



Anti Crime

FINAL

Colchester Borough Council

Complaint Investigation – Code of Conduct

2022/23

In Confidence

Restricted Circulation

November 2022

Executive Summary

Note, this report is strictly confidential and must be handled as such and in accordance with our terms of reference. It must not be disclosed to any third party or named individual within the report, without the prior written consent of TIAA.

1. Colchester Borough Council's (CBC) Monitoring Officer has received a number of complaints in relation to an alleged breach of the Council's Code of Conduct, initially as a result of a news article written by a named Councillor and published in Mersea Life (a monthly publication for which the named Councillor writes a regular article). 'The Mersea LIFE magazine is produced monthly and is delivered door-to-door in West & East Mersea, Peldon, Abberton, Langenhoe, Fingringhoe and Wigborough – and also left for collection in many surrounding villages. Back issues are also available online.'
2. A summarised chronology of the matter is:
 - July 2022 - Article written by named Councillor.
 - 13 July 2022 – original complaint made regarding the content of this article.
 - 16 July 2022 – named Councillor confirms that they would apologise in their next article.
 - August 2022 – second Article written by named Councillor.
 - 7 August 2022 – further complaint made by the same person regarding the language used in the article.
 - 1 September 2022 – West Mersea Town Council meeting attended by the named Councillor leads to a further complaint (by the same complainant, who is also a West Mersea Town Councillor) regarding comments made at the meeting.
 - September 2022 – third Article written by named Councillor.
 - 10 September 2022 – further complaint made by the same person regarding the content of the September 2022 article.
3. The original complaint raises concerns that comments made by the named Councillor in an article, purporting to represent Colchester Borough Council, brings the Council into serious disrepute. Further complaints raised concerns that public comments made following the first complaint could be construed to be dismissive of the complainant, rather than considering whether the original comments were appropriate. This has been compounded by the perception that has been promoted, that these are 'formal' views of Colchester Borough Council. Alleged comments made at the West Mersea Town Council meeting and in the September 2022 article appeared to have compounded the situation.
4. In accordance with the Council's Localism Act - Arrangements for dealing with Councillor complaints (the Arrangements) and following consultation with one of the Council's Independent Persons, it has been decided that these complaints warrant further action. TIAA was subsequently requested to undertake an independent investigation of the complaints and to prepare an investigative report on the merits of the complaints. In accordance with the Council's Arrangements the report is required to conclude whether there has been a failure to comply with the Code of Conduct or not.

Conclusion

5. This review has concluded that there is evidence to suggest that the named Councillor has breached the Council's Code of Conduct for members.
- Although the named Councillor advised that the articles in question were always written as their personal take on the happenings at CBC, the nature of the named Councillor's position means that such articles could, and will, be perceived as being written in an official capacity, even when the article states that the content and opinions are personal. Furthermore, it was acknowledged by the named Councillor that the first article in question could give the appearance that the article was written in an official capacity and that steps have now been taken to address this.
 - The named Councillor has stated that they believe the comments made in the articles have been misconstrued. However, a key consideration with any code of conduct is how an action or statement is or could be perceived and that an action or comment made could reasonably be regarded, understood, or interpreted in a different context to how it was meant. It is also acknowledged that no individual was mentioned by the named Councillor, however, the implication drawn from the comments has clearly been interpreted as inappropriate by more than one individual. The comments made are, therefore, considered to breach Section 3. (1) of the Council's Code of Conduct which states that you must treat others with respect. Furthermore, it cannot be considered appropriate to comment upon a live/unresolved complaint that has been made in a personal capacity in any public forum or to name the individual who has made a private complaint and to challenge them and question their motives. Although discussing a complaint with a complainant is not specifically precluded by the Code of Conduct, Section 3. (3) (c) does state that you must not intimidate or attempt to intimidate any person who is or is likely to be: (i) a complainant and Section 3. (1) states that you must treat others with respect. Both sections are considered to have been breached in this case.
 - The named Councillor does not appear to appreciate the significance of the matter or that they have breached any section(s) of the Code of Conduct. The named Councillor was clearly made aware that the complaints made were in a private capacity and by challenging them in a public meeting and 'outing' them as being responsible for making a complaint, it is considered that the named Councillor has also breached the Section 4. (a) of the Code of Conduct.
 - The comment made by the named Councillor during the investigatory meeting suggest that there is little recognition of the offence such actions could cause. Furthermore, the named Councillor did not acknowledge that there was any need to apologise for the comments made or how they had been interpreted. As stated earlier in this report, the nature of the named Councillor's position means that such articles could, and will, be perceived as being written in an official capacity, and someone in such a position should be sufficiently aware that such actions could be construed in a way, other than how they were intended. It should not be considered appropriate to rely on a third party to censor such articles.

Further action required

6. The investigation did not identify any additional matters which did not form part of the original allegations.

Scope and Limitations of the Investigation

The following scope and limitations were approved by the Council's Monitoring Officer on 28th September 2022.

7. The review will include an independent investigation of the complaints made in relation to the named Councillor between July 2022 and September 2022 and to report on whether or not the evidence supports the allegations that there has been a failure to comply with the Council's Code of Conduct.
8. The review will be carried out in accordance with the Council's Localism Act - Arrangements for dealing with Councillor complaints and will include whether there has been a failure to comply with the Code of Conduct or not.
9. The scope of the review extends to:
 - Interviews will be held with the Monitoring Officer and both the named Councillor and the complainant.
 - Review of, Policy, Code of Conduct, Arrangements and any other relevant correspondence ahead of these interviews.
 - Review / consideration of additional supporting evidence obtained following these interviews.
 - Prior to reporting, a second, update meeting will be held with both the named Councillor and the complainant in order to share the findings of the draft Investigation Report and to provide both with an opportunity to identify any matter(s) in that draft report that require further consideration.
 - Having received and taken account of any comments on the draft Investigation Report, we will report our conclusions and findings to the Monitoring Officer.
10. The following scope limitations will apply:
 - The review will not consider complaints management arrangements, or the appropriateness / timeliness of the action taken by the Council to investigate these complaints.

Meetings

11. TIAA met with the Monitoring Officer on 7th October 2022, with the Complainant on 17th October 2022 to obtain a clearer understanding of the context of the complaints and the actions taken since these complaints were received. TIAA met with the named Councillor on 25th October 2022 to explore the specifics of the complaints in more detail. The outcomes from all meetings are set out in the body of this report.
12. Annex A sets out both parties' responses to the initial 'discussion draft report', which was provided for feedback and comment on the factual accuracy, or any areas that they felt required further consideration. This was in accordance with the Colchester Borough Council: Councillor Code of Conduct Arrangements for dealing with complaints.

Code of Conduct

13. The Council's Code of Conduct for members is dated June 2012 (reviewed November 2021). The Councillor in question received awareness training in the form of 'Introduction to the Code of Conduct' on 23rd July 2015.
14. Relevant extracts from the Code of Conduct:

Part 1 – General Provisions states that:

As a Member you are a representative of Colchester Borough Council ("the Authority") and the public will view you as such. Therefore, your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code is consistent with the “Nolan Principles” which are set out in Appendix 1 and the provisions of S29 (1) Localism Act 2011.

Section 1. (1) states that this Code applies to all Members of the Authority and (2) It is your responsibility to comply with the provisions of this Code.

Section 2. (1) (b) states that you must comply with this Code whenever you are acting as a representative of the Authority.

Section 3. (1) states that you must treat others with respect.

Section 3. (3) (c) states that you must not intimidate or attempt to intimidate any person who is or is likely to be: (i) a complainant or (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with the Authority's code of conduct; or

Section 4. (a) states that you must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature.

Complaints and Key Findings

15. The following matters were noted from a review of each complaint and from the information obtained during the course of this investigation.

Complaint 1:

- 15.1 The first complaint was dated 13th July 2022 and relates to comments made by the named Councillor in their July 2022 written article in Mersea Life. This complaint was clearly made in a private capacity.
- 15.2 The Complaint alleged that the named Councillor brings the Council into serious disrepute by making the following statements, in an article, purporting to represent Colchester Borough Council.

Complaint	Response from the named Councillor
The named Councillor questions their fellow Councillors integrity by referencing “enough honest and true Councillors to vote it through.”	<p><u>Response to Monitoring Officer:</u></p> <p>Honest and True’ is my shorthand for ‘Responsible’ I will happily point this out in my next article and apologise for any offence caused.</p> <p><u>Response to TIAA:</u></p> <p>There were some councillors that were not behaving appropriately. It was an appalling situation. What was written was a mild and general view of the situation. These comments were intended to be humour, tongue in cheek.</p> <p>This was meant as a gentle rebuke and not criticising individual councillors.</p>

Complaint	Response from the named Councillor
<p>“There are rumours of Green Party members jumping ship – those of you old enough to remember Alan Shearman’s song Hello ‘Momma, Hello Pappa’ (Camp Granada)” – sic – “and the fact that all the characters hated each other, will have some flavour of the goings on at Colchester. Elect Muppets – get a comedy show.”</p>	<p><u>Response to TIAA:</u></p> <p>This has been interpreted wrongly and it could also be taken as a general comment on elected people.</p> <p>I wrote what I wrote and if people choose to interpret that it is aimed at them, I cannot control that. Sorry but that is the way it is.</p> <p>Just after election everybody is hating everyone else because of changes to seats, control etc. There are lots of heated argument over whether plans should go through. That is why I said everyone hated each other. In the next article I said everyone is friends again.</p> <p>The muppets comment is a statement of fact not generally aimed at anyone.</p>

- 15.3 The article in question is titled ‘named Councillor – CBC News’, shows the Council’s website address and is sub-titled as ‘City! Councillor Notes’. There is no mention in the article that the views expressed personal and not of the Borough Council’s. It was acknowledged by the named Councillor that this could give the appearance that the article was written in an official capacity and that steps have now been taken to address this.
- 15.4 However, the nature of the named Councillor’s position means that such articles could be perceived as being written in an official capacity, even when the article states that the content and opinions are personal.
- 15.5 In reply to the Monitoring Officer’s initial request for a response to the complaint, the named Councillor acknowledged that they would point out in their next article that they have always been of the belief that the article is their personal take on the happenings at CBC and that they would happily point this out in their next article and apologise for any offence caused. No apology was noted, and the named Councillor has advised TIAA that they had written in the publication for many years and people know that it’s their personal view. They were given opportunity to apologise but they were not going to apologise in this case. They did not see anything in the article that they needed to apologise for and had no idea who they were supposed to apologise to.

Conclusion: Although the named Councillor advised that the article in question was always written as their personal take on the happenings at CBC, the nature of the named Councillor’s position means that such articles could, and will, be perceived as being written in an official capacity, even when the article states that the content and opinions are personal. Furthermore, it was acknowledged by the named Councillor that the first article in question could give the appearance that the article was written in an official capacity and that steps have now been taken to address this.

The subtext of the comments made in the article:

- could be interpreted as suggesting that the named Councillor considers some of their peers to be less than ‘honest and true’ and
- could be interpreted as implying that there are some Councillors that ‘hate each other’ and that the named Councillor considers some of the elected members to be muppets!

Although the named Councillor has stated that this was not the case, a key consideration with any code of conduct is how an action or statement is or could be perceived and that an action or comment made could reasonably be regarded, understood, or interpreted in a different context to how it was meant. It is also acknowledged that no individual was mentioned by the named Councillor, however, the implication drawn from the comments has clearly been interpreted as inappropriate by more than one individual.

The comment made by the named Councillor that “if people choose to interpret that it is aimed at them, I cannot control that. Sorry but that is the way it is” suggest that there is little recognition of the offence such actions could cause. Furthermore, the named Councillor did not acknowledge that there was any need to apologise for the comments made or how they had been interpreted.

These actions are considered to breach Section 3. (1) of the Council's Code of Conduct which states that you must treat others with respect.

Complaint 2:

- 15.6 The second complaint was dated 7th August 2022 and relates to comments made by the named Councillor in their August 2022 written article in Mersea Life. This complaint was also clearly made in a private capacity and requests that the Council add additional inappropriate material in public forums, to the original complaint. The complaint references the following statements from the publication:

Complaint	Response from the named Councillor
"Some tender-hearted soul has made a formal complaint that I have been less than generous to my fellows and that my sense of humour was unkind."	<p><u>Response to Monitoring Officer:</u></p> <p>I am sorry for the work this matter has caused you but am otherwise confused as to whom and for what I am supposed to apologise. I would much appreciate your guidance on that.</p> <p>I have pointed out as requested that the article is my personal view on various matters and hoped that would close the matter.</p> <p><u>Response to TIAA:</u></p> <p>Asked if anything was wrong with this and does not think that tender hearted soul is an insult. When asked about the issue of mentioning a complaint that was still live, it was advised that they did not see anything wrong with that.</p> <p>It was stated that they were explaining to readers why they needed to tone down their humour and that they did not know how else they could explain that they would need to change their style of writing.</p>
"I reserve the right to have an opinion and shed light on some of the murkier goings on."	<p><u>Response to Monitoring Officer:</u></p> <p>As above.</p> <p><u>Response to TIAA:</u></p> <p>Are you suggesting there is not any murky goings on?</p> <p>This article is a personal relationship with the residents of Mersea. I have been doing it for eight years.</p>
Whist referencing a recent Special Full Council meeting, commenting: "well full-ish - some of the more squeamish councillors did not attend."	<p><u>Response to Monitoring Officer:</u></p> <p>As above.</p> <p><u>Response to TIAA:</u></p> <p>As councillors, we are required to attend meetings and if you don't turn up that is squeamish</p> <p>Should I not have said it at all? It is my duty to say what has happened at the council. How would I cover the fact that certain councillors went against the code of conduct. It is compulsory to attend meetings. My response was a kindly one I suppose. I tried all along to take a light gentle approach to this.</p>

- 15.7 The article in question is still titled 'named Councillor – CBC News', shows the Council's website address. The article does, however, include the statement that "it is suggested that I point out that my monthly article is my own personal take on some activities of CBC and its Councillors". It was acknowledged by the named Councillor that this could give the appearance that the article was written in an official capacity and that steps have now been taken to mitigate this.

Conclusion: It cannot be considered appropriate to comment upon a live/unresolved complaint that has been made in a personal capacity in any public forum. Although mentioning that a complaint has been made is not specifically precluded by the Code of Conduct, Section 3. (3) (c) does state that you must not intimidate or attempt to intimidate any person who is or is likely to be: (i) a complainant. There does not appear to be any recognition of wrongdoing by the named Councillor in regards this matter.

As with the earlier comments considered in this report, a key consideration with any code of conduct is how an action or statement is or could be perceived. It can clearly be perceived from the comments made in the article, that the named Councillor is disclosing that there are murky ('obscure or morally questionable') actions being undertaken by Council members. This is not considered to be an appropriate assertion for an elected councillor to be making about their peers.

Furthermore, the comment that some members of the Council opted not to attend a Special Full Council meeting because of they were "squeamish" appears to show a lack of respect for the named Councillor's peers and by raising this in a written publication, breaches Section 3. (1), which states that "you must treat others with respect".

Complaint 3:

15.8 The third complaint was dated 1st September 2022 and relates to an alleged act of inappropriate behaviour from named Councillor at the 1st September 2022 West Mersea Town Council meeting, which was attended by the named Councillor and the complainant (who is also a West Mersea Town Councillor).

15.9 This complaint was also clearly made in a private capacity and makes the following allegations:

Complaint	Response from the named Councillor
<p>"At tonight's (01/09/22) West Mersea Town Council's meeting, named Councillor represented CBC in their report to West Mersea Town Council Councillors (of which I am one) and to members of the public in attendance commented that they had three items to bring to their report. These were two items of CBC business, and then an unbridled attack on me personally, and the motives and conduct of my (private) complaint".</p> <p>"In this they made a number of unsubstantiated accusations against me in a public domain. Following their questioning me as to whether my complaint was in my capacity as a Councillor, as a representative of Stop 350 or part of a personal and sustained series of attacks on named Councillor".</p>	<p><u>Response to TIAA:</u></p> <p>I confronted the Complainant at West Mersea Town Council to ask if they were complaining on behalf of WMTC, it transpires they are acting on behalf of a political party who have convinced them that my article contains things that are simply not there - for example that I accused a member of CBC cabinet of being a Muppet. Simply not true but it gave me insight into the source of this complaint.</p> <p>The Complainant says that he will put in another complaint about me, this is getting into the "when did you stop beating your wife" category!</p> <p>The political party in question has now turned its fire on the Editor of Mersea life, again misquoting my article. The Complainant is well able to defend themselves, but this is getting like a witch hunt and I for one am being harassed and may have to take action myself.</p> <p>I did question the Complainant in a public forum. The recording is irrefutable. I was afraid to speak to them privately. I didn't believe that the complaint was made in a private capacity. We are told as councillors not to put ourselves in danger. I did need to confront them as I needed to know where it was all coming from I'm afraid.</p> <p>I did not want to do this in private. They are a bully. If they spoke to me like that in a public space imagine what they would be like in a private space.</p>

15.10 It is clear that the nature of the complaint(s) is and always has been in a personal/private capacity and there has been no mention of the complainant representing or implying to represent WMTC (or any other party) in their complaints. This has been made clear in any correspondence with the named Councillor from the Monitoring Officer. In fact, it is only when the third complaint is made does the Complainant mention that they are a Town Councillor.

Conclusion: At 25:40 seconds into the Town Council meeting (01/09/22) – whilst acting in their capacity as a representative of the Borough Council, and when presenting Council matters, the named Councillor commented that:

“On a personal matter – I would like to thank Councillor (Complainant’s surname) for their extensive and lengthy explanation to the Legal Department at Colchester Borough Council of all my failings. What I would like to know is whether they were acting on behalf of the Town Council – they mention that they are a Town Councillor, or Stop 350 or whether it’s on behalf of borough councillors who, by their actions were endangering local plans and thereby endangering the whole of the borough and in particular Mersea. I would be very interested to know who they were complaining on behalf of.”

Is it clearly not appropriate or professional to mention a live, unresolved complaint in a public forum, to name the individual who has made a private complaint and to challenge them and question their motives.

Although discussing a complaint with a complainant is not specifically precluded by the Code of Conduct, Section 3. (3) (c) does state that you must not intimidate or attempt to intimidate any person who is or is likely to be: (i) a complainant and Section 3. (1) states that you must treat others with respect. Both sections have clearly been breached in this case. The named Councillor has acknowledged that they did question the Complainant in a public forum, stating that they felt this was necessary as they needed to understand the basis of the complaint and that they did not feel safe doing this in private. By their admission, the named Councillor has failed to appreciate the significance of the matter or that they have breached any section of the Code of Conduct.

There is also the matter of confidentiality to consider. The Code of Conduct: Section 4. (a) states that you must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature. The named Councillor was clearly made aware that the complaints made were in a private capacity. Despite the fact they were aware of the role the complainant holds, it is clear from reviewing the correspondence provided that the complainant does not, at any point, mention that they are acting in any capacity other than private. By challenging them in a public meeting and ‘outing’ them as being responsible for making a complaint, it is considered that the named Councillor has also breached the Section 4. (a) of the Code of Conduct.

Complaint 4:

15.11 The fourth complaint was dated 10th September 2022 and relates to comments made by the named Councillor in their September 2022 written article in Mersea Life. This complaint was made in a private capacity and references the following statements from the publication:

Complaint	Response from the named Councillor
<i>“I am still contemplating the complaint made by to CBC by a member of WMTC that I am trying to emulate an investigative journalist!”</i>	<p><u>Response to TIAA:</u></p> <p>My article is written to the residents of Mersea and intended to give an idea as to what goes on in town hall and what it’s like to be a councillor. This sets out how vulnerable we are to complaints etc. I carefully did not name the Complainant and I have not compromised anonymity. I was not aware that this needed to stay a secret.</p> <p>I wasn’t told not to mention it and I still don’t understand which code of conduct I have broken. I have emailed the Monitoring Officer but received no reply. It’s all very nebulous.</p> <p>The named Councillor reiterated that they will not apologise overall. They might apologise for sense of humour but that is all. When writing articles they spend time trying to soften the article with humour whilst allowing people enough information to make up their minds. It was further claimed that the named Councillor relies on the Mersea Life editor to bring to their attention if there is anything inappropriate, but this has not happened so there cannot be anything inappropriate.</p>

Conclusion: As with the complaint above, it is not considered to be appropriate or professional to have attributed this live complaint to a WMTC Councillor (particularly as the complaints were made in a private capacity). Although not specifically precluded by the Code of Conduct, Section 3. (3) (c) does state that you must not intimidate or attempt to intimidate any person who is or is likely to be: (i) a complainant and Section 3. (1) states that you must treat others with respect. Both sections are considered to have been breached in this case.

The comments made by the named Councillor that they were not specifically told that they should not mention the live complaint demonstrates that they have failed to appreciate the significance of the matter or that they may have breached any section of the Code of Conduct.

As stated earlier in this report, the nature of the named Councillor's position means that such articles could, and will, be perceived as being written in an official capacity, and someone in such a position should be sufficiently aware that such actions could be construed in a way, other than how they were intended. It should not be considered appropriate to rely on a third party to censor such articles.

Acknowledgement

16. We acknowledge the co-operation and assistance of Colchester Borough Council staff during the course of our investigation. The opinions expressed in this report have been based on the information provided to us. Should further information become available, we reserve the right to amend our opinions where necessary. The report should not be construed as expressing opinions or matters of law, although naturally it reflects our understanding of such matters presented.
17. This report has been prepared for Colchester Borough Council and is solely for use in this matter. It must not be used, reproduced or circulated for any other purpose, in whole or part, without the written consent of TIAA. TIAA accepts no responsibility to any third parties for breaches of this requirement in connection to information included within this report.

Disclaimer

This report is strictly confidential and must be handled as such and in accordance with our contract. The opinions expressed within this report have been based on the documents and explanations provided to us. Should further information become available, we reserve the right to modify our opinions where necessary. This report or our work should not be taken as a substitute for management's responsibilities of its practices. Our work should not be relied upon to identify all strengths or weaknesses that may exist.

This report has been prepared on an exception basis and is solely for Colchester Borough Council's use and must not be reproduced, recited or referred to in whole or in part to third parties without our prior written consent. No responsibility to any third party is accepted as the report has not been prepared, and is not intended, for any other purpose. TIAA neither owes nor accepts any duty of care to any other party who may receive this report and specifically disclaims any liability for loss, damage or expense of whatsoever nature, which is caused by their reliance on our report.

We have no responsibility to update this report for any events or circumstances occurring after the date of this report.

Annex A – Draft Report Feedback

In accordance with the Colchester Borough Council: Councillor Code of Conduct Arrangements for dealing with complaints, which states that:

At the end of their investigation, the Investigating Officer or Monitoring Officer will produce a draft report (“the Investigation Report”) and will send copies of that draft report, in confidence, to you and to the Councillor concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft Investigation Report. Where an Investigating Officer has been appointed the Investigating Officer will send their final report to the Monitoring Officer.

An initial ‘discussion draft report’ was provided to both the named Councillor and the Complainant for feedback and comment on the factual accuracy, or any areas that they felt required further consideration.

For completeness, responses from both parties are shown below.

Response received from Named Councillor	24th November 2022 – 09:07am
<p><i>Thank you for sharing your draft findings with me.</i></p> <p><i>My response comes in a series of questions to which I would like answers before you make a final report.</i></p> <ol style="list-style-type: none"> <i>1. If anyone is allowed to misinterpret a statement should the speaker be punished? e.g., if I say that someone has gone away for a while should I be punished for falsely inferring that they are going to prison when in fact they were going on holiday?</i> <i>2. Why am I, a councillor unable to have a personal opinion but the complainant who is a councillor is allowed to make a personal complaint. Is there one rule for Borough Councillors and another for Town Councillors?</i> <i>3. Squeamish - I heard fellow Councillors say they could not stomach voting for the Local Plan, is this not the definition of squeamish?</i> <i>4. How can it be perceived that I, a 76-year-old woman, have intimidated a much younger fit man by asking a question? It is agreed that discussion is not against the code. It is clear from the rude and abusive response that he was not intimidated.</i> <i>5. If I had said that there are 10 honest and true councillors that would infer that the others were not, however by saying there were enough could easily mean all of them. This suggestion that I have insulted some unnamed councillors does not bear scrutiny.</i> <i>6. If you take the time to look at the words of the song “Camp Grenada aka Hello Mother, Hello Father” you will see it is about a small boy sent to summer camp and because it is raining everyone is bickering, however by then end of the letter he is writing to his parents the rain has stopped and everyone is going to have fun. If this is sufficiently upsetting to my fellow Councillors then rough and tumble of politics is not for them.</i> <p><i>There is nothing in any of my articles which is untrue or aimed at any individual. If I may only report on the good things that happen at the Council and not the reverse, then we truly are in a repressive State. It is my opinion there is no basis for apology. I have not insulted the complainant therefore he needs no apology and those I am accused of insulting have not asked for my apology.</i></p> <p><i>The complainant is in fact harassing me with a string of complaints starting with a tirade of hate followed by fury that I did not bow to his demands. I hope to hear that my complaint against him is taken equally seriously.</i></p> <p><i>I shall be sharing all correspondence with my legal advisor.</i></p>	

Response received from Complainant

29th November 2022 – 11:33am

Thank you for the attached document.

I would like to go on record that I am hugely respectful of the work and the resulting report and conclusions.

As you know I had expressed concerns, but the efficacy of the report is now clear, upholds your defence of the methodology, and I'd like formally to acknowledge sincere thanks for that!

Once small final additional comment in respect of the Scoping document, is that there are in fact 4 separate complaints made, not 3 as stated.

For my part, my concerns going-forward are around my view that the other party appears to continue (difficult to define conclusively given the redaction of her responses) to challenge the legitimacy of the complaint process and indeed the code of conduct policy itself. This is extremely disheartening!

Will the redaction be removed from the final report, and will I see that report in full?

Also, still to be defined, is the proposed sanction now to be applied for these confirmed breaches of adherence to the code of conduct (on all 4 points of my complaint).

My position in this respect is to reiterate my calls for the following:

- 1. Written apology in Mersea Life for the offending articles - unreserved, without qualification/excuse for that conduct*
- 2. Formal apology to WMTC in public session for her inappropriate conduct at the meeting of 1st September - unreserved, without qualification/excuse for that conduct*
- 3. Formal apology to myself for her comments and conduct around this complaint*
- 4. Formal confirmation (from the other party) that no further vexatious allegations as to my conduct in respect of my private complaint are made or repeated.*