

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:** 2.00 pm
- 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 E Pearson** (Pages 1 - 86)
(City of York Council and Haxby Town Council)
To consider a complaint made against the above Member of City of York Council and Haxby Town 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**

Councillor E Pearson (City of York Council and Haxby Town Council)

Complainants: Councillor Mark Guilford (Haxby Town Council)

Subject Councillor: Councillor E Pearson (City of York Council and Haxby Town Council)

Investigator: Stephen Pearson, Freeths Solicitors

Background

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

The complaint relates to the following allegations:

- It is alleged that Councillor E Pearson, prior to his co-option to the Town Council, verbally attacked Councillor Guilford at his home with regard to Councillor Guilford's alleged interference in a proposal to turn a local scout hut into a branch library;
- It is alleged that Councillor E Pearson acted in a disrespectful manner in seeking to overrule the decision of the Town Council following criticism of the Town Council made within a local newspaper, and his attempt to override the Town Council's reservations concerning an application for grant monies;
- Councillor E Pearson is accused of being one of a group of Councillors seeking to overrule the decision of the Town Council with regard to not placing a duck house and duck shelters around the village due to the Town Council reflecting concerns raised by

residents with regard to the proposal;

- It is alleged that Councillor E Pearson verbally attacked Councillor Guilford over the Town Council's refusal to permit construction to take place on the village green;
- Councillor E Pearson is alleged to have threatened Councillor Guilford with a campaign against him if he did not ensure that his mother, Councillor Ruth Pearson, did not get "*what she wanted*".

The Investigating Officer, Stephen Pearson of Freeths Solicitors, was asked to investigate the complaint. The Complaint and Mr S Pearson's report can be found at Annex A. City of York Council's [previous] Code of Conduct and the Code of Conduct for Haxby Town Council can also be found at Annex A. It will be noted from the report that Mr S Pearson is of the opinion that Councillor E Pearson:

- has breached paragraph 3(1) of the City of York Council Code of Conduct, and paragraph 3.1 of the Haxby Town Council Code of Conduct, in that he has behaved on at least one occasion, in a manner which is not respectful towards Councillor Guilford and other Members of the Haxby Town Council.
- (on balance) can be demonstrated to have behaved in a manner which is bullying/intimidatory and I find that he has not breached paragraph 3(3) of the City of York Code of Conduct.
- has sought to improperly confer an advantage on a person (constituting a breach within paragraph 3.1 of the Haxby Town Council Code and also paragraph 3(8) of the City of York Council Code of Conduct) (being his mother who was also elected to Haxby Town Council) by making inappropriate threats to support her political ambitions. In light of the clear personal conflict of interest demonstrated he should not have been involved in her appointment to Committees of Haxby Town Council any way.

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 E Pearson 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”
- 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”

The Code of Conduct for Haxby Town Council

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

- 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 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”

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 E Pearson has provided a position statement which can be found at Annex C.

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

Issues to be determined

Has Councillor E Pearson breached City of York Council’s Code of Conduct?

Has Councillor E Pearson breached the Haxby Town Council 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 E Pearson

FREETHS

Strictly Private & Confidential

**Report to the Monitoring Officer of City of York Council concerning
Cllr E Pearson**

**Stephen Pearson (Partner)
Freeths LLP
(Re-submitted 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 E Pearson (City of York Councillor for Haxby & Wigginton Ward and also a Co-opted Member on Haxby Town Council).

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 Pearson 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).
- Attempts to prefer a family member (Cllr Pearson's mother) in obtaining committee membership on the Town Council.¹

2. **BASIS OF THE COMPLAINTS**

Cllr Guilford has submitted the attached Complaint Form. To briefly summarise Cllr Guilford's complaints 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 Pearson:

- It is alleged that Cllr Pearson, prior to his co-option to the Town Council, verbally attacked Cllr Guilford at his home with regard to Cllr Guilford's alleged interference in a proposal to turn a local scout hut into a branch library.
- It is alleged that Cllr Pearson acted in a disrespectful manner in seeking to overrule the decision of the Town Council following criticism of the Town Council made within a local newspaper, and his attempt to override the Town Council's reservations concerning an application for grant monies.
- Cllr Pearson is accused of being one of a group of Councillors seeking to overrule the decision of the Town Council with regard to not placing a duckhouse and duck shelters around the village due to the Town Council reflecting concerns raised by residents with regard to this proposal.
- It is alleged that Cllr Pearson verbally attacked Cllr Guilford over the Town Council's refusal to permit construction to take place on the village green.
- Cllr Pearson is alleged to have threatened Cllr Guilford with a campaign against him if he did not ensure that his mother, Cllr Ruth Pearson, did not get "*what she wanted*".

¹ Note this was raised in conversation and not detailed in the original form of complaint.

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 these Members behaved in a disrespectful or bullying manner.

4. **OFFICIAL DETAILS**

Cllr Pearson has been a Member of City of York Council since May 2019 and a Member of Haxby Town Council since being co-opted in December 2020.

5. **CHRONOLOGY**

- May 2019 – Member appointed as Lib-Dem Ward Member to City of York Council.
- Autumn 2020 – discussions re Scout Hut.
- January 2021 – issues with Cllr Pearson re playing field.
- Summer 2021 – issues re suggested building on village green.

6. **AGREED AND DISPUTED FACTS**

Cllr Pearson:

Cllr Pearson would dispute that he has had, in any general way, a less than positive relationship with the Town Council, although he does agree that Cllr Guilford can be difficult to work with at times. Cllr Pearson agrees that he did benefit from a training session with regard to Standing Orders and Code of Conduct etc.

Whilst Cllr Pearson does not accept that he has made abusive comments, he confirms that he did accuse the Town Council of operating a "tyranny at a local level" and has expressed concern over requested items not being placed on agendas, a refusal of the Chair to allow members of the public to speak and his refusal to allow submission and presentation of petitions to Haxby Town Council.

He states that Cllr Guilford was in "dereliction of his duty" by refusing to allow the play area to be discussed.

Cllr Pearson does agree that he had a conversation with Cllr Guilford with regard to the potential use of the Scout Hut as a library, but disagrees that the meeting was in any way acrimonious.

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 Pearson. 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 Pearson 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, the subjects of the complaint have indicated that the identified witness may have been biased. As such, I was persuaded to interview ex-Councillor Lesley Beverley.

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 Pearson – Cllr Pearson clearly has major concerns over how the Town Council's affairs have been conducted. He states, and I have no reason to regard this as an untruth, that he has requested to have items on Town Council Agendas, which have not been so placed. He also states that there have been occasions where the Chair has refused to allow members of the public to speak, nor to allow the submission of presentation of petitions, and this concerns him. On the other hand, Cllr Guilford states, quite rightly and in line with the Specimen Standing Orders, that matters may not be discussed at a Council Meeting unless they have been properly placed on the agenda, and the agenda has been circulated for the requisite number of clear days before the meeting takes place.
- (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 Cllr Pearson, 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 Cllr Pearson. 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 Pearson. He has 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 Cllr Wyatt) that on occasion Cllr Pearson's 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 Pearson in the meeting of the Town Council.

- There is an undercurrent that, by virtue of his position as 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 Pearson:
 - Allegations have been made about his political ambitions and those of his political party. In my view, whether these comments were made or not, they do not constitute anything which might be a breach of the Code of Conduct.
 - It is alleged in particular, that Cllr Pearson made certain damaging allegations and raised his voice during meetings. Cllr Pearson does not accept these allegations and states that he has behaved respectfully, although on the basis that:
 - he was unhappy about Cllr Guilford's refusal to allow the submission of petitions to the Town Council;
 - he might regard it as appropriate to allow members of the public or City Councillors to speak on agenda items.
 - I would say that as a matter of practice, these may have been correct decisions by Cllr Guilford – unless the Chairman chooses, at his discretion, to invite persons to speak, members of the public are typically only allowed to speak within a designated period, typically at the start of a Parish / Town Council Meeting. I feel that it is understandable for an individual Member to express his / her concern or upset if he / she feels a person should have been allowed to speak at a meeting, and Cllr Guilford refused permission for this, but if Cllr Pearson has become abusive in his response to this decision, then I think it is understandable that Cllr Guilford would have cause for complaint. I feel that, on balance, there is evidence that such comments were indeed made – See comments of Cllr Wyatt at enclosure 4.3.
 - Cllr Pearson denies that he sought an unfair advantage for his mother, but does accept that he made comments with regard to her inability to “meaningfully participate”. To me this seems to be clear lobbying on behalf of his mother which I think is inappropriate for a relative, although he has described this to me as “relaying the democratic deficit to the electorate”. Given his clear personal interest in supporting a family member, I have to say that I think these comments, or whether or not they were misinterpreted are extremely unwise, and I do feel that they constitute seeking to make undue influence. He would have been better advised not to make any comments whatsoever with regard to a close family member being on the Council.
 - What does appear to be the case, from my understanding of events, is that Cllr Guilford, rightly or wrongly, decided to change the practice with regard to Haxby Town Council Meetings to reduce opportunities for public participation throughout the meeting itself, even in a situation where a petition was to be presented. Whilst this is within the Chairman's discretion, I can understand why it might have been an unpopular decision, even though it may have been made for the best of reasons, ie to ensure that meetings could properly progress in an orderly manner.

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

Cllr Pearson:

- Cllr Pearson cites the resignation of ex-Councillor Lesley Beverley dated 20 August and said that this demonstrates that the situation is not “one sided”, and that any bullying or threatening behaviour was committed by the Complainant, rather than himself. He comments that he is “holding a mirror up” to those in positions of power.
- Cllr Pearson fervently denies that he sought an improper advantage for a family member and continues to categorically deny this.
- He states that he regards the complaint as being personal and politically motivated.
- Cllr Pearson points out that the petition in favour of funding for the play area was signed by more than 400 residents, but it was not intended to be personal in its approach or directed at one individual but that Councillors should be properly accountable for their decisions.
- He feels that the words and actions by other Members may be political, ie directed towards Liberal Democrat Members and would point out that the complaint has been made by a Conservative Party Member and corroborated by other Conservative Members / supporters.
- He regards there as being a “blatant disregard for due democratic process” within the Town Council and there is a failure to uphold the Nolan principles of objectivity, accountability and openness.
- He feels that the other Councillors concerned are extremely partisan against Lib Dem Members, with Cllr Carmichael having previously described the Lib Democrat “Focus” as “worse than Mein Kampf”.
- Cllr Pearson does agree that he described the behaviour of Cllr Guilford as being “outrageous”. He states that when Cllr Wyatt insisted that the Chair be respected he responded with “and does the Chairman respect democracy?”.
- He states that any undercurrent of attitudes against the Town Council by City Councillors is a misconception and misrepresentation, but stresses the need to speak out on behalf of the local petition to lobby for local residents and to bring scrutiny to local democracy. He regards the complaint as an attempt to bring certain Members in to discredit and bully them into submission.
- He states that the report contains a combination of opinion, mistaken perceptions and biased comment.
- He complains that a negative impression may have been given by his initial reluctance to speak with me. He stated that this was because he was dealing with treatment with respect to a serious illness and did not feel able at the time to handle a conversation in which his memory might let him down.
- He suggests that further “evidence” has been sought and taken from Cllr Guilford. This is not correct, Cllr Guilford was given an opportunity to make his comments and chose to do so in person, giving him a full opportunity to expand upon his position. The same opportunity was given to Cllr Pearson but he determined it was not appropriate to take this opportunity up.

- He has suggested that I should contact other individuals, with particular regard to comments made. I have now spoken to ex-Councillor Beverley, but do not feel that it is practicable at this point to speak to some 8 additional Members.
- He objects to the additional comment made that he is accused of describing Town Councillors as “dysfunctional”. I am requested to withdraw this comment, but as it is made by the Complainant, I do not feel that I am able to as it appears to me to be very much directed to the content of the original complaint form.
- He states that the comments concerning his mother are “ridiculous”. He states that what he actually said was “I am sure the elected of Haxby North Ward (where Cllr Pearson was elected on 25 November 2021) would be very interested to hear in the next Focus that the candidate that they have just elected is unable to meaningfully participate in and cast a vote on any of the key decisions of Haxby Town Council” – this was because she was refused by the Chairman to be co-opted on to the Budget and Oversight Committee. He further comments that the Full Council would have had the authority to co-opt her on to the Committee, but Cllr Guilford would not consider it and had refused to allow any vote or discussion on the matter. He states that his statement was a matter of fact and not a threat or campaign.

Cllr Guilford:

Cllr Guilford has responded as follows:

- At an April meeting of the Recreation and Open Spaces Committee a proposal was brought by a Working Party constituting Cllr Beverley, Cllr Pearson and Cllr Rice that the Committee selected a particular structure to be adopted by the Committee as the option for upgrading the play area. (Note this is corroborated by item 7 of the agenda contained at item 8.1 below). This vote was unanimous. In August after several months of delay by the Working Group Cllr Guilford raised a motion to bring forward another option and that proposal was resolved. This led to Cllr Beverley making a statement that because of Cllr Guilford the children of Haxby would suffer as he had dictated the equipment outcome. He disagrees with this. He simply brought up a proposal that the Committee had passed.

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 they 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. This led to Cllr Pearson making an accusation that Cllr Guilford did not give legal notice of the Committee Meeting. At this session Cllr Pearson acted he states contrary to the ruling from the Chair that Councillors should not speak by receiving texts while the meeting progressed, and then made statements based on communications.

Cllr Guilford states that Cllr Pearson 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 they had "won the day" in the "Focus" newsletter.² 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 they had voted on the play equipment proposal before they were 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. 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.

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 matters 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 Pearson:

I find that Cllr Pearson has breached paragraph 3(1) of the City of York Council Code of Conduct and paragraph 3.1 of the Haxby Town Council Code of Conduct, in that he has behaved, on at least one occasion, in a manner which is not respectful towards Cllr Guilford and other Members of the Town Council.

I do not think that Cllr Pearson (on balance) can be demonstrated to have behaved in a manner which is bullying / intimidatory and I find that he has not breached paragraph 3(3) of the City of York Code of Conduct.

I do not think that Cllr Pearson has behaved sufficiently badly as to bring the City of York Council or his position into disrepute, and I find that he is not in breach of paragraph 3(7) of the City of York Code of Conduct.

It appears to me that Cllr Pearson has sought to improperly confer an advantage on a person (constituting a breach within paragraph 3.1 of the Haxby Town Council Code and also paragraph 3(8) of the City of York Council Code of Conduct), (being his mother, who was also elected to the Haxby Town Council) by making inappropriate threats to support her political ambitions. In light of the clear personal conflict of interest demonstrated he should not have been involved in her appointment to Committees of Haxby Town Council any way.

Additional Comments

I do understand that feelings may run high in political debate and that it is conceivable that the issues raised by Cllr Pearson 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*".

² 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 Pearson (plus supplementary response).
6. Copies of Liberal Democrat Focus / "Annual report" documents.
7. N/A
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.

ENCLOSURE 1

HAXBY TOWN COUNCIL
COUNCIL OFFICE
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THE VILLAGE
HAXBY
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YO32 3HT

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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.

-
- (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.

-
- (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	Edward	Pearson	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 Pearson on two counts:

From the CYC Code of Conduct

- 1. 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.***

Cllr Pearson was advised when he applied to be co-opted that when acting as a town councillor he would be required to adhere to our Standing Orders and Code of Conduct and that he could not – when acting in that role – exercise the duties of a ward councillor. In brief when acting as a town councillor he would need to make decisions based on that role and not attempt to implement ward priorities in the our council. (Note: that does not preclude him raising a motion to discuss an activity of the ward – but rather his decision making processes must be aligned with the town council's needs). As stated earlier he has repeatedly refused to adhere to our rules.

In August cllr. Pearson informed our clerk the ward councillors were 'putting together a group of like minded Liberals to force elections in HTC to take over the council'. Due to a vacancy a by-election has now been called - this is a highly unusual event with an initial estimated to cost of £6000 in election fees for our council.

It would be a considerable coincidence if it turned out that this was a completely random event - given no one recalls this happening for a casual vacancy before.

You may feel this is a democratic right - and I would agree - but it is a right of the electors of the town - not for a political party. Especially when that party is weaponising that element of our voting system. Just to highlight one impact of that action - I asked the elections officer what cost the town would incur by the poll - she had to look it up as it is such a rare event - her initial response was £6,000. That might not sound much to a council the resources of a primary authority, but to us that is a lot of money - and we potentially have three resignations to come.

This is a blatant attack on our council and demonstrates the clear lack of respect the ward demonstrates in dealings with our council. And for councillor Pearson it demonstrates he is violating the above stated section of the CYC code of conduct.

Whenever Cllr Pearson is reminded that he needs to comply with our rules he replies *I'm a politician I can do what I want, or I have political ambitions*. This leads me to believe that not only is the councillor ignorant of our rules, but that he joined our council with the express intent to interfere with our lawful decisions. In doing so he has been untruthful in signing his acceptance of office and agreeing to our Standing Orders.

2. **Section 3 para(1) You must treat others with respect.**

Cllr Pearson has been disrespectful to the chair in meetings accusing me in particular of being anti-democratic and a dictator - his reason for this is twofold - first is that he didn't like my ruling that ward councillors not be allowed to raise an item that was not on our agenda and secondly that I brought a

motion to a committee – that was adopted – which he disagreed with. He has also shown disrespect in ignoring guidance that his actions be brought into line with our Standing Orders. I would also submit this incident is further evidence that cllr Pearson is not adhering to the CYC code of conduct as stated in item 1 above. His actions while he was meant to be acting as a town councillor were clearly actions relating to his ward role.

- a. The other matter related to a working group set up by our Recreation and Open Spaces Committee which was instructed in January to meet with 'two or three' suppliers and to return to the committee with the suppliers ideas for improving the play equipment. Cllr Pearson although being repeatedly advised he did not have authorisation to do so, pushed the clerk into applying for grant monies in advance of a council decision. This led to an award by CYC of £5,900 towards improvement of the play area. You may recall an article in the York Press that reported that the monies for these grants were taken from funds set aside for less privileged neighbourhoods. This article was forwarded to me and I raised it with the committee to discuss whether or not it would be right for a community like Haxby to profit from funds that were meant for poorer areas. Following that meeting I met with the responsible CYC officer and resolved that issue which led to HTC accepting the grant. However, not ones to let an opportunity for negative campaigning go to waste our ward councillors started another social media campaign against our council and the raising of a petition that they are attempting to use for political gain. This led to the August disagreements. (all three ward councillors). When the clerk spoke to cllr Pearson about his actions and those of his ward colleagues, the cllr responded he was irritated that as chairman I always get my way. The clerk corrected him by reminding the councillor that my actions were in line with Standing Orders and that cllr Pearson's frustrations were due to his failure to review and adhere to our rules or to prepare for the topic debate - the councillor admitted he had not familiarised himself with Standing Orders - even though that is a commitment every councillor makes when accepting their office.

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 Edward Pearson (who is both a City of York and Town Councillor).

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 Pearson

Cllr Pearson applied and was accepted as a co-opted member of the Town Council in late 2020. Cllr Guilford had reservations over the co-option of Cllr Pearson but had been advised by the Clerk that as there was a role, if a candidate came forward there was no alternative but to co-opt Cllr Pearson into a vacant position. Three Councillors joined at the same time, but in accordance with best practice, Cllr Guilford ensured that they all had an introductory briefing session with him.

Within this briefing Cllr Pearson was advised that when acting as a Town Councillor he should act in accordance with his role as a Town Councillor and adhere to its Standing Orders and the Code of Conduct and that he could not, in exercising that role, exercise the duties of a City Council Ward Councillor. Cllr Guilford says that he also told him that he should not attempt to implement Ward priorities in the Town Council. He indicated acceptance to this.

Prior to his co-option in Autumn 2020 Cllr Pearson knocked on Cllr Guilford's front door on a Sunday afternoon asking whether he could have a word. This related to the Scout Hut, which the City Council was attempting to turn into a local branch library. Cllr Guilford understood that this was difficult because it would result in a substantial tax liability for the Scout Group, but was not otherwise involved. Cllr Pearson complained that Cllr Guilford had "*interfered*" with plans to get the library operating. Cllr Guilford denied this, but this did not seem to be accepted.

In January 2021 Cllr Pearson had been appointed to a working group concerning open spaces. There was a proposal to update play equipment within a play area and the working group were asked to contact suppliers, to get suggestions for suitable new play equipment and to report back to the committee with the vendors recommendations. Although he was advised not to do so, Cllr Pearson pressurised the Clerk into making an application for grant monies from the City of York Council towards a particular set of play equipment in advance of a Town Councillors decision on what it wished to do. This led to an award by the City of York Council for £5,900 towards the improvement of the play area. Cllr Guilford and the clerk advised Cllr Pearson that the working group was not meant to be decision-making, the response which he received from Cllr Pearson was that "*I am a politician and I can do what I want, I have ambitions*"..

It was subsequently reported in the "York Press" that monies from these grants were in fact allocated for under-privileged neighbourhoods. This article was presented to Cllr Guilford and he suggested the Committee should consider whether it was right for a community like Haxby which is comparatively prosperous to profit from monies that were made available for poorer areas. The article reported that there may be a political bias involved in allocating these funds. When Cllr Guilford raised this issue at a meeting several councillors attempted to raise a motion to ignore the article and accept the funding - but this proposal failed to pass. Following the committee meeting Cllr Guilford met with the clerk to discuss the outcome of the meeting which resulted in the Cllr requesting a meeting with the CYC Officer responsible for the grant decisions. Once this meeting took place it became clear that the York Press article was not completely accurate and Cllr Guilford recommended to the council that it should accept the funding.

Following the committee meeting the local Lib Dems raised a petition in order to criticise the Town Council's reservations. At no point did the ward councillors approach the Cllr or the clerk to discuss their concerns. Instead they began a social media campaign trying to politicise the debate. This resulted in a heated encounter in the August meeting of the full council as well as in an Extraordinary Meeting of the Recreation and Open Spaces Committee later that same week. Other Members attended the meeting of the full council to present a petition they had raised to try to force the council to over-ride the committee vote. When they asked to speak Cllr Guilford, as chairman, advised they would not be permitted to speak as the item was not on the agenda. There was some considerable debate from Cllr Pearson, after which he proceeded to exchange texts with the ward councillors and then tried to challenge the chairman with the comments from another Member. This was a direct act of disrespect for the ruling from the chair. In that meeting Cllr Guilford advised the ward councillors that an Extraordinary Meeting of the committee had been called where a proposal would be put forward by Cllr Guilford that the funding be accepted following the discussion that had been held with the CYC Officer.

During the Extraordinary Meeting later that week, Cllr Guilford proposed that the committee use the grant to fund the solution the committee had confirmed as its preferred option in the April committee meeting. Although Cllr Pearson was not a member of the committee he and another Member were both in attendance. As the ward councillors were clearly attempting to create a false narrative that they had forced HTC to reverse its earlier decision regarding the grant monies Cllr Guilford advised the committee chairman that he should proceed to the proposal on the agenda before allowing the ward councillors to speak. When the proposal was raised Cllr Pearson expressed his opposition - although as previously stated he was not a member of the committee and therefore had not right to interrupt the meeting. (For clarity, the April meeting of the committee was a combined Recreation and Open Spaces / Community Assets Committee meeting which was attend by Cllr Pearson who is a member of the latter group.) Cllr Pearson did add that when he and the working group had proposed the preferred option and subsequently voted in favour of that option - he did not actually want that option but voted purely to allow the application for grant monies to be completed. Cllr Guilford suggested that the Cllr should probably not admit he had voted for an item purely to use that vote to attain funds while intending to try to convince the committee to spend it on something different from that proposed.

There was a debate but in the end the proposal from Cllr Guilford passed. This resulted in a member of the committee becoming quite emotional and left the meeting.

A further issue related to a resident of Wigginton who demanded that the Town Council allowed for the placing of a duck house and a number of duck shelters in and around the village pond. The relevant Committee of the Town Council discussed the matter and following comments from residents expressing concern over noise and mess, it rejected the request. City Council Ward Councillors, including Cllr Pearson contacted this resident and agreed to work with her to overturn the decision of the Town Council, which, in Cllr Guilford's view, went going against the principle of collective responsibility. This resulted in an acrimonious social media campaign that is still ongoing. Ruth Pearson, Edward Pearson's mother, was successful in being elected to the Town Council by-election in November 2021.

Cllr Pearson had a meeting with the Clerk to the Town Council in August 2021 when the Clerk was informed that the Lib Dem Councillors were "*putting together a group of likeminded liberals to force elections in Haxby Town Council to take over the Council*". This resulted in, unusually, a by-election being called the Elections Officer estimated the cost of the election was £6,000 which would need to be met by HTC.

There was a further issue in the summer where it was requested whether a local fish and chip shop could build an access path across the village green. The Chairman made it clear that it was unlawful to build on a village green and Cllr Pearson sent a letter to the Cllr Guilford, the clerk, local traders and other local organisations. In that letter he suggested that the council should allow the path to be constructed as the council had spent thousands of pounds of taxpayer money for the benefit of other local businesses. This comment referred to repairs the council made to parking spaces along The

Village, Haxby. These were carried out as there had been several residents who had fallen due to pot holes in the surface.

Following that note Cllr Guilford contacted Cllr Aspden (City of York Councillor) to ask for his help to mediate the dialogue between HTC and the ward councillors. Cllr Aspden ignored those emails, so Cllr Guilford tried again and managed to set up a call with Cllr Smalley (Lib Dem Whip) to discuss his concerns. This appears to have had no effect at all on Cllr Pearson's behaviour.

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.

In term of Cllr Pearson, he was also one of the members involved in raising verbal objections to the chairing of Cllr Guilford at meetings and of running a social media campaign on articles in the "liberal democrat focus" against the town council.

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.

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 Counsellor Pearson 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 his own political ends.

Councillor Wyatt does recall discussions at Council meetings with regard to the updating of play equipment. Councillor Pearson 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. Councillor Pearson's response to this was to say to Cllr Wyatt, "You don't believe in democracy then".

Councillor Wyatt confirms that Cllr Pearson did accuse Cllr Guilford of being a "dictator" at an HTC meeting and threatened to make a code of conduct complaint against Cllr Guilford. He believes that this was in the meeting which took place at Oaken Grove, a local Community Centre used as a venue for certain HTC meetings.

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 before Cllr Pearson was even on the Committee. 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 noted that she wasn't even sure Cllr Pearson was at the first meeting (at the Open Grove Community Centre) in which Cllr Guilford refused the City of York funding grant.

Although Ms Beverley was not involved in the process of applying for the grant, it was her understanding that the City of York Council, when looking at York as a whole, allocated the funding to Haxby (among others), rather than it being a "*political machination*" by Cllr Pearson as suggested by Cllr Guilford. 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.

It was in fact Ms Beverley rather than Cllr Pearson who called Cllr Guilford a "dictator" and accused him of being undemocratic, which she repeated in her letter of resignation (**attached marked "AF1"**). She noted Cllr Pearson was quiet at the meeting and described him as very logical and calm man who strikes her as someone who doesn't say anything until he has thought it through.

It was after this meeting that Ms Beverley resigned. Ms Beverley notes that she has not witnessed Cllr Pearson behave in a rude or disrespectful way at any meetings at all. 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.

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

List of questions to and Responses from Cllr Pearson

1. How long have you been a Member of York City Council?

I was elected to City of York Council on Thursday 2nd May 2019.

2. How long have you been a Member of Haxby Town Council?

I was co-opted onto Haxby Town Council at a meeting of the full Haxby Town Council on Monday 14th December 2020. Cllr Guilford voted against my co-option.

3. How would you characterise your relationship with the chair and other members of HTC?

I would say I have a positive relationship with all other members and both the previous Clerks and Deputy Clerks to the Council. Indeed I get on very well with many of them. My relationship with the Haxby Town Council Chair, Cllr Mark Guilford has been more difficult; which is most unusual for me as I am able to strike good working relationships with colleagues both in my day job and across my two Councillor roles, including with those from different political parties.

4. Generally, having read the complaint made by Cllr Guilford, how do you respond to the points raised? In particular:

- 4.1. Do you confirm that when you applied to be co-opted as a Town Councillor you had a conversation with Cllr Guilford where he stressed the importance of adhering to Haxby Town Council's Standing Orders and Code of Conduct, and that you should not, when acting in that role, exercise the duties of a City Council Ward Councillor?

No. To the best of my knowledge and memory this conversation took place after I had already been co-opted by the full Haxby Town Council on Friday 8th January 2021 in an introductory video conference with Cllr Mark Guilford the Chair and Mark Scott the (then) Clerk. This was in advance of my first full HTC meeting on Monday 11th January 2021.

- 4.2. Did you acknowledge and agree to that?

I recollect agreeing that I would always approach Town Council Meetings and decisions with my "Town Councillor hat on", and I was there to represent the best interests of local residents. By taking on the role of a Haxby Town Council, I fully accept that I must act as a Town Councillor; in full cognisance of the Town Council's standing orders, with due respect to the code of conduct, and in the interests of both the Town Council and the community I represent.

5. Do you confirm that you had a conversation with the Clerk where you stated that you were "*putting together a group of likeminded liberals to force elections in HTC to take over the Council*"?

I have had several conversations with the previous Haxby Town Clerk relating to elections to Haxby Town Council. Should the Liberal Democrats choose to stand approved Party Candidates for Haxby Town Council that would be perfectly reasonable and within the laws of the land.

Democracy, the secret ballot box, and elections is an incredibly precious system of government and all my conduct in this regard has been in full respect of the Local Govt Act 1976.

6. It is alleged that you have been disrespectful to Cllr Guilford in meetings, accusing him of being "*anti-democratic*" and a "*dictator*" – do you accept this allegation, and can you explain the circumstances in which you made these comments, if you did?

No, I do not accept this allegation. At all times I have conducted myself respectfully towards fellow Town Councillors including Cllr Mark Guilford. Any comments I have made along these lines have been justified responses to his Chairmanship, including a) requested agenda items not having been placed on agendas, b) Cllr Guilford's refusal to allow members of the public, Ward Councillors or indeed some Town Councillors to speak on relevant agenda items, and c) Cllr Guilford's refusal to allow the submission/presentation of petitions to Haxby Town Council; despite Haxby Town Council's policies and agenda papers inviting public participation.

7. Would you accept that you have acted at any time in a disrespectful manner towards Cllr Guilford?

No.

8. Do you object to the principle that Councillors should not be allowed to raise matters that were not placed on the agenda?

No.

9. Have you expressed a view that HTC should "do what it is told" by the City Council and its members?

No.

10. Have you been involved in any campaigns on social media which might seek or have the effect of discrediting the actions of the Town Council?

No.

11. It is stated that at a point in the autumn, you knocked on Cllr Guilford's personal front door on a Sunday afternoon asking to speak to him in relation to the Scout Hut, which the City Council was attempting to turn into a local library. It is alleged that you complained that Cllr Guilford interfered with the process to make the building available by the local Scout Group to the City Council in an aggressive manner. Could you please confirm your recollection of this incident please?

I regularly undertake community and residents surveying, indeed, myself and fellow Ward Councillors will survey and visit every household at least once every year.

This conversation took place nearly two and a half years ago. For the benefit of this investigation, I confirm that I did call at Cllr Guilford's home and my recollection of our meeting is quite different. Cllr Guilford invited me inside and we discussed the Library matter and other issues openly and frankly over a cup of tea. We shook hands and I believed we left on good terms.

12. Finally, would you be willing to take part in some sort of process of mediation in order to seek to resolve any differences between you and the Chairman of the Town Council?

As mentioned above, I would say I have a positive relationship with all other members and both the previous Clerks and Deputy Clerks to the Council. I would be happy to take part in any mediation processes with the Chairman of the Town Council.

Andrea Greensmith

From: Cllr. E. Pearson <cllr.epearson@york.gov.uk>
Sent: 20 February 2022 00:51
To: Stephen Pearson
Subject: RE: Confidential: Code of Conduct Investigation (238689/3) [FREETHS-ACTIVE.FID3064443]

Sensitivity: Confidential

Hi Stephen,

Apologies for the lateness of the hour. Please see below my response to your clarification query in blue below; I hope this helps to provide some context.

With regard to Question 5, could I ask you to be more explicit. I asked you specifically whether you stated that you were "*putting together a group of likeminded liberals to force elections in HDC to take over the Council*". Whilst you state that you have had several conversations with the previous Haxby Town Council Clerk, what you do not say is whether you had a conversation in the terms indicated? Could you please confirm. Additionally, could I please understand the context for that, ie if you said these words, why would you as a Member be making these comments to a Clerk to the Town Council rather than, for example to a group of local party Members?

Response

I have had many conversations with the former Town Clerk, Mr Mark Scott, on a variety of topics and issues, both informal personal conversations and formal Ward and Town Council related discussions; and have taken place both in person and over the phone. Most of my conversations with the Town Clerk have been in private and between the two of us.

As my conversations have been with Mr Scott, it seems quite unreasonable that I should be expected to comment upon a conversation that took place between Mr Scott and the complainant, Councillor Guilford, to which I was not party.

That said, I can advise that both Cllr Guilford and Mr Scott have both, individually and on separate occasions, voluntarily informed me that the only way to "get rid" of Councillors is to "flood" the Ward with candidates to "force" an election. These are their words, but this is ultimately local democracy in action, and it is true. If I have within these conversations or at a later date repeated these words; this would be merely reflecting the information to which I had listened and understood, building upon the ideas that both Cllr Guilford and Mr Scott have expressed, and following the line of opportunity their ideas were offering.

I can also advise that the ultimate background / context for these discussions with the Town Clerk and Chairman were in relation to, and an exploration of, how the Town Council could potentially, lawfully, and realistically deal with a particularly difficult situation regarding a Town Councillor who has been particularly disruptive and uncooperative during Town Council meetings. I understand this Councillor is

subject to a separate code of conduct complaint; and I am unwilling to conflate or confuse the issues with regards to this investigation, but given your clarification query it is relevant for context. You may however already be aware of the longstanding issues in regards to disruptive conduct from a Haxby Town Councillor.

I re-iterate that all my conduct regarding local elections has been in full respect and due consideration of both the Councillors' code of conduct and the Local Govt Act 1976.

Many thanks,

Kind regards,

Ed

Cllr. Edward Pearson
Haxby and Wigginton Ward, City of York Council
West Offices, Station Rise, York, YO1 6GA
cllr.epearson@york.gov.uk

From: Andrea Greensmith <Andrea.Greensmith@freeths.co.uk> **On Behalf Of** Stephen Pearson
Sent: 14 February 2022 09:23
To: Cllr. E. Pearson <cllr.epearson@york.gov.uk>
Cc: Stephen Pearson <Stephen.Pearson@freeths.co.uk>
Subject: Confidential: Code of Conduct Investigation (238689/3) [FREETHS-ACTIVE.FID3064443]
Sensitivity: Confidential

Dear Cllr Pearson

Many thanks for coming back to me with your responses on my questions.

With regard to Question 5, could I ask you to be more explicit. I asked you specifically whether you stated that you were "*putting together a group of likeminded liberals to force elections in HDC to take over the Council*". Whilst you state that you have had several conversations with the previous Haxby Town Council Clerk, what you do not say is whether you had a conversation in the terms indicated? Could you please confirm. Additionally, could I please understand the context for that, ie if you said these words, why would you as a Member be making these comments to a Clerk to the Town Council rather than, for example to a group of local party Members?

I look forward to hearing from you.

Best regards.
Stephen Pearson

Andrea Greensmith
Secretary
T: 0345 274 6918
F: 0845 050 3255

FREETHS

Freeths LLP
Cumberland Court, 80 Mount Street

Andrea Greensmith

From: Cllr. E. Pearson <cllr.epearson@york.gov.uk>
Sent: 03 March 2022 23:16
To: Stephen Pearson
Subject: Re: Confidential: List of Questions [FREETHS-ACTIVE.FID3064443]

Hi Stephen,

Apologies for the lateness of the hour I have been working in London today. Many thanks for your email and I hope this reply finds you well.

Firstly, I feel compelled to put on record that it seems quite unreasonable that further new (and quite serious) allegations are now being made which are quite clearly politically motivated, and form no part of the original complaint. I am beginning to feel somewhat targeted and vilified by these unsubstantiated accusations from the complainant.

Secondly, in succinct answer to the question, no. I categorically did not say that. It is quite simply a lie.

I hope this helps.

Many thanks,

Ed

Cllr. Edward Pearson
Haxby and Wigginton Ward
City of York Council

cllr.epearson@york.gov.uk
West Offices | Station Rise | York | YO1 6GA

On 3 Mar 2022, at 17:08, Stephen Pearson <Stephen.Pearson@freeths.co.uk> wrote:

Dear Cllr Pearson

One further question for you I am afraid. Can you confirm whether, at a meeting in November 2021 that you commented to Cllr Guilford in the context of Mrs Ruth Pearson not being given a position on the Oversight Committee that *"if you don't give my mother what she wants I intend to run a campaign against you on Facebook and via the Liberal Democrat Focus"*.

regards

Stephen Pearson
Partner
T: 0345 274 6900
F: 0845 050 3255
M: 07810 034 917

FREETHS

Freeths LLP
Cumberland Court, 80 Mount Street

ENCLOSURE 6

HAXBY & WIGGINTON

FOCUS



Summer 2021 • No. 166

From Councillors Ian Cuthbertson, Andrew Hollyer and Ed Pearson

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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



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

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."

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

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/handwlitter



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

cldr.icuthbertson@york.gov.uk

01904 764 356



Cllr Andrew Hollyer

cldr.ahollyer@york.gov.uk

07752 159 683



Cllr Edward Pearson

cldr.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.

Clean Up York's Rivers

The Foss and the Ouse continue to be flooded with harmful pollutants, including raw sewage.

During 2021 your councillors and York's Liberal Democrats called for urgent action to clean up the city's rivers, after a particularly nasty incident in Haxby saw Landing Lane all but washed away.

We were disappointed that York Outer's Conservative MP voted against taking the urgent action needed to clean up the country's rivers.



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 residents,

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

✉ cilr.icuthbertson@york.gov.uk



Cllr Andrew Hollyer

☎ 07752 159683

✉ cilr.ahollyer@york.gov.uk



Cllr Ed Pearson

☎ 07730 796732

✉ cilr.epearson@york.gov.uk

🌐 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.

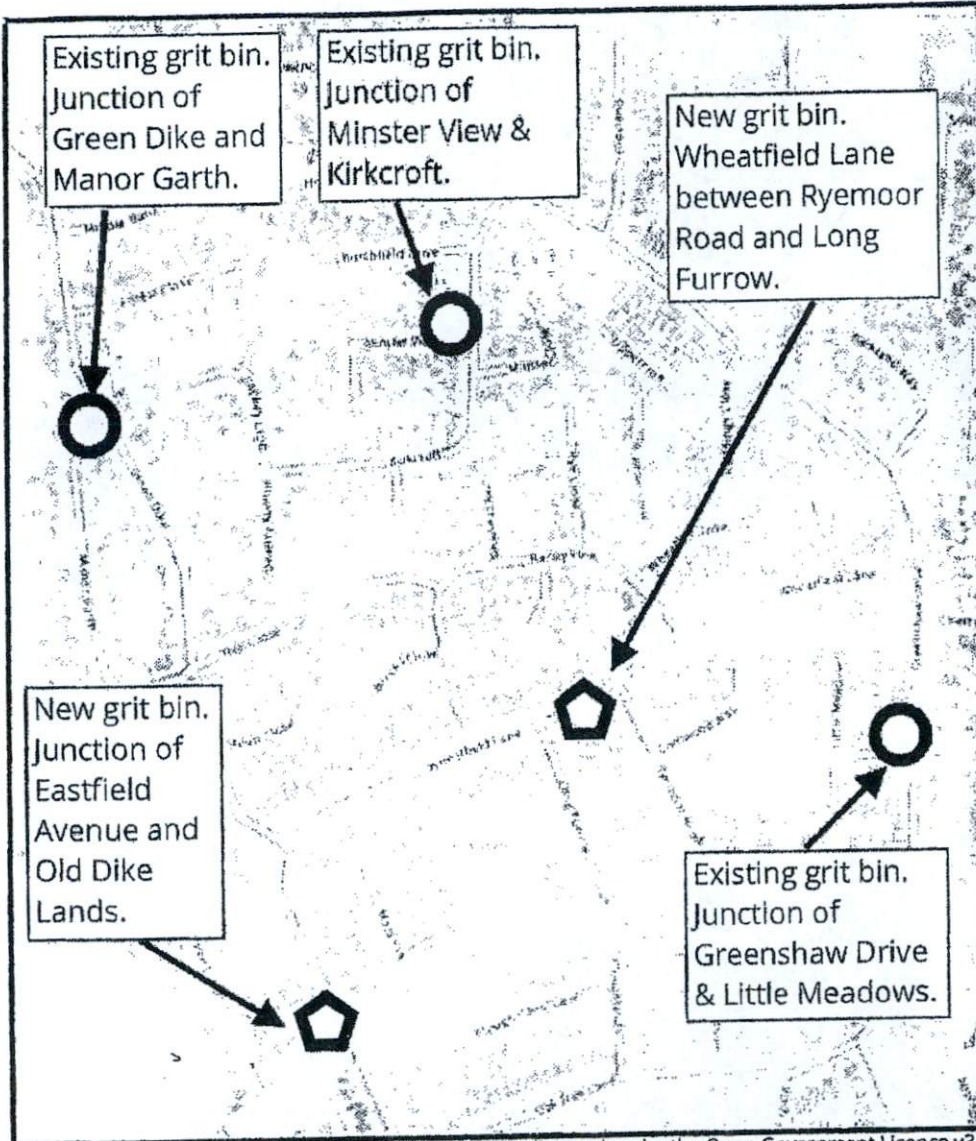
as they wish clearing snow, with each person deciding the size of the area they intend to cover.

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:
www.libdems.org.uk/join-local

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ENCLOSURE 7 – N/A

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.

MINUTES of the joint meeting of Haxby Town Council's Recreational and Open Spaces Committee and Community Assets Committee held on Tuesday 27th April 2021 by videoconference at 6.30pm.

PRESENT Cllr N Wyatt (Chairman) Cllr E Pearson
Cllr M Guilford Cllr D Rice
Cllr G Cockburn Cllr L Beverley
Mr M W Scott (Clerk)

APOLOGIES

1. Cllr M Preston and Cllr T Carmichael

MINUTES

2. **RESOLVED** that the minutes of the meeting held on 15 March 2021 be confirmed as a true and accurate record and signed by the Chairman.

DECLARATIONS OF INTEREST

3. None

SPORTS WALL

4. The clerk advised the members that the resurfacing of the area adjacent to the sports wall would start week commencing 10th May 2021. He also advised that the grant allocated by the ward councillors of £9000 had been received. The clerk was then asked to have the sports wall power washed before the new surface was laid and to thank the ward councillors for the grant monies.

ETHEL WARD PAVILION

5. It was agreed that Cllr Pearson would help with the planning application for the improvements to the nursery.

ASHWOOD GLADE

6. The clerk advised that he had received thank yous from members of the public regarding the work that had recently taken place on Ashwood Glade. He also advised that another resident had been in touch asking that the area behind her house be inspected and cut back. The clerk and the chairman are to investigate.

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

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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**Cllr Edward Pearson – Standards Hearing Statement
Hearing on Friday 2nd September 2022 at 2PM**

With regret I am unable to attend the hearing due to work commitments. I have no annual leave allowance remaining this year, and with urgent deadlines on a contract worth circa £2 billion, I cannot afford to take unpaid time off to defend myself against this malicious and politically motivated complaint.

I must convey to the Panel my concern that the Investigator's report is not satisfactory. It is lacking crucial details regarding the context and circumstances of the complaint, and it does not convey the correct chronology and sequence of events in sufficient detail. Therefore, the findings of the report are misinformed and factually incorrect.

I would refer the panel to my pre-hearing checklist; in which I have taken great care to outline the context and sequence of events which have led to this malicious and politically motivated complaint from Cllr Guilford.

Also in my pre-hearing checklist, I have outlined my concern that, despite a number of additional and key witnesses being suggested by myself and the other subjects of the original complaint, for reasons best known only to the Investigator, these have not been followed up.

It would be unreasonable for me to expect witnesses to defend my position in my absence. However, I must inform the panel that the investigation was not exhaustive and lacks sufficient corroborating and supporting evidence to uphold the findings.

I maintain my position that I have neither been disrespectful, nor have I sought an advantage for another individual. These are heinous, libellous accusations and a defamation of my good character.

As I have outlined in my pre-hearing checklist, the motivations for this complaint must be seen in the context of the Haxby Town Council by-election campaign. The additional, later complaint regarding seeking an advantage for another person should also be considered in this light, alongside the situation surrounding the Town Council's Committee structures at this time. Namely, that the Town Council was outrageously excluding the newly elected Councillor Ruth Pearson from partaking in Town Council meetings between her election victory in late November 2021 until the Annual Council in May 2022.


The complainant is a Conservative Party member, and it should be noted that he has made multiple complaints about every single Lib Dem Councillor in Haxby and Wigginton (City Cllrs Cuthbertson, Hollyer, and Pearson (myself), and Town Cllr Ruth Pearson). This complaint should have been disregarded as politically motivated and should never have got to this hearing stage.

I would remind the Panel that there have been 8 or 9 subsequent standards complaints regarding Haxby Town Council members between October 2021 and August 2022; while this complaint investigation has been ongoing. The Joint Standards Committee Assessment Sub-Committee has considered these subsequent complaints together and decided to deal with them informally through an action plan of training and development, including conflict resolution. In this assessment, the Sub Committee noted that the number of issues arising from Haxby Town Council indicated a "level of dysfunction". Again, this context must be considered as part of this hearing, and I would hope that this complaint is handled by the Panel with the same degree of sensitivity.

When asked by the Investigator if I would be willing to engage in mediation, my answer has always been, and remains, yes.

This is the first complaint that has ever been made about my conduct. I have good, cordial, friendly and professional relationships with most Councillors from across the political spectrum, on both the City and Town Councils. I have never made a complaint about anyone else. Whatever the Panel decide, I will continue to place the needs of my residents at the top of my agenda, and I look forward to being able to concentrate on working in their best interests, as I am elected so to do.

I got into local politics to make a positive difference to my community; and this complaint against me has cast a long shadow over my Council activities. The complaints process has been demoralising, demotivating, disruptive, distressing and ultimately deeply saddening. This is especially as it has been ongoing for 10 months (when the process is not supposed to take longer than 3 months). I am so sorry that the Joint Standards Committee and Assessment sub-Committee have had to spend so much time dealing with this complaint; and that so much taxpayer money and resources have been spent on its investigation.



*Cllr Edward Pearson
22/08/2022*