents of Haxby in favour of the Town Council retaining and spending locally money which was awarded by City of York Council in the recent playground improvement bidding round. I am sure that you will agree that this is a significant body of local opinion which it would be unwise to ignore.

It is unfortunate that the Town Council's office is currently closed due to a 'staff shortage', so I am sending this to you by e-mail as a matter of courtesy.

Kind regards

Cllr Ian Cuthbertson

Councillor – Haxby & Wigginton Ward
City of York Council

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Code of Conduct Complaint against Cllrs Cuthbertson, Hollyer & Pearson

Ref. FREETHS-ACTIVE.FID3064443

Cllr Cuthbertson's response to draft report

Introduction

It is extremely disappointing that this draft report has not appeared until almost the very end of the 3 month period indicated in the 'Complaints about the ethical conduct of Councillors' rules ('the Rules'). There has been no explanation of the reasons for any delay in completing the investigation as required in penultimate paragraph of '3. How is the investigation conducted?' ('Rules (3)'). For reasons outlined later in this e-mail, it is clear that this investigation is now likely to over-run the 3 month period. I would like to know if such a report has already been provided to the Monitoring Officer or to the complainant; if so, when was this done, and please may I and my fellow-councillors have a copy?

It is also disturbing that the draft report arrived only two clear working days before a long public holiday, yet a full response was requested within seven days. No notice whatsoever was given of the impending appearance of the report; it is a matter of record that I have not been contacted about the substance of this matter or progress on it since Mr Pearson's e-mail request for a response to an additional allegation on 14th February.

Mr Pearson's e-mail also asks that I provide comments 'principally with regard to any perceived matters of fact' within that timeframe, but para 5 of Rules (3) states clearly that the draft report 'will be shared with the Councillor concerned' so that any matter in that draft report 'with which (I) disagree or which (I) think needs more consideration' can be identified. It can hardly be surprising that I intend to take issue with material which appears to have been put forward as fact but, in my view, appears instead to represent a combination of opinion, mistaken (if common) perceptions and biased comment besides any facts which may have been adduced and with which I disagree (there may possibly be others, depending on what further evidence subsequently emerges).

Although the report is complex, I intend to treat such matters individually, identifying each one by its place in the relevant document.

'Refusal' by ward councillors to speak to the investigator

Under '1 Executive Summary and Official Details' and at '7 Evidence gathered' in the report, it is stated that I (as one of the three ward councillors) have refused to speak to the investigator in person. This gives a negative impression and, unfortunately, is misleading. I asked to deal with the matter by way of e-mail because, until late June 2021, I was dealing with treatment for and the effects of a serious illness. Although, at the time of his request, it was more than 6 months since the alleged incidents had occurred, I did not then feel able to handle a conversation in which my memory of events which took place shortly after completing that course of treatment might temporarily let me down. That might have created confusion or doubt about the accuracy of any statement I might make or caused delay in dealing with the complaint.

When I requested to deal with the matter by way of email, Mr Pearson agreed without question, stating only that my answers should be my own; I confirm that those answers were my own and that they remain unchanged. Having thought through these events in write that response, I can that I would now be confident of relying on my memory in dealing with such a discussion.

Had the investigator requested a discussion after I completed and returned my response, I would have done my best to oblige but, since I heard nothing further after I replied on 21st February to his follow-up request for a response to a subsequent allegation made by Cllr Guilford (18th February), I do not believe it was my responsibility to announce that I was now available for a conversation – surely, it was up to Mr Pearson as the investigator to initiate any further exchange.

My initial response to the draft report

I would admit to feeling complimented by the investigator's thanks for my 'comprehensive report' in his e-mail of 21st February. His comment that he would 'go through this, and if I need clarification on any point, I will let you know' suggests that, any further enquiry being absent, my comments gave him all he needed to know. Yet the draft report shows that further evidence has been sought and taken from Cllr Guilford and associates without following Rules (3). Given that, it is hard to believe that there was nothing further at all for him to elucidate or verify with me or the other ward councillors.

It is worrying that this investigation has thus clearly failed to comply with the requirement in the 3rd paragraph of Rules (3) to provide me, as one of the Councillors concerned, with 'the same opportunity to identify sources of

evidence' as the complainant (this is required in the 2nd paragraph). From the outset, I have not been offered such opportunity and, worse, I heard nothing of any indication that additional corroborating evidence might possibly be provided until the draft report was presented. I was surprised to find that such evidence had been sought at Section 8 (Summary of material conclusions and findings) sub-section (e); further, the report indicates that Mr Pearson had taken into account other views which can only have been those of the complainant or his associates. In this connection, I would remind the investigator that his initial request was only for me to provide my comments on the complaint. That is what I have done (my e-mail of 21st February) and nothing further has been requested, nor has Mr Pearson or the Monitoring Officer made me aware of this search for further evidence or any possible need to provide corroboration on my part.

Completeness of evidence, balance and corroboration

I believe that the witnesses to whom Mr Pearson has spoken are all supportive of Cllr Guildford. In order to get a more complete and properly balanced view of the evidence, I would suggest that he should now e-mail the following about the several matters in my comments on which some corroboration would be helpful (the individuals have been contacted only to ask if their e-mail address could be sent to him, though phone contact details can be obtained if needed):

My non-involvement in meetings with Yorks Water (August/September 2021):

CoYC Cllr Paula Widdowson *cllr.pwiddowson@york.gov.uk*
(Executive Member for Environment at City of York Council)

Events at HTC full Council meeting on 9th August 2021:

CoYC Cllrs Hollyer and Pearson (*these addresses should already be in use*)
HTC Cllr Grant Cockburn *cllr.gcockburn@haxbytowncouncil.gov.uk*
HTC Cllr Mark Preston *cllr.mpreston@haxbytowncouncil.gov.uk*
(NB after 9th May, Cllr Preston is at xxxxxxxxxxxxxxxxxxxxxxxxxxxx)
HTC Cllr Mike Harrison *cllr.mharrison@haxbytowncouncil.gov.uk*
Former HTC Cllr Lesley Beverley xxxxxxxxxxxxxxxxxxxxxxxxxxxx

Events at HTC's R&OSC meeting on 12th August 2021:

CoYC Cllr Pearson (*see above*)
HTC Cllr Mark Preston (*see above*)
Former HTC Cllr Lesley Beverley (*see above*)

Relationship with HTC pre-May 2019 and my character:

Former HTC Chair, Cllr Mary Crawford XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Former HTC Cllr Derek Harkess XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Relevance of material provided subsequent to complaint

Regrettably, it is hard to avoid the conclusion that further evidence has been provided in circumstances which may have allowed the complainant to adjust or embellish material in his original complaint. In particular, the summary of allegations under my name in '2 Basis of the complaints' on page 3 of the draft report identifies matters for which I have seen either no evidence or for which additional corroborative evidence is clearly needed. I hope, therefore, that all allegations relating to me which have been made by Cllr Guilford and his associates will be made available to me.

One such item appears below my name in '2 Basis of the complaints'. Here I am now accused of describing HTC as a 'dysfunctional' organisation and of verbally attacking Cllr Guilford; it seems from '5 Chronology' that this is alleged to have happened in 'late 2019?', yet no such allegation is made in Cllr Guilford's complaint and, indeed, such a new allegation would fall well outside the scope of the original complaint, which refers only to events in the period June to September 2022. I should be glad to hear that Mr Pearson is prepared to exclude this particular issue from the complaint because, without clear evidence as to the date, time, place of such alleged infringement and some corroboration, any such allegation seems clearly risible.

Another such item is the second below my name in '2 Basis of the complaints' and this allegation also sits uncorroborated. I did not 'demand to speak' at the HTC meeting on 9th August and no refusal for me to speak could therefore have been given by Cllr Guilford. I did not describe him as either a 'dictator' or as 'undemocratic'; I recall some such expressions being used but, because of a general hubbub at that point, have no idea who might have uttered them. This accusation is uncorroborated.

Another such item is the third one below my name in '2 Basis of the complaint' and I have already addressed this in my previous comments. Suffice it to say that I specifically did not 'erupt in a fit of anger', did not threaten to file complaints, did not make insults and did not insist that, as a City Councillor, I had oversight over Town Council decisions. My behaviour at the meetings was quite appropriate. After the R&OSC meeting on 12th August, it was Cllr Guilford

who insulted and provoked me, not vice versa. Again, no corroborative evidence has so far been presented.

The fourth such matter is at the last item under my name in '2 Basis of the complaints' and is also in '5. Chronology' where the report mentions 'issues re Yorkshire Water meeting'. With the greatest respect, I have explained the circumstances relating to this, which are that HTC's former Clerk totally misunderstood why both a meeting which had already taken place and one which was about to happen did not involve HTC; his consequent complaint of 'being excluded' was exaggerated beyond measure. I was neither involved with nor present at the meetings with Yorkshire Water in August and September 2021; I believe Cllr Widdowson (above) will confirm this. Yet this allegation remains as substantive in the list at '6. Agreed and disputed facts'. Has what Cllr Guilford reported of a phone conversation with a third party been treated as fact? This allegation is totally uncorroborated.

A further such additional item appears later in the draft report. In '8 Summary of material conclusions and findings', at '(e) Specific Issues' under my name, the report states that on 12th August I 'told Cllr Carmichael off for defending proper procedures'. It is clear from my own earlier response that what I did do was to point out that HTC's Standing Order 3 (e) applied to every meeting and that Cllr Carmichael had not followed it – this error was his responsibility as Chairman and not some defensible part of 'proper procedures'. If Cllr Carmichael relayed that I was 'telling him off', that may well be because he realised that he himself ignored Standing Orders.

Other items for rebuttal

Under '8 Summary of material conclusions and findings' at '(e) Specific Items' and under my name, the second bullet point, which alleges that I accused Cllr Guilford of behaving as a 'dictator' and being 'undemocratic', remains uncorroborated and would require further supporting evidence.

Similarly, under this section, the third bullet point, suggesting that I expressed an argument that the City Council does have some formal power of influence over a Parish or Town Council, needs to be considered in the terms which I actually used and have explained elsewhere. I would suggest that this is not such a fine point of law that it cannot be understood by a member of a Parish or Town Council or its Clerk.

The fourth bullet point in this section overlooks the point that the meetings in question had already been arranged between Yorkshire Water and City of York

Council and that they did not directly impinge on the matter of a sewage leak which had taken place in Haxby during August. As already explained, this was not a question of excluding any one party but of ensuring that the maximum benefit was obtained by limiting participation in those meetings to those already familiar with the particular issues under consideration.

The fifth bullet point in this section accuses me of behaviour which was 'excessive and unacceptable to the point of being intimidatory' and of using 'bad tempered language which is regarded as intimidatory in nature'. Frankly, I do not recognise such a description of either my behaviour or of language used by me. I would hope that further corroborative evidence yet to be provided will expose such assertions for the concocted and co-ordinated campaign to discredit me that I believe they are.

Provision of further evidence

Before commenting further, I would need to see the evidence relating to me which has been provided by Cllr Guilford (both with and after his original complaint), also that which it now transpires was provided by Cllrs Carmichael and Wyatt. I should also be grateful to know on what dates and to whom details of the evidence I have provided were passed.

Proceedings at Town & Parish Council meetings and Standing Orders

Despite my earlier comments having been described as 'comprehensive', it seems possible that they may have been misunderstood; for instance:

Adherence to Standing Orders

Standing Order 3 (e) is present in the copy of HTC's Standing Orders which I forwarded to Mr Pearson (and which had been supplied by the outgoing Clerk – I can forward the relevant e-mail and attachment if required) and there is no record that it was suspended by vote at the R&OSC meeting on 12th August (nor was it suspended at the HTC Full Council meeting on 9th August). It would therefore remain in force.

While a local council must have standing orders in respect of contracts, it should also have them to regulate its business and proceedings and, if they exist, they may be varied or revoked (LGA 1972, Sch 12, para 42) [see Arnold-Baker 7.24]. In this case, it is a matter of record that HTC has for some years had Standing Orders which apply to both its full Council and committee meetings (as may be seen from the Notice of Meeting and Agenda for the R&OSC meeting, which I sent to Mr Pearson).

That the agenda for the 12th August meeting contains an item to suspend the 6-month rule relating to rescission of an earlier decision raises the question as to why Standing Order 3 (e) regarding public participation should not therefore have been followed. It might be that, for whatever reason, Cllr Carmichael simply ignored it at the meeting - this despite my written request to speak, to which he had replied (both that request and the reply were forwarded to the investigator). However, a further earlier e-mail from Cllr Carmichael (attached to my covering e-mail) shows his active resentment of ward councillors' perceived intrusion into HTC affairs over the repayment of grant money; it is thus to be expected that he would be feeling quite defensive about his position and that any subsequent responses might be framed in that context.

Standing Orders are set for the good management of Council and Committee meetings and to provide clear guidance as to procedure; there is an agreed and well-understood mechanism (a majority vote) for varying or revoking them whether for the duration of a single meeting or permanently. Why it should be suggested at the last bullet point of '(e) Specific Issues' in '8 Summary of material conclusions' that a Chairman may nevertheless have discretion to 'vary or ignore them' so as to 'ensure that meetings could properly progress in an orderly manner' makes no sense in this context - if any Standing Order can be applied or discarded at the Chairman's whim, it follows that any pretence to have a consistent set of rules for the management of meetings is pointless.

Powers of the principal authority in relation to Parish and Town Councils

Perhaps I may also point out that the principal authority for an area has the power to create, extinguish, change the boundaries of, set the number of members on creation, or merge 2 or more Parish or Town Councils in that area on its own resolution via a community governance review (LGPIHA 2007, ss 87-90). For both Parish and Town Councils, the principal authority may also appoint to fill vacancies, and appoint a Chairman of a Parish or Town Council for at least its first or annual meeting, exercise of these abilities usually being consequent on an electoral failure of some kind.

It was to these powers which I was referring when I observed to Cllr Guilford that the 'City Council probably had more influence over the *existence* of Town and Parish Councils' than he realised. I am well aware that the principal authority has little, if any, other powers or operational oversight over Parish and Town Councils in its area and I certainly did not claim (nor have I ever claimed) that City of York Council has or had any such powers.

Not only did I choose my words carefully in making that response, but I referred Cllr Guilford to the Clerk's reference text (Arnold-Baker on Public Administration) which he had on the table in front of him – though a little intricate, the position is explained quite clearly at 4.1-4.15 in that text. Unfortunately, Cllr Guilford appears not have done any relevant research before making his complaint; It would be interesting to know if Mr Pearson's own research into this matter has revealed anything further.

Interruption to proceedings

It is very relevant indeed that the Minutes of the HTC meeting on 9th August make no mention of any interruption of the proceedings, whether attributed to me or to anybody else. Yet, elsewhere in HTC's Minutes archive, detailed mention is made of various disruptions caused by a Cllr Tony Richardson, of whom I think Mr Pearson may be aware. Clearly, if there had been any interruption caused by me, it should either have been mentioned in the Minutes or, more likely, it was of such little significance in this case that it was not worth mentioning. Equally, the Minutes of that meeting make no mention of any suspension or variation of any Standing Order, which means that Standing Order 3 (e) was still in operation and that public participation should have been allowed at the start of the meeting as usual.

That same logic applies to the Minutes of the R&OSC meeting on 12th August, which also make no mention of any suspension of Standing Order 3 (e), yet in contrast specifically address the suspension of Standing Order 7 needed to allow the R&OSC to reverse a decision it had recently made in relation to 'not keeping' funds received from City of York Council in respect of a grant application which the TC itself had made. These Minutes make no mention whatever of any interruption by me or by anybody, or that I had 'erupted in a fit of anger and shouted at Cllr Guilford'. This is quite surprising in view of the fact that it was Cllr Guilford who, as Minute-taker (see the Minutes), was making a record of what took place, and in view of 'bad-tempered language' which I am alleged to have used to convey the impression that I was being 'bullying and intimidatory'. I would offer two explanations for this: firstly that no such interruption happened during the meeting itself, and secondly (without seeing any evidence that Cllr Guilford has submitted) I would surmise that any such exchange was actually trivial and took place at a far lower level than that which is alleged.

When these questions are brought together, it is more than clear that there are serious questions to be asked about the overall accuracy and level of detail provided in (or omitted from) HTC's Minutes.

The assumption of 'superior status' by City Councillors

The draft report states in 'Additional Comments' under '9. Has the code of conduct been breached?' that 'it is not an unusual scenario that Councillors from a principal Council regard themselves as having a superior status to those of a Town/Parish Council'. I should like to know on what evidence this is comment is based, please, and why an investigator seeking a balanced set of evidence might feel it appropriate or relevant to mention this. Is it being said that this applies to Haxby & Wigginton's ward councillors? Has this come from a Town Councillor perhaps? Whatever its source, this remark is without corroboration and suggests a clear bias in the draft report.

Undercurrent re 'right to dictate to TC how it conducts its business'

Under '(e) Specific Issues' of '8 Summary of material conclusions and findings' it is stated that 'There is an undercurrent that, by virtue of their position of as City Councillors, the individuals concerned have a right to dictate to the Town Council how it conducts its meetings and what decisions it takes'. Again, I should like to know on what evidence this remark is based, please, as I am not aware of any such attitude on the part of myself or ward colleagues and I certainly do not recall any comment or statement to this effect from any of us. If this has been observed coming from either side in this matter, surely some corroboration of the existence of such an 'undercurrent' should be provided yet I have not been asked further about it, nor do I recall such an allegation having been mentioned at any time by my ward colleagues. Without any supporting evidence, this is but an opinion, yet it strongly suggests bias in the report.

Accusation against complainant by Cllr Cuthbertson

Under my name at '5 Chronology', I am accused of describing Cllr Guilford as a 'dictator' and of being 'undemocratic' at some time during July/August 2021. I have already provided a rebuttal of this, having said no such thing. While I remember some such words being used, I cannot recall exactly what was said or by whom. In that period, I only attended one TC meeting and it would be helpful if Cllr Guilford could state exactly what words were used and at what meeting he believes this took place. Unless further evidence can be provided, this allegation is uncorroborated.

Conclusion

It is quite clear that a good deal of further evidence and corroboration is needed before this report can be finalised or presented to a relevant Standards Sub-Committee. Otherwise, it remains incomplete and open to question.

Confidential: Code of Conduct Complaint [FREETHS-ACTIVE.FID3064443]

Cllr Cuthbertson's response to extracts of comments of Cllr Guilford, Cllr Carmichael and Cllr Wyatt

Cllr Guilford

Allegations in paras 1 and 2

I do not know whether Cllr Guilford's assertion that his first meeting after being elected as Chairman of HTC was with me is at all true. Cllr Guilford was elected at HTC's Annual Meeting of Council for the 2019-20 municipal year, held on 13th May 2019; I was in attendance along with PCSO Freya Newton and the Minutes confirm this. Item 5 of the Minutes records that Cllr Derek Harkess refused to sign the Declaration of Acceptance of Office and promptly resigned. Item 13 of the Minutes records that the NALC Model Standing Orders 2018 were adopted by the TC (and Standing Order 3(e) gives members of the public the right to make representations, answer questions and give evidence at a meeting in respect of business on the agenda'). The meeting was otherwise unremarkable.

The second (an extraordinary) meeting of HTC took place on 28th May and I did not attend; the Minutes record that it had a single agenda item concerning providing funds in respect of the annual Carnival.

The third (a scheduled) meeting of HTC was held on 17th June and I was in attendance. Late in the agenda, there was an item concerning York's Flood Alleviation Scheme and its effect in relation to Haxby. During discussion of this matter, Cllr Richardson took the opportunity to launch an extraordinary outburst full of disrespectful and derogatory comments about me in my role as ward councillor; this rant went on for over 10 minutes, during which he called me a 'b----- liar' in front of the members present. This was followed immediately by a shorter (3 or 4 minutes long) but no less objectionable outburst from Cllr Wyatt. Neither of these was directly related to the agenda item itself. Cllr Guilford did absolutely nothing in his role as Chairman to control what was said (or for how long) by either of these members; he waited until both had finished, then asked me 'What have you got to say in reply?' I didn't see the point in adding to the heat of the moment and simply responded 'If I had known that these matters were going to be raised at this meeting, I would have produced a full reply. Nevertheless, it was a novelty to be spoken about in the third person'.

Here, it is relevant to record that Cllr Richardson and Cllr Wyatt had stood in the local elections of May 2019 and had been soundly beaten into a poor third place by Cllrs Hollyer, Pearson and myself. The two of them have since shown their resentment at every turn.

The day after the 17th June meeting, I received a very apologetic e-mail from the Clerk (Mark Scott) and, days later, a much less fulsome apology from the Chairman, in which he asked if we could meet over a coffee to discuss how we might work together. I considered how to reply, gave him details of my availability and we subsequently agreed to meet at 08.00 on 11th July at Costa Coffee, Ryedale Court, Haxby. Copies of the relevant e-mail and e-mail chain are attached to the e-mail covering this response.

When Cllr Guilford and I met, there was a somewhat strained atmosphere as he clearly did not know how to open the conversation. I took the initiative and said that, while I wanted us to have a constructive working relationship, that would not be helped if the sentiments expressed and language used during the last meeting were to recur, so I hoped he would be

able to control the direction taken in future meetings of HTC appropriately. We then discussed the need for a predictable approach to managing the agenda of HTC meetings and for ensuring appropriate behaviour by participants; I followed by describing some of the approaches that I had seen as a Clerk used by different Chairmen.

Cllr Guilford then said he would like to ask my advice on his proposal for managing the behavior and direction of the TC. Briefly his approach was that, as Chairman, he would change the Committee structure slightly, ensuring that he could control what was ultimately decided by being a member of each Committee and by ensuring that each Committee had a Chairman who he knew would do things 'properly' and make the 'right' decisions (in short, a 'placeman'). As far as external relations were concerned, he himself would represent the TC on outside bodies wherever possible.

I responded by pointing out that, at Town and Parish Council level, a 'strong leader' strategy as envisaged carries a significant risk in that the Chairman would need to be everywhere, see everything and ensure that the 'right' decisions were made across the board. There was a danger that it could be seen as a secretive, controlling and corrosive approach and this could well lead to decisions being made which went against his plans and policies. Should he no longer be able to rely on the TC 'behaving itself', there was increased risk that votes on significant issues might be lost and the TC, if then unable to make a decision, might therefore be seen as dysfunctional, probably with a consequent loss of members.

To summarise: I doubt very much whether my meeting with Cllr Guilford on 11th July (which took place at his request, not mine) was the first meeting he had held since being elected Chairman on 13th May. I did not 'advise him of his shortcomings' in that meeting and I did not describe the TC as 'a completely dysfunctional organisation' but warned him instead that for the TC to appear to be in such a position, along with having lost members, was a possible outcome of the 'strong leader' strategy he was proposing to adopt. Incidentally, I note the investigator's comment that Cllr Guilford adds that 'while it may look like that now, it most certainly was not then'; it is hard to avoid the conclusion that HTC has reached its current state primarily because of Cllr Guilford's leadership as Chairman since 2019.

Allegations in paras 3 and 4

These allegations are not true and have been dealt with elsewhere. It was Cllr Hollyer, not I, who asked to present a petition 'in July / August' to a TC meeting. I did not 'demand to speak' and I did not describe Cllr Guilford as a 'dictator' and 'undemocratic'. I do not have any political ambition with regard to HTC and I did not behave in a disrespectful manner (nor did I need to). I understand that Cllr Hollyer had asked to speak in support of the petition at the TC meeting on 9th August but was not allowed to do so at the meeting. I also understand that one of Cllrs Hollyer or Pearson asked for a discussion about the petition before the 9th August meeting but this was refused in spite Standing Order 3 (e).

To allege that 'There have been other examples of negative campaigning' is a cheap smear for which there is no evidence at all elsewhere in Cllr Guilford's allegations.

Allegations in para 5

Again 'Cllr Cuthbertson has repeatedly behaved badly' is a smear for which there is also no evidence at all elsewhere in Cllr Guildford's allegations. Allegations that, at a meeting of the R&OSC, I 'erupted in a fit of anger shouting at both the Committee and Cllr Guilford, threatening to file a Code of Conduct Complaint and making a number of insults' are untrue

and have been dealt with elsewhere. In the same way, Cllr Guilford's allegation that, 'on at least one occasion' I 'insisted that as a Ward Councillor I had oversight over the TC decisions' is equally untrue and has been dealt with elsewhere. Here, his allegation refers to the meeting of the R&OSC held on 12th August – there is no evidence whatsoever that this happened at any other meeting of the TC or its committees. As an experienced Clerk, I believe that I have a good understanding of the different roles of the City and Town Council.

Allegations in para 6

There is no truth in the allegations in this paragraph and all have been dealt with elsewhere, except for the allegation relating to the TC being run 'like a wild west town'. I have stated elsewhere that the former Clerk and I discussed several issues in our phone conversation of 29th September and one of them was the constant aggressive behavior of Cllr Richardson towards the Clerk. In this part of the conversation, I referred to a hypothetical situation in which, were Cllr Richardson allowed to behave in such a way of his own volition, it would be 'like the wild west' where law and order went out of the window – this was clearly not a description of the current state of the TC at that time.

Cllr Wyatt

Cllr Wyatt's allegation that Cllr Hollyer and I 'attempted to force the Council to allow (us) to speak to it and accept a petition with the aim of overriding the vote of HTC Council on the matter' is clearly untrue. As far as I am aware, Cllr Hollyer had requested to speak about the result of the petition under Standing Order 3 (e) although such permission was then refused at the meeting by Cllr Guilford. If HTC had wished to debate the matter and change its earlier decision, that was for it to decide within its own rules about rescission of decisions so there could be no question of an earlier vote being overridden by persons outside the TC.

The allegation that 'in subsequent meetings' I 'had become increasingly bad tempered and used language which cannot be reproduced (within this note)' is not corroborated by any other statement and cannot therefore be relied upon. I have not used language of such a nature at any point in any of HTC's proceedings.

Cllr Carmichael

Cllr Carmichael alleges that 'at a July/August meeting', I 'demanded the right to speak'. Cllr Carmichael's assertion might have some credibility if he could remember at which meeting this took place and whether he was Chairman or not. I assume he is referring to the R&OSC meeting on 12th August, at which I did not 'demand' to speak because I had already notified the Chairman by e-mail that I wished to speak as a member of the public about an item on the agenda. Nobody said to me that I 'did not have such a right as a member of the public' at any time in that meeting and the allegation that I commented to Cllr Carmichael that 'you should know better, you were a soldier' is totally incorrect.

After Cllr Carmichael had closed the meeting on 12th August, I asked if he was ex-military, to which he replied 'Yes'. I then asked him if he knew what the Queen's Regulations were, to which he again said 'Yes'. At that point, I explained that the TC's Standing Orders had the same significance as the Queen's Regulations in respect of the management of TC meetings and behavior during them; moreover, they were to be respected by every Chairman. I also pointed out that he had denied me the right to speak as a member of the public about an item of business on the meeting's agenda - this matter has been dealt with elsewhere.

ENCLOSURE 6

HAXBY & WIGGINTON

FOCUS



Summer 2021 • No. 166

From Councillors Ian Cuthbertson, Andrew Hollyer and Ed Pearson

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www.yorklibdems.org.uk

Published and promoted by York Liberal Democrats, and printed by NYPS Ltd, all at Unit 12A Victoria Farm Estate, Water Lane, York, YO30 6PQ.

Playground Boost Announced

Local playgrounds received share of £175,000 Lib Dem Playground Fund



for the play area. After this result became known, an extraordinary meeting of the Open Spaces Committee reversed its previous decision and recommended that the cash should be retained and used. We will await the outcome of this with interest.

Councillor Ian Cuthbertson said: "Playgrounds are essential to the health and development of children's minds and bodies, giving them opportunities to practise a range of social, emotional, physical and mental skills.

"We are grateful for Churchfield Open Space Committee's constant efforts to improve 'Wiggy Park' and for Haxby Town Council's own efforts to improve the toddler play area.

"We hope very much that the Town Council will consult residents before any project to improve the Ethel Ward play area is finalised so that it can reflect local families' views as much as possible."

We're very pleased to report that two playgrounds should see improvements in the near future.

The £175k Community Challenge Fund, set up by Lib Dems on City of York Council, awarded £5,900 to Haxby Town Council to improve tired equipment at the Ethel Ward Playing Field toddler play area and £3,540 (topped up with a further £2,500 from our local ward budget) to Churchfield Open Space Committee for new fitness equipment & seating.

It was hard to believe that some members of Haxby Town Council then argued at an Open Spaces Committee meeting that the money awarded for the toddler play area was not needed and should be returned!

Surprised at this, we launched a petition calling for the Town Council to use the money that had been awarded as intended. Thank you very much, therefore, to the 498 people who signed the petition within a few days of its launch, clearly showing residents' strong wish to see the money used locally

Green Bin and Waste Update

Thanks to the residents who completed the Council's recent waste consultation.

In light of a Government announcement of plans to standardise waste collections across the country, the Council has decided not to proceed with any changes to the frequency of bin collections until it is clearer what the Government plans.

We have ensured, however, that some of the positive changes are put in place now and we're pleased to let you know that:

- The garden waste season will be extended by one month, to run from the beginning of March to the end of November each year, from next March.
- Glass, cans and plastics can now be placed in the same box or boxes. Paper and card must however be kept separate.

Recently you may also have been aware of issues in the collection of green waste due to a national shortage of HGV drivers. The Road Haulage Association say there are about 100,000 lorry driver vacancies in the UK, and recently the Army have been put on standby to deliver supplies to supermarkets.

The Council has recently been able to hire additional drivers to help address this issue and are working hard to make collections on the normal scheduled day, or within 24 hours. However, some collections may be delayed or missed.

Please refer to the Council's updates for information about collection problems in specific areas. Some households are being asked to leave bins out, while others will



need to take their bins in until the next scheduled collection.

You can check the status of collections here: www.york.gov.uk/WasteCollectionUpdates

'Mega'-Council Plans Defeated

Last year, York's Conservative MP and councillors, together with District Council leaders in North Yorkshire put forward a plan to the Government that would have seen York become part of a single 'mega-council', stretching from the coast to the suburbs of Doncaster.

City of York Council, and York's Lib Dems backed the alternative proposal to retain our local, independent, democratically accountable council.

We are delighted to report that in late July, the Government confirmed that the cross-party Back York campaign has succeeded in retaining local decision making in York.

City of York Council is set to remain a unitary authority in its own right, alongside a new North Yorkshire unitary authority covering the current footprint of North Yorkshire County Council.

Cllr Andrew Hollyer said: "We're delighted that the Government has thrown out the York Conservative backed proposals.

"Many thanks to the thousands of residents across York who backed keeping York, by completing our survey, or by signing the cross party petition.

"We can now focus on the local and regional efforts to recover and rebuild."



Cllr Hollyer with some of the thousands of responses from residents opposed to these plans

NEWS IN BRIEF...

New Flower Planting



Ian, Andrew and Ed recently helped dig a new bee friendly flower bed by the junction of York Road and Eastfield Avenue as part of Haxby and Wigginton Traders' initiative to add some colour to our villages. To get involved please email the traders at info@hw1.biz

Eastfield Avenue as part of Haxby and Wigginton Traders' initiative to add some colour to our villages. To get involved please email the traders at info@hw1.biz

Shop Local and Help Local Businesses

Local councillor Andrew Hollyer recently met with the director of Conexo Travel Haxby, David Carruthers, to hear about some of the difficulties facing some local businesses in what continues to be a challenging period for many.



We are grateful to residents who are supporting our local businesses and helping to ensure they can continue to help our local economy.

New Anti-Dog Fouling Stickers

We've arranged a stock of new dog mess stickers and are updating any old or faded stickers, or adding new ones where needed across the villages.



Litter Picking Group Set Up

A new group to help identify and deal with litter 'hot-spots' has been set up.

So far the group has held litter picking mornings in several locations across Haxby and Wigginton.

If you'd like to join one of our events, the group can be found on Facebook at:

www.facebook.com/groups/handwllitter



The new litter picking group has been active across Haxby and Wigginton.

Ward Funding Boosts

We're pleased to have been able to provide the following grants, using the ward funding money secured by Lib Dems on City of York Council for our area:

- £1,200 to Haxby Playgroups for sheds and resources to provide outdoor play.
- £2,485 to York City Football Club Foundation to run a summer programme of events for local children
- £2,623 to Toolbox Drama for creative arts provision for adults with learning disabilities

Please get in touch if you're aware of a project that might help to meet our ward priorities. These can be viewed at:

www.york.gov.uk/HaxbyAndWiggintonWard

Contact the team

Your ward councillors are also always here to help with any local issue you may be having, please don't hesitate to get in touch;



Cllr Ian Cuthbertson
clr.icuthbertson@york.gov.uk
 01904 764 356



Cllr Andrew Hollyer
clr.ahollyer@york.gov.uk
 07752 159 683



Cllr Edward Pearson
clr.epearson@york.gov.uk
 07730 796 732

Your ward councillors also send out regular emails with local information. To join our mailing list please sign up at: www.bit.ly/wardsignup

GET IN TOUCH WITH LOCAL CONCERNS

Name _____

Email _____

Telephone _____

Postcode _____

- I will vote for the local Lib Dem team at the next local election
- I can deliver leaflets in my street every other month
- I will put up a poster at the next election to show my support
- I would like to join the Liberal Democrats

If you return this leaflet, the Liberal Democrats, locally and nationally, may use information provided, including your political views, to further our objectives, share it with our elected representatives and/or contact you in future using any of the means provided. Some contacts may be automated. You may opt out of some or all contacts or exercise your other legal rights by contacting us. Further details are in our Privacy Policy at www.libdems.org.uk/privacy.

Return to: H&W Lib Dems, FREEPOST RRSA-SALE-EUUC, York, YO30 6PQ

Ian, Andrew & Ed: Working hard for you

New library plans get local backing

Plans for the new Haxby and Wigginton library have gathered overwhelming support from local residents, 91% backing them in a recent consultation.

Thanks to investment from City of York Council, secured and protected by Liberal Democrat councillors, and the support and hard work of the Trustees of Haxby and Wigginton Youth and Community Association, plans have been developed to allow the library to find a permanent home at Oaken Grove Community Centre.



The plans, put forward by Explore York and the Council, will see the Oaken Grove Community Centre extended to provide space for a modern Explore library with more books, free wi-fi, computer access, and a Reading Café to relax with a good book or meet up with friends.



More grit bins

In response to resident requests for more grit bins across Haxby and Wigginton Ian, Andrew & Ed have secured six extra bins.

At the beginning of 2021, Andrew secured an extra 1 tonne of grit from the Council, delivered to Haxby Memorial Hall to help keep paths on The Village clear.



Next stop Haxby Station?

Haxby & Wigginton residents have been waiting patiently for a much needed new railway station for decades.

Following our successful campaign, the development of a robust and compelling business case has brought Government and the Rail Industry on board, and now a preferred site has been identified for further detailed assessment. We are incredibly pleased to see this hugely important local railway station project gathering pace.

A new station would provide direct access to the rail network for thousands of local residents from Haxby, Wigginton, and surrounding communities. This means improved access to new employment, business and leisure opportunities, increasing connectivity for our part of York, and providing faster, more efficient, and sustainable travel.

We are aware some residents will have legitimate concerns over localised impacts, so we welcome further consultation to listen to local residents and identify ways to mitigate their concerns and make the station a real community asset.



Tackling speeding

Ian, Andrew & Ed and the Lib Dem team are helping residents to set up local speedwatches to help improve local road safety.

We have arranged a meeting with the Police in the New Year to look at some of the trouble spots across our area and are gathering names from residents willing to help.

Please get in touch using the contact details overleaf if you'd like to help.



Fixing our streets

Potholes and issues with our pavements and roads can make daily journeys a nightmare.

Ian, Andrew & Ed have reported hundreds of street issues over the last 12 months.

We continue to push City of York Council to make proper, longstanding repairs rather than cheap fixes. As ever there is much more that needs to be fixed!



Better play areas

We're pleased to see the new and repaired soft play surfacing at Churchfield Open Space.

This was contributed to by an award from the Council's Playground Fund set up by Liberal Democrats on City of York Council.

Improvements at Ethel Ward Playing Field's toddler play area are also progressing after we collected a petition against a plan to return the money awarded there.

Supporting our communities

Last year, your councillors and the Lib Dems on City of York Council protected the vital ward committee funding used to support local groups and activities in Haxby and Wigginton from cuts proposed by Labour.

The funding supports local priorities such as more opportunities & activities for young people, delivering community safety initiatives, reducing loneliness & social isolation, improving green spaces, facilities, & buildings and fostering pride in our community.

Over the last year we have been pleased to have been able to support:

- £1,250 to Haxby Memorial Hall to support the food share project and the weekly 'meet and eat'
- £9,000 to Haxby Town Council towards replacing the worn out surface surrounding the sports wall
- £828 to Wigginton Old School towards supporting Covid home learning by restoring used laptops
- £1,500 to St Mary's Church to resurface the church grounds footpath
- £1,000 to Haxby Town Football Club towards new equipment
- £196 towards the repainting of the Mill Lane junction fingerpost.
- £1,200 to Haxby Playgroups for sheds and resources to provide outdoor play.
- £2,485 to York City Football Club Foundation and £830 to York City Knights Foundation to run a summer programme of events for local children
- £2,623 to Toolbox Drama for creative arts provision for adults with learning disabilities
- £2,079 to Community Bees to fund support services they provide to isolated and vulnerable residents

Please get in touch if you're aware of a project that might help to meet our ward priorities.



Dear resident,

Over the past 12 months the local Liberal Democrat Focus team have done our best to fight for our community.

We have seen progress on key priorities such as the new library and station for Haxby and Wigginton, the continued progress on the outer ring road dualling, securing investment for some of our local children's play areas and getting our roads and pavements fixed.

Of course there is always more to do and we look forward to more progress on these priorities and other initiatives next year.

This winter we've taken the opportunity to check for broken streetlights, blocked gullies and drains and ensured grit bins are topped up.

As always, please do get in touch if there are any local issues that you feel we can help with.

Best wishes,

Ian, Andrew & Ed

Contact the team:

Your local Lib Dem team want to hear from you on any issue that you need help with. Get in touch using the details below:



Cllr Ian Cuthbertson

☎ 07944 259074
✉ cllr.icuthbertson@york.gov.uk



Cllr Andrew Hollyer

☎ 07752 159683
✉ cllr.ahollyer@york.gov.uk



Cllr Ed Pearson

☎ 07730 796732
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🌐 www.yorklibdems.org.uk

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**Cllr Ian Cuthbertson
Cllr Andrew Hollyer
Cllr Ed Pearson**

and the Liberal Democrats
Annual Report 2021



Keeping our community clean, tidy and litter-free



Standing up for our area at the City Council



Working hard all year round for our area

**A record of action,
a promise of more**

Haxby & Wigginton's FOCUS



Edited by Councillors Ian Cuthbertson, Andrew Hollyer & Ed Pearson
01904 764 356 • handw@yorklibdems.org.uk • www.yorklibdems.org.uk

New Grit Bins

In response to resident requests for more grit bins across Haxby and Wigginton your local Liberal Democrat councillors have secured six extra bins, using ward funding.

The new bins are at:

- Mill Lane, Wigginton (by the entrance to the squash club).
- Cherry Orchard (at the end of the cul-de-sac)
- Towthorpe Road (by the noticeboard at West Nooks junction)
- Eastfield Avenue (by the junction with Old Dike Lands)
- York Road (by the roundabout with Eastfield Avenue)
- Wheatfield Lane (between Ryemoor Road and Long Furrow)

Grit bins are there to encourage 'self help' when roads or footpaths are icy.

In addition to the new bins, a network of other bins are maintained for public use - if you notice any issues with a bin or it needs filling please get in touch.

We have provided a map overleaf of the location of the nearest bins, which we hope will be of use as we head into the winter months.

In addition, the Council runs a 'volunteer snow warden' scheme. This is made up of residents who give up their time to clear snow during bad weather - spending as much (or as little) time



Councillors Andrew Hollyer and Ian Cuthbertson with the new Grit Bin on Wheatfield Lane.

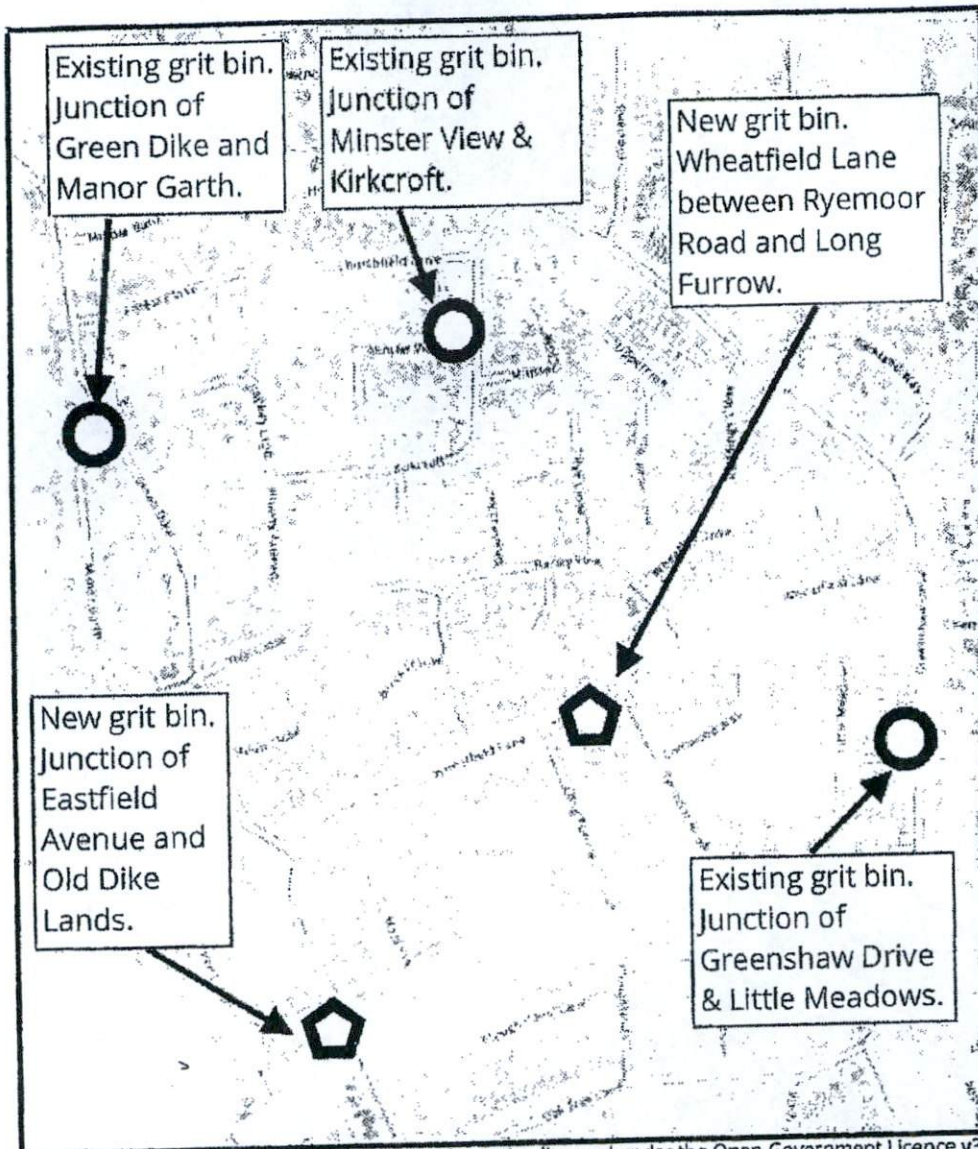
as they wish clearing snow, with each person deciding the size of the area they intend to cover.

The Council provides volunteers with training, high-visibility vests, snow-clearing kits, grit and insurance.

If you're interested in the scheme please contact us using the details above and we can put you in touch with the correct person at the council.



To join the volunteer snow warden scheme please get in touch.



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Your Christmas & New Year Collections for 2021/22

Your waste collection day will remain the same until March 2022.

This year, there will be no changes to your Christmas waste collections, which will fall on your normal collection day. This is because Christmas day, Boxing day and New Year's day all fall on a weekend.

The council isn't planning to post out paper copies of the waste collection calendars this year, but if any residents would like a printed copy please let us know and we'll drop one round for you.



Do you have a local issue or concern that your local Lib Dem team can help with?

Return to us for free at:
 H&W Lib Dems,
 Freepost RRSA-SALE-EUUC,
 York, YO30 6PQ

Name _____
 Address _____
 Telephone _____
 Email _____

- I will vote for the Liberal Democrats at the next local election.
- I can help by delivering a FOCUS newsletter in my street every few months.

You can join the Liberal Democrats today at:

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ENCLOSURE 7

Wed 11/08/2021 12:44

Thomas Carmichael cllr.tcarmichael@haxbytowncouncil.gov.uk

Re: Haxby TC Recreation and Open Spaces Committee

Cllr. I. Cuthbertson cllr.icuthbertson@york.gov.uk

Cc:

Cllr. A. Hollyer cllr.ahollyer@york.gov.uk

Cllr. E. Pearson cllr.epearson@york.gov.uk

Mark Guilford cllr.mguilford@haxbytowncouncil.gov.uk

Mark Preston cllr.mpreston@haxbytowncouncil.gov.uk

Mark Scott mark.scott@haxbytowncouncil.gov.uk

Neil Wyatt cllr.nwyatt@haxbytowncouncil.gov.uk

David Rice cllr.drice@haxbytowncouncil.gov.uk

Dear Cllr Cuthbertson,

Thank you for your correspondence and a copy of the letter which is addressed to our Town Clerk.

This petition of 400 + names that you wish to submit, how many people of voting age live in Haxby. I have asked residents in my ward if they had been approached by Liberal Democratic Ward Councillors regarding this petition, the answers were No.

This Thursday I have a meeting regarding this subject, a committee I chair. This will be discussed and I am sure that a positive outcome will ensue.

It was not stated that the money would be rejected, I have to ensure where the money was coming from and did not have political strings attached.

May I remind you Sir that Haxby Town Council receives its instructions from Central Government and not from City of York Council and we as a council are politically independent when in operation.

Shalom Alechiem
Cllr Thomas I Carmichael

From: Cllr. I. Cuthbertson <cllr.icuthbertson@york.gov.uk>

Sent: Wednesday, August 11, 2021 9:35:06 AM

To: Thomas Carmichael <cllr.tcarmichael@haxbytowncouncil.gov.uk>

Cc: Cllr. A. Hollyer <cllr.ahollyer@york.gov.uk>; Cllr. E. Pearson <cllr.epearson@york.gov.uk>

Subject: Haxby TC Recreation and Open Spaces Committee

Hello Cllr Carmichael

Attached please find a letter addressed to you as Chair in which I ask to speak as a member of the public and present a petition (of which Haxby TC is already aware) at the meeting of the above Committee to be held on Thursday 12th August.

The petition which I wish to present expresses the view of over 490 residents of Haxby in favour of the Town Council retaining and spending locally money which was awarded by City of York Council in the recent playground improvement bidding round. I am sure that you will agree that this is a significant body of local opinion which it would be unwise to ignore.

It is unfortunate that the Town Council's office is currently closed due to a 'staff shortage', so I am sending this to you by e-mail as a matter of courtesy.

Kind regards

Cllr Ian Cuthbertson

Councillor – Haxby & Wigginton Ward
City of York Council

Phone: [REDACTED]

e-mail: *icuthbertson* [REDACTED]

The Clerk
Haxby Town Council
The Memorial Hall
The Village
Haxby
YORK YO32 3HT


10th August 2021

Dear Clerk

I wish to register to speak and present a petition on behalf of local residents of Haxby at the meeting of the Town Council's Recreation and Open Spaces Committee to be held on Thursday 12th August.

The matter on which I wish to speak pertains to items 7 and 8 of the published agenda.

Yours sincerely



Ian Cuthbertson

ENCLOSURE 8.1



HAXBY TOWN COUNCIL

Council Office, The Memorial Hall, The Village, Haxby, York, YO32 3HT.
Tel: 01904 750378
Email: office@haxbytowncouncil.gov.uk

21 April 2021

To members of the Recreational and Open Spaces Committee and the Community Assets Committee.

You are hereby summoned to attend a joint meeting of the Recreational and Open Spaces Committee and the Community Assets Committee on **Tuesday 27th April 2021** by videoconferencing, at **6.30pm**, for the purpose of transacting the following business.

Members of the public are welcome to join and will be given the opportunity to speak regarding an item on the agenda before the meeting if they wish to do so. Any member of the public wishing to join the meeting should email: clerk@haxbytowncouncil.gov.uk up to 24 hours before the meeting. An access code will then be issued.

The meeting will be recorded.

Mark Scott

Clerk to the Council

AGENDA

1. To note members who have sent apologies for absence.
2. To confirm and sign the draft minutes of the joint Recreational and Open Spaces Committee and Community Assets Committee meeting held on 15 March 2021 as a true and accurate record.
3. To receive declarations of interest under the Council's code of conduct or member's register of disclosable pecuniary interests and grant any dispensations.
Ongoing Business and Progress.
4. To receive an update on the Sports Wall.
Discussion Items for update and resolution.
5. To discuss and resolve to paint the front of the pavilion pending any improvements. (Cllr Guilford)
6. To receive an update on the Ashwood Glade open space.
7. To receive an update and resolve action in respect of upgrading the toddlers play area on Ethel Ward Playing Field following various visits/meetings of the working party including the extension of the working party's remit.
8. To approve the Council's preferred option for improvements to the toddler area for submission to City of York Council in respect of the recent grant application.
9. To receive an update, discuss and resolve action concerning a proposal from Cllr Pearson to upgrade the bus shelters owned by Haxby Town Council.

10. To resolve action on the repair of the council notice boards. (Cllr Guilford)
11. To receive an update concerning the plots on row 1 of the allotments.
12. To receive an update on possible tree planting on Mancroft Open Space.
13. To discuss the repair or replacement of the council owned benches where necessary due to damage and resolve any necessary action. (Cllr Guilford)
14. To receive an update on the future cleaning of the netball courts and resolve action as to how this is funded.

Proposals from Councillors and Members of the Public for discussion and resolution.

15. To discuss various matters concerning the Youth Shelter on Ethel Ward Playing Field and resolve as appropriate.
16. To discuss and resolve action following a recent request from Miller's Fish and Chips.
17. To discuss and resolve action following a request from a member of the public concerning Wyre Pond.
18. To discuss and resolve a request from Haxby Juniors FC to place permanent goal posts on Ethel Ward Playing Field.
19. To receive and discuss the quote to carry out repairs following the recent playground inspection reports and to resolve action.

Matters for Inclusion.

20. To remind members that matters for inclusion on the agenda of the next Recreational and Open Spaces Committee meeting should be with the Clerk 7 days prior to the date of the meeting. (Standing Order 9b)

Date of Next Meeting

21. To resolve the date of the next Recreational and Open Spaces Committee meeting and the date of the next Community Assets Committee meeting.

ETHEL WARD PLAYING FIELD – TODDLER PLAY AREA

7. The working group set up to investigate the re-development of the toddler area on Ethel Ward reported that they had met now with two playground equipment suppliers and had received quotes from both. The group were looking to meet with a third supplier to get further suggestions. All the designs and quotes received so far were then discussed. The working party also requested an increase in its remit so that consideration could be given to the extending of the play area and also the planting of trees/bushes along the York Road side of the area to create screen from car exhaust fumes. This was agreed.

TODDLER AREA – PREFERRED OPTION

8. **RESOLVED** that the preferred piece of new play equipment was an aeroplane design and that the design should be submitted o City of York Council in respect of the current grant application.

BUS SHELTERS

9. Cllr Pearson had no update at this time in respect of his plans for the upgrading of the bus shelters. The clerk informed the members that yet again a glass panel in the bus shelter next to the Memorial Hall had been broken by youths. He explained that as well as breaking the glass the youths had this time removed the beading that held the glass in place. The members took the decision not to replace the glass at this stage.

NOTICE BOARDS

10. Cllr Guilford reported that following a meeting with the grounds man and clerk it was thought that the best course of action would be to repair the notice boards instead of buying new ones. The estimated cost of repair would be £100 per board compared to £700 -£1000 for new notice boards.
RESOLVED that the existing boards should be repaired starting with the one on the village green.

ALLOTMENTS

11. The Clerk explained that following the discussion last month; the plots on row 1 of the allotment had now been let.

MANCROFT –NEW TREES

12. The clerk advised that since last month's meeting he had received an update regarding a request for further trees on Mancroft Open Space. Initially it had been understood that additional trees were being requested around the edge of the open space. It now transpires that the lady is wanting a small copse planted in the middle of the dog walking area at Mancroft. The lady is to formulate her plans and then bring her ideas to the committee for discussion when ready.

BENCHES

13. This item was carried forward to next month.

NETBALL COURTS

14. It was reported that Cllr Preston had been unable to arrange any discussions with Haxby Netball concerning the cleaning of the netball courts etc due to the very sad passing of his father. It was agreed that Cllr Guilford will now take this matter up with Haxby Netball.

YOUTH SHELTER

15. The upkeep of the youth shelter on Ethel Ward Playing Field was discussed. **RESOLVED** that the clerk is to check with the insurers that the shelter is insured for £5000 and to check with the scouts to see if the light within the shelter is in working order and PAT tested.

VILLAGE GREEN (ADJACENT TO MILLERS FISH & CHIP SHOP

16. The chairman explained that he and the clerk had met with the owner of Miller's regarding a request from them and that under emergency powers the clerk had agreed to a short-term request to allow them to site two picnic benches on the village green adjacent to their shop. **RESOLVED** to approve the clerk's decision with a review to take place again once the restaurant within the shop can reopen again on 17 May 2021.

WYRE POND

17. The clerk advised that a lady had approached him about putting a duck house/nest boxes on/in Wyre Pond. He advised the members that he had asked for further details and would report back. It was agreed that Wyre Pond would be inspected to see if any cleaning/repairs were needed.

HAXBY JUNIORS FC

18. The clerk advised that he had received a request from Haxby Town Junior Football to have permanent goal posts erected on Ethel Ward Playing Field like the ones currently on the senior pitches. The members wanted to know how many sets this would involve and as such they asked the clerk to get further information and report back at the next meeting.

PLAYGROUND INSPECTION REPORTS

19. This item was carried forward to next month.

MATTERS FOR INCLUSION

20. Councillors were asked to submit any requests they felt needed to be addressed by the Committee, in writing to the Clerk for inclusion on the next agenda, 7 days prior to the date of the next meeting.

DATE OF NEXT MEETING

21. The next joint meeting of the Recreational and Open Spaces Committee and the Community Assets Committee is to be advised later due to changes to existing permission to carry out remote meetings

Meeting closed at 8.02pm

.....
Chairman

(These Minutes are displayed 'unsigned' and are subject to correction at the next Council meeting.)

27 April 2021

ENCLOSURE 8.2



HAXBY TOWN COUNCIL

Council Office, The Memorial Hall, The Village, Haxby, York, YO32 3HT.

Tel: 01904 750378

Email: office@haxbytowncouncil.gov.uk

5 August 2021

To Members of the Council

You are hereby **summoned** to attend an extraordinary meeting of Haxby Town Council Recreation and Open Spaces Committee on **Thursday 12th August 2021** at the Council Office, Memorial Hall, Haxby at **7:00 pm**, for the purpose of transacting the following business.

Members of the public are welcome to join and will be given the opportunity to speak regarding an item on the agenda before the meeting if they wish to do so.

T. Carmichael

Cllr. T. Carmichael – Committee Chairman

AGENDA

1. To note members who have sent apologies for absence.
2. To approve reasons for absence
3. To assign a minute taker for the meeting
4. To receive declarations of interest under the Council's Code of Conduct or Members Register of Disclosable Pecuniary Interests and grant any dispensations.
5. To confirm and sign the minutes of the Recreation and Open Spaces Committee meeting held on 19th July 2021 as a true and accurate record.
6. To set aside Standing Orders Section 7 (6-month rule).
7. To update the committee following discussions with Dave Meigh (CYC) and to resolve actions.
8. To discuss a proposal to update the toddlers play area on EWPF and resolve actions.
9. To set the date and time of the next Recreation and Open Spaces Committee.

Minutes of the Recreation and Open Spaces Committee Meeting of Haxby Town Council held on Thursday 12th August 2021 in the Council Office, Haxby Memorial Hall at 6.30pm.

PRESENT: Cllr. T Carmichael (Chairman)
 Cllr M Guilford
 Cllr L Beverley
 Cllr M Preston
 Cllr N Wyatt

Ward Councillors
 Cllr I Cuthbertson
 Cllr E Pearson

1. APOLOGIES AND REASONS FOR ABSENCE

Cllr. G Cockburn
 Cllr. D Rice

2. Reasons for absence were approved
 3. APPOINTMENT OF MINUTE TAKER

Cllr Guilford was assigned to take the minutes.

4. DECLARATIONS OF INTEREST

None.

5. MINUTES

RESOLVED to approve the minutes of the Recreation and Open Spaces Committee meeting held on 19th July 2021 as a true and accurate record. The minutes were signed by the Chairman.

6. Standing Orders Section 7 - Previous Resolutions

RESOLVED that the 6 month rule be set aside for the next item.

7. Cllr. Guilford updated the committee following a discussion with City of York Officers regarding the distribution of grant monies for play equipment.
Resolved : That Haxby Town Council accepts this grant - Passed. Cllr. Guilford was then asked to write to the City of York Officer to advise him of this decision.

8. Improvements to toddler's play area EWPF

Cllr. Guilford proposed that the committee accepts the proposal submitted to the council (referred to as the airplane structure) as this proposal fulfils the initial request by the committee for the upgrading of the play area and falls within the budgetary amount discussed in the June meeting of the committee. - Passed

9. At this point Cllr Cuthbertson was invited to speak. The councillor declined as he felt he should have been allowed to speak at the start of the meeting.

10. Date of next meeting - Sept 20 2021

Chairman

ENCLOSURE 9.1

From: Paula Widdowson
Sent: 17 May 2022 09:12
To: Stephen Pearson <Stephen.Pearson@freeths.co.uk>
Subject: Re: Code of Conduct Complaint [FREETHS-ACTIVE.FID3064443]

Stephen, many thanks for the email.

I am the executive member for environment and climate change for CYC.

Steve Wragg is the flood lead for CYC.

Trust that helps.

Paula
Mob: XXXXXXXXXXXXXXXXXXXX

Sent from iPhone

On 17 May 2022, at 09:01, Stephen Pearson <Stephen.Pearson@freeths.co.uk> wrote:

Paula I thank you for your email. Could you confirm your position/ role and that of Mr Wragg please.

regards

Stephen Pearson

Partner

T: 0345 274 6900

F: 0845 050 3255

M: 07810 034 917



FREETHS

Freeths LLP
Cumberland Court, 80 Mount Street
Nottingham NG1 6HH

For a comprehensive range of guidance on Coronavirus and Brexit developments in a number of key areas, please visit our Coronavirus and Brexit Exchanges (www.freeths.co.uk/coronavirus and www.freeths.co.uk/brexit-exchange/)

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-----Original Message-----

From: Widdowson

Sent: 15 May 2022 19:22
To: Stephen Pearson <Stephen.Pearson@freeths.co.uk>
Cc: cllr.icuthbertson@york.gov.uk
Subject: Code of Conduct Complaint [FREETHS-ACTIVE.FID3064443]

Mr Pearson, I am writing this email regarding a meeting I arranged with Yorkshire Water back in August 2021.

From memory I requested that Steve Wragg arranged a meeting with Yorkshire Water to discuss options regarding sewage being pumped into the rivers Ouse & Foss, together with a few other outstanding issues.

Ian Cuthbertson was not at the meetings, he did not request a meeting and I had no reason to involve him.

Following the meetings I updated the Libdem group on Yorkshire Water's position, which was effectively we will take no action for 7-10 years and continue to pump sewage into the Foss and the Ouse. This resulted in a letter being sent to their CEO and a council motion calling on them to take action.

I hope this helps in this matter and if you have any questions please feel free to contact me.
Paula

mob: XXXXXXXXXXXXXXXXXXXX

ENCLOSURE 9.2

From: Mary Crawford
Sent: 16 May 2022 07:07
To: Stephen Pearson <Stephen.Pearson@freeths.co.uk>
Subject: FREETHS-ACTIVE.FID3064443

Dear Mr Pearson

Please find letter attached in support of Cllr Ian Cuthbertson.

Yours sincerely

Mary Crawford

XXXXXXXXXXXXXXXXXXXX

XXXXX

XXXX

XXXX XXX

16 May 2022

Dear Mr Pearson

REF: FREETHS-ACTIVE.FID3064443

This note is written in response to a request from Cllr Ian Cuthbertson as he explained to me that he is the subject of a complaint submitted to the Monitoring Officer by Cllr Mark Guilford, the now former Chair of Haxby Town Council.

I was Chair of Haxby Town Council until May 2019 having held the position for over eight years. During that time I saw Cllr Cuthbertson on a regular basis. He attended as many Council meetings as he could given the frequency of Haxby meetings and his commitments as a City Councillor. During Council meetings Cllr Cuthbertson unfailingly observed meeting protocol and it was always evident that he was committed to serving the best interests of the residents of Haxby. Additionally, he and I would meet by arrangement to discuss matters relating to Haxby. These were always business-like and cordial. Naturally there would be times we could not agree: the City Council has limited funds/resources which have to be administered fairly and of course Haxby always wanted to make sure they got what we thought should be our share.

Mention must be made of Cllr Cuthbertson's regular participation in community events ranging from attendance at the annual Remembrance Day service to acting as a waiter (in formal dress) at the annual party for elderly residents, manning a stall at the Carnival and presenting prizes at the Garden Party held in honour of the Queen's ninetieth birthday.

Throughout the time I have known Cllr Cuthbertson, I have been full of admiration for his single-minded focus as a Councillor in the service of the residents of Haxby. Party politics has no place at the parish level, although I suspect this may be at the root of some Councillors' objections. I must stress here that I have no political affiliation myself.

I cannot conclude without some consideration of Cllr Guilford's performance during my time as Chair. In October 2017, Cllr Guilford was stood down from all committees as a consequence of recurring breaches of the Code of Conduct. As Chair I took advice on this matter from YLCA. His overbearing and disrespectful behaviour towards other Councillors caused one long-standing member of the Council to threaten to resign and one member of the Finance Committee did resign at a Finance meeting saying he could not work with Cllr Guilford.

Finally, I was distressed to hear that these allegations have been made. Without exception, to my knowledge, Cllr Cuthbertson's conduct and interaction with Councillors and myself have been exemplary.

Yours sincerely

Mary Crawford

ENCLOSURE 9.3

From: Derek Harkess
Sent: 28 May 2022 11:26
To: Stephen Pearson <Stephen.Pearson@freeths.co.uk>
Subject: Confidential:Code of Conduct

I previously served as a Town Councillor on Haxby Town Council for a number of years. During that time I had the pleasure to work along side our Ward Councillor Ian Cuthbertson.

Ian would regularly attend our Council meetings to update us or to raise issues. I found Ian to be polite, well informed, objective and very personable in his interactions with Council. In his duties as my ward councillor I have always found him to be interested in the issues I have raised on my doorstep. Ian has always shown support to Haxby Town Council, the residents of Haxby and Wigginton and continues to represent our community well.

Ian is a true gentleman
Derek Harkess

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CITY OF YORK COUNCIL STANDARDS COMMITTEE HEARING PROCEDURE

General Matters

1. In this procedure the term “interested parties” is used to cover the complainant, the subject member and the investigating officer. The interested parties will all be invited to attend the hearing as potential witnesses.
2. The Independent Persons will also be invited to attend the hearing in an advisory, non-voting capacity. Their views will be sought as to whether the evidence establishes a breach of the code of conduct and, if so, as to what if any penalty should be imposed.
3. The Hearing Panel will be made up of members of the Standards Committee and there will normally be three members. The Panel will be supported by the Monitoring Officer or his representative and a democratic services officer.
4. The meeting will be open to the press and public unless confidential or exempt information is likely to be disclosed. The Standards Committee considers that in general the public interest in seeing that complaints relating to Councillors are handled properly will outweigh any considerations relating to the privacy of the Councillor concerned but each case will be considered on its own merits including consideration of the privacy of other parties.
5. The hearing will normally follow the procedure set out below but the Chair has the discretion to vary it at any time. Such a variation may be considered where, for example, the Chair believes that doing so will be in the interests of fairness or help in establishing the facts of the case.
6. It will not usually be necessary for the Subject Member to be represented at a hearing but he or she may choose to arrange such representation which may be by a solicitor, barrister or another person.
7. The Panel may take legal advice at any time during the hearing or during its deliberations. The substance of any advice given to the Panel will normally be shared with the parties.

Preliminary procedures

8. Prior to the hearing commencing the Panel may meet privately to review the material presented and to agree the main lines of enquiry.
9. At the start of the hearing, the Chair will arrange introductions of the Panel, its Officers, the Independent Persons and the interested parties. The Chair will briefly explain the procedure which the Panel will follow in the conduct of the hearing. The Chair will confirm that each interested party has seen the final report of the investigating officer and has had the opportunity to engage in the pre hearing procedures.
10. The Monitoring Officer will identify whether the pre hearing procedures have identified any significant disagreements about the facts contained in the Investigating Officer's report. The Panel will record the agreed facts and establish the facts in dispute which they will be required to rule upon.
11. If a party raises an issue which has not been raised previously then that party shall be required to give a full explanation to the Panel as to why it was not raised earlier. The Panel may then:
 - a. Consider whether or not to allow the issue that has been raised to be dealt with at the hearing
 - b. Consider whether the hearing should be adjourned for further investigations to take place.

Determining factual disputes

12. If there are disputed facts which the Panel consider relevant to establishing whether the Code has been breached or as to the seriousness of the breach then, the Panel will adopt an inquisitorial approach in establishing the facts. The Chair will invite members of the Panel to ask questions of the interested parties or any other potential witness present. The Monitoring Officer may also ask questions.

13. Once a witness has answered questions from the Panel then the Chair will ask the interested parties whether there are other issues which ought properly to be raised with the witness. The Chair (or another Member) may put any such issues to the witness him or herself or may allow the relevant party to ask questions directly.
14. The Panel must reach a decision as to the facts it finds to be proven. The Panel must also make a decision as to whether the proven facts (including those which are agreed) show a breach of the code of conduct. Depending on the complexity of the case the Panel may consider each of those issues separately or deal with them together. In either case the Chair will invite the parties to make representations on each matter before the Panel reaches its decision.

Panel deliberations

15. When the Panel is considering its finding of facts and whether those facts amount to a breach of the Code of conduct it will do so in private but in the presence of the Monitoring Officer, the Independent persons and the Democratic Services officer.
16. At the conclusion of the Panel's deliberations, the Chair will publicly announce the Panel's findings as to the facts and as to whether those facts show a breach of the code of conduct. The Panel will give reasons for their findings. It will be normal practice to share the substance of any advice given by the Monitoring Officer and Independent persons at this stage.

Determining Sanctions

17. If the Panel concludes that the Subject Member has failed to comply with the Code of Conduct, the Chair will invite representations from the interested parties as to what action, if any, it should take.
18. The Panel will then consider whether to impose a sanction, and, if so, what sanction to impose and when that sanction should take effect. It will do so in private but in the presence of the Monitoring Officer, the Independent persons and the Democratic Services officer.
19. The sanctions available to the Hearings Panel are to –

- Censure the Councillor;
 - Formally report its findings to the City Council or Parish Council for information;
 - Recommend to the Councillor's Group Leader (or in the case of un-grouped Councillors, recommend to Council or to Committees) that he/she be removed from any or all Panels or Sub-Committees of the Council;
 - Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - Recommend to Council that the Leader be removed from Office (if it is the Leader's conduct that is being considered)
 - Instruct the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the Councillor;
 - Remove *[or recommend to the Parish Council that the Councillor be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
 - Withdraw *[or recommend to the Parish Council that it withdraws]* facilities provided to the Councillor by the Council, such as a computer, website and/or email and Internet access.
20. The Hearings Panel has no power to suspend or disqualify the Councillor or to withdraw Councillors' basic or special responsibility allowances. If the Panel decides to withdraw facilities from the Councillor it must ensure that the Councillor is not thereby prevented from undertaking his/her representative duties.
21. The Chair will publicly announce the decision of the Panel. The substance of any further advice given by the Independent Person and Monitoring Officer will also be shared. Written notice of the findings of the Panel will be given as soon as is reasonably practicable to the Subject Member. They will also be placed on the

council's website. If the complaint was against the Subject Member as a parish councillor, written notice of the findings of the Panel will be sent to the clerk to the parish council.

Other action

22. The Panel may also consider making any recommendations to the Council concerned with a view to promoting higher standards of conduct among its members.

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Standards Hearing – 10.00 on Friday 2nd September 2022**Statement by Cllr Ian Cuthbertson**

As has been explained, I cannot be present at this hearing because of a lengthy dentist's appointment – this is part of some root canal work that is currently being undertaken.

I would like to draw to the hearing panel's attention that, although the suggestion is made in some statements that I have frequently attended meetings of Haxby Town Council, that was only true up to June 2019. At that point I was given a responsible position as Executive Member for Children, Young People and Education and from then, I could not attend at all regularly because of the time needed to fulfil that role.

Despite suggestions in the statements of Cllr Guilford and Cllr Wyatt, since the start of the 2019 municipal year I have only been able to attend HTC meetings in June, July and September 2019, and in August and November 2021. There was also the meeting of the R&OSC on 12th August 2021, which is actually the only meeting being referred to in this complaint. It is evident that there is a good deal of inconsistency between the statements of the three different witnesses, to the extent that there is uncertainty about the exact date of the meeting and what is alleged to have taken place. There is however, consistency between the statements of Cllr Pearson, myself and ex-Cllr Beverley effectively negating what is said by others.

The complainant and his witnesses give no evidence of misbehaviour, bad-tempered language or language 'which cannot be repeated' at any other HTC meeting held since May 2019 and there have been no other complaints of such behaviour on my part. Indeed, ex-Cllr Crawford describes my conduct and interaction with HTC councillors as being 'exemplary'. In contrast, she goes on to give a quite damning description of Cllr Guilford's own 'recurring breaches of the Code of Conduct' and his 'overbearing and disrespectful behaviour', which resulted in him being stood down from all committees for some months in 2017.

I would be grateful if these points could be taken into account at the hearing.

Cllr Ian Cuthbertson
20th August 2022

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From: Cllr. I. Cuthbertson <cllr.icuthbertson@york.gov.uk>
Sent: 22 August 2022 08:09
To: Berry, Janie <Janie.Berry@york.gov.uk>; Stephen Pearson <Stephen.Pearson@freeths.co.uk>
Subject: Complaint against me by Cllr M Guilford - Confidential: Code of Conduct (238689/3)
[FREETHS-ACTIVE.FID3064443]
Sensitivity: Confidential

Hello Janie and Mr Pearson

Attached please find copies of an e-mail sent to me by Mark Scott and an e-mail exchange with Cllr Guilford in June and July 2019, which relate to my explanation of events leading to a conversation with Cllr Guilford following an attack by Cllr Richardson at a meeting of HTC on 17th June 2019.

Both e-mails underpin the explanation that I sent to Mr Pearson on 19th May and the exchange with Cllr Guilford directly refutes his assertion (at 4.1 in the report folder) that the first meeting which he had with me took place at his request. They have already been supplied to Mr Pearson and to Janie, but they were unfortunately omitted from inclusion in the hearing documents at 5A in the report folder when Mr Pearson sent a paper copy of my response to the statements of Cllrs Guilford, Wyatt and Carmichael with his email of 29th June.

These e-mails along with my response play an important part in rebutting what Cllr Guilford has said about why that meeting took place and the context. I should be grateful if you would draw them to the attention of the hearing panel when it considers this matter.

Regards

Cllr Ian Cuthbertson

From: Mark Scott <clerk@haxbytowncouncil.gov.uk>
Sent: 18 June 2019 10:45
To: Cllr. I. Cuthbertson <cllr.icuthbertson@york.gov.uk>
Subject: Full Council Meeting

Dear Ian

I don't know if you will receive an apology from elsewhere but I personally would like to apologise as an employee of Haxby Town Council for the way in which you were spoken to last night by one of our Councillors. I and I am sure others present were uncomfortable by the whole situation. I do

know that the tirade to which you were exposed was not something that either I or our Chairman had been expecting and we were all caught unawares of the entire situation. I must say though that I thought you handled the situation with a great deal of dignity and I thank you for that.

Kind regards

Mark Scott

Clerk to the Council
Haxby Town Council
01904 750378

office@haxbytowncouncil.gov.uk
www.haxbytowncouncil.gov.uk

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-----Original Message-----

From: Mark Guilford <mark.guilford@hotmail.com>

Sent: 06 July 2019 12:27

To: Cllr. I. Cuthbertson <cllr.icuthbertson@york.gov.uk>

Cc: Cllr. A. Hollyer <cllr.ahollyer@york.gov.uk>; Cllr. E. Pearson <cllr.epearson@york.gov.uk>

Subject: Re: Haxby Town Council

Ian

Thursday the 11th is clear in my diary, would Costa Haxby be a convenient meeting place?

Regards

Mark

Sent from my iPhone

On 6 Jul 2019, at 10:47, Cllr. I. Cuthbertson
cllr.icuthbertson@york.gov.uk> wrote:

Mark

Thank you for the e-mail sent from your personal e-mail account on 20/06.

Clearly, the situation arising from the last Town Council meeting on 17/06 will be difficult to put to rights and your responsibility as Chairman of the Town Council is to ensure that anything similar does not recur. However, a conversation over coffee to discuss possible ways forward can be arranged depending on our mutual availability. My own current availability over the next two weeks is as follows:

Tue 09/07 12.00-12.45
Wed 10/07 08.00-09.00
Thu 11/07 08.00-09.00

Mon 15/07 13.30-14.30
Tue 16/07 08.00-09.00
Wed 17/07 08.00-09.00
Thu 18/07 08.00-09.00
Fri 19/07 08.00-09.00

Unfortunately, no Haxby & Wigginton ward councillor will be able to attend the next Town Council meeting due to holidays and other commitments.

Regards

Ian

Cllr Ian Cuthbertson
Liberal Democrat Councillor - Haxby & Wigginton Ward City of York
Council

From: Mark Guilford [mark.guilford@hotmail.com]
Sent: 20 June 2019 10:08
To: Cllr. I. Cuthbertson
Subject: Haxby Town Council

Ian

Over the past week I have had several discussions with Mr Scott as to how we can avoid having a repeat of the tone of discussion that occurred during the last council session. The result is that he and I both have agreed to set out the scope of any future discussion on that particular topic limiting it to only those matters that we as a Town Council can resolve.

Firstly I would like to offer my personal apology for the tone of debate - the direction of the discussion caught both Mr Scott and I by surprise and as a result I didn't react to as I probably should have to halt the discussion. I can only add that as a new chairman (and one who didn't really expect to be in this position) I have a rather steep learning curve ahead of me in dealing with such matters.

I would hope that this doesn't damage our ability to communicate and work together as the view I have been expressing to my fellow councillors is that we need to be working more collaboratively with both Wigginton Parish and the CYC ward councillors.

I would find it useful if perhaps we could sit down over a coffee and discuss ideas on how we can work more effectively with our ward team.

Regards

Mark L Guilford