

CITY OF YORK COUNCIL
Joint Standards Committee
Hearings Sub Committee – 20 April 2022
Code of Conduct Complaints Relating To Haxby Town
Council

DECISION NOTICE

IN ATTENDANCE:

Hearing Panel:

Councillor T Fisher (Chair)
Councillor C Douglas
Parish Councillor C Chambers

Advisors to the Hearing Panel:

Alex Oram, Independent Person
Janie Berry, Monitoring Officer, City of York Council

Investigating Officer:

Stephen Pearson, externally appointed Investigating Officer

Complainants and or Subject Members:

Councillor T Carmichael, Haxby Town Council (complainant)
Councillor M Preston, Haxby Town Council (complainant)
Councillor M Guilford, Haxby Town Council (complainant)
Councillor T Richardson, Haxby Town Council (subject member)

Apologies were received from Mr M Scott (complainant)

BACKGROUND

The Hearing Panel, a sub-committee of the Joint Standards Committee, was constituted in accordance with procedures approved by the City of York Council's Joint Standards Committee to consider five complaints in relation to the conduct of Councillor T Richardson of Haxby Town Council.

The Hearing Panel noted that the complaints dated from 2019 and early 2020, with the fifth complaint being received in early 2021, however noted that delays had been caused by a number of frustrating factors including the national lockdown, delays in the criminal trial involving Councillor T Richardson and other health related factors of key individuals.

The Hearing Panel had the benefit of an Investigating Officer report prepared by Stephen Pearson, an externally appointed Investigator.

The Hearing Panel did not receive any witness statements or heard evidence from any named witnesses, this was due to the fact that there were a number of complainants attending and the volume of written material provided upon which they based their complaints.

The Hearing Panel considered the allegations in light of the Joint Standards Committee published criteria for the assessment of complaints.

The Panel noted that Councillor Richardson had been offered and had accessed the support of Alex Oram, Independent Person.

EVIDENCE AND FINDING OF FACT

The Panel was concerned with five complaints received from four complainants in respect of Councillor T Richardson of Haxby Town Council. All Three of the complainants are current Councillors of Haxby Town Council and the remaining complainant is the former Clerk to Haxby Town Council. It is noted that one of the complainants, Councillor Guilford, has been the Chair of Haxby Town Council throughout the time period covering all of the complaints.

Councillor T Richardson is a long standing member of Haxby Town Council.

The complaints from Councillors Carmichael and Preston and Mark Scott were received during the time period November 2019, to February 2020. The fifth complaint submitted by Councillor Guilford was received in early 2021, however due to

the commonality of the issues, the decision was taken to include this final complaint within Mr Pearson's investigation.

The Panel noted that at the time of the submission of his complaints, Mark Scott was employed as the Clerk to Haxby Town Council. Mr Scott has since resigned from this position.

The Panel noted that there are no outstanding Code of Conduct complaints submitted by Councillor Richardson.

The Panel carefully considered the wording of the Code of Conduct which was in place at the time of these complaints.

The Panel noted that Councillor Richardson was found not guilty by Leeds Crown Court in respect of assault charges which arose due to an altercation at a Haxby Town Council meeting.

The Panel is satisfied that the Investigating Officer gave ample opportunities to Councillor Richardson to provide evidence he wanted to be considered including recording of meetings. Given that Councillor Richardson did not fully take up those opportunities resulted in the Investigating Officer having to make a judgement based on the balance of probabilities and based on the evidence made available to him throughout the duration of this investigation.

The Panel has carefully considered the written accounts by the Former Clerk of Haxby Town Council, those of Councillor Preston and Carmichael as obtained by the Investigating Officer and the verbal comments made during the hearing. The Panel also noted that Councillor Richardson confirmed to the Panel at the hearing that he did approach the Clerk during the meeting on 11th November 2019. The Panel was satisfied that the Clerk felt intimidated by this approach. It is noted that Councillors Preston, Carmichael and Guilford all commented that Mr Scott was visibly shaken and upset as a result. The Panel is satisfied by the written evidence available at the hearing that Mr Scott was under considerable stress and notes that he decided to retire early from his position.

Haxby Town Council, as an employer did put in place measures of support for the Clerk of the Town Council and measures to mitigate the inappropriate correspondence and contact with Councillor Richardson. The Panel noted that these arrangements are still in place to support the current Clerk of

the Town Council. Despite these being put in place, Councillor Richardson continued to disregard these measures and continued his bullying and intimidatory pattern of behaviour and continued breach of the Code of Conduct.

The Panel noted that Councillor Richardson wished to contest a number of issues in the Investigation Report and it is unfortunate that Councillor Richardson repeatedly commented on the behaviour of others as opposed to his own.

After a number of warnings and after trying to give Councillor Richardson as much opportunity as possible, Councillor Richardson was asked to leave the hearing. This was as a direct result of Councillor Richardson's disruptive and threatening behaviour.

There is no doubt that Councillor Richardson's behaviour has contributed negatively on the overall impact on the functioning and reputation of Haxby Town Council.

The Panel took time to hear from Councillor Carmichael, Councillor Preston, Councillor Guilford and Councillor Richardson.

CONCLUSIONS

The Panel were concerned with regards to the heightened levels of animosity between Councillor Richardson and other Members of Haxby Town Council and the Town Council Officers, most notably towards the former Clerk and that these also extended to matters beyond the scope of these complaints. The Panel noted that the inappropriate behaviour of Councillor Richardson during meetings and towards Members of Haxby Town Council is an on-going issue.

The Panel upheld the complaints made against Councillor Richardson as follows:

- The behaviour of Councillor Richardson has repeatedly been disrespectful and is in breach of limb 1 of paragraph 3.1 of the Haxby Town Council Code of Conduct, towards the Clerk, the Chair and other Members of Haxby Town Council.

- Councillor Richardson has behaved on a number of occasions in a manner which is bullying and / or intimidatory, in particular towards the Clerk to Haxby Town Council and is in breach of limb 2 of paragraph 3.1 of Haxby Town Council Code of Conduct.

It is noted that the Town Council has adopted the LGA Model of Code of Conduct (January 2022).

SANCTIONS

It is recommended that:

1. Haxby Town Council shall take steps to arrange for a single point of contact for Councillor Richardson and all Haxby Town Council business shall be conducted using the official Haxby Town Council email address; and
2. Councillor Richardson shall be removed from any or all Panels or Sub-Committees of Haxby Town Council for a period of six months whereupon this position should be formally reviewed; and
3. Councillor Richardson shall be removed from any or all Outside Body appointments to which he has been appointed by Haxby Town Council for a period of six months whereupon this position should be formally reviewed; and
4. Haxby Town Council undertakes six monthly reviews of its governance framework to support its employees to ensure its arrangements to support its employees and mitigate against inappropriate behaviour and correspondence from Councillor Richardson remains fit for purpose; and
5. Haxby Town Council obtains the support of Yorkshire Local Councils Association to assist in the management and implementation of these sanctions.

It is hoped that by implementing these sanctions any personal conflicts will be resolved, acceptable standards of behaviour will be established and the Council will run in a proper manner that will command the respect of the community.

Councillor T Fisher
Councillor C Douglas
Parish Councillor C Chambers